

September 11, 2013 Minutes

South Dakota Board of Medical and Osteopathic Examiners – Regular Board Meeting

Board Members Present: Kevin Bjordahl, MD; Mr. Patrick Burchill, Walter Carlson, MD; Mary Carpenter, MD; Mr. Bernie Christenson; David Erickson, MD; Brent Lindbloom, DO; James Reynolds, MD

Board Member Absent: Jeffrey Murray, MD

Board Staff Present: Margaret Hansen, PA-C; Mr. Ted Huss; Ms. Jane Phalen

Counsel Present: Roxanne Giedd, Board counsel
William Golden, Staff counsel

Dr. Mary Carpenter, President of the Board, called the public meeting to order at 9:40 am. Roll was called, a quorum was established.

A motion to approve the June 26 Board meeting minutes was ratified by a vote of the Board (Burchill/unanimous).

A motion to approve the agenda was ratified by a vote of the Board (Erickson/unanimous).

A hearing regarding the petition request for a Declaratory Ruling on Immunizations submitted by the South Dakota State Medical Association (SDSMA) continued from previous Board meetings. The SDSMA Chief Executive Officer Barbara Smith was present. The Board reviewed and discussed proposed Findings of Fact and Conclusions of Law submitted by the SDSMA, and proposed Findings of Fact and Conclusions of Law submitted by the Board staff. The Board received comments from Ms. Smith, South Dakota Board of Pharmacy Executive Director Randy Jones and board staff. The Board discussed the need to maintain and improve access to immunizations in South Dakota, and that to maintain a specific list of approved vaccination would not be practical. A motion to approve the Board staff's proposed Findings of Fact and Conclusions of Law with the insertion of "physician or medical director" where applicable was ratified by a vote of the Board (Carlson/unanimous vote).

Discussion was held regarding the 2013 Federation of State Medical Board's (FSMB) Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain. The Board adopted the FSMB Model Guideline for the Use of Controlled Substances for the Treatment of Pain in 1998 as well as the FSMB Pain Management Policy in 2004. A motion for the staff to research the manner in which other states are addressing this

issue and report at the November Board meeting was ratified by a vote of the Board (Erickson/unanimous vote).

A motion to approve the new licenses, permits, certificates, and registrations listing was ratified by a vote of the Board (Burchill/unanimous vote). A motion to approve the financial report was ratified by a vote of the Board (Burchill/unanimous vote). The executive director presented information on a plan for future operations and expenditures including updates for technology, updating the current phone system and a board dedicated meeting space. A motion to approve the plan was ratified by a vote of the Board (Lindbloom/unanimous vote).

The executive director presented a report which included information on the interstate licensing compact for physicians, the recent IT managers (VX Systems) site visit, the request for information on physical therapists, the director's Internal Medicine Grand Rounds presentation on professionalism, and Mr. Huss' investigator training seminar. The report was accepted for information.

A motion to enter executive session (SDCL 1-25-2[1]) was ratified by a vote of the Board (Erickson/unanimous vote).

The Board returned to public session and the meeting resumed.

A draft of a proposed Administrative Rule to authorize the executive director to approve petitions for examination waiver was ratified by a vote of the Board (Reynolds/unanimous vote).

A draft of a proposed Administrative Rule on licensure reciprocity for physicians was ratified by a vote of the Board (Bjordahl/unanimous vote).

Maria Eining and Dr. Craig Uthe met with the Board to discuss the new law which expands the scope of the South Dakota Health Professionals Assistant Program (HPAP) to include assistance for mental health issues and funding. The Board requested that Maria Eining prepare a business plan on capital and operating expenses for review at the November Board meeting. Dr. Erickson and Dr. Carlson will assist her in locating a financial person to assist her in preparing this business plan.

Kevin Hamburger, MD, was not present at the meeting. A motion to approve the Consent Agreement with Reprimand was ratified by a vote of the Board (Burchill/unanimous vote). The assigned Board member, Mr. Burchill, did not participate in the deliberation or vote (ARSD 27:78:05:05).

Jeffrey Evans, DO, was not present at the meeting. A motion to approve the Consent Agreement was ratified by a vote of the Board (Burchill/unanimous). The assigned Board member, Dr. Murray, was not present at the meeting.

Angela Chambers, PA, was not present at the meeting. A motion to approve the Consent Agreement with Reprimand was ratified by a vote of the Board (Lindbloom/unanimous vote). The assigned Board member, Dr. Bjordahl, did not participate in the deliberation or vote (ARSD 27:78:05:05).

Discussion was held regarding the Federation of State Medical Board's Minimal Data Set. The recommended demographic questions for a minimal physician data set were presented. The availability of this information has become increasingly important for workforce issues as demonstrated by the recent report from the Governor's workforce task force. There was also discussion that the questions are similar to what is being asked by facilities and other entities, and that they should be included in the Board's initial and renewal applications. A motion to include the recommended demographic questions on all applications was ratified by a vote of the Board (Bjordahl/unanimous vote).

Discussion was held regarding guidelines for discipline to assist Board members when they are assigned to investigations.

Discussion was held regarding the adoption of a code of ethics for physicians. The Board reviewed a draft for an administrative rule, based upon the American Medical Association guidelines, which included 9 points for professional ethical standards and conduct. A motion to approve the draft was ratified by a vote of the Board (Carlson/unanimous vote).

Discussion was held regarding the topic of malpractice and that the Board has statutory authority to address standard of care concerns. A motion for the staff to collect data and use the Iowa screening method for analysis to present a report of the findings for review at the November meeting was ratified by a vote of the Board (Reynolds/unanimous vote).

The next Board meeting is Wednesday, November 13, 2013.

There being no further business the meeting adjourned at 3:00