

**JOINT BOARDS OF MEDICINE AND NURSING MEETING
SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS MEETING
Wednesday, September 11, 2013
9:00 A.M. (CST)
CNA Surety Building
The Conference Center
101 S. Reid St., Sioux Falls, SD
AGENDA**

1. Call to Order & Roll Call
Presiding Officer – Brent Lindbloom, DO
Secretary – Mary Schmidt, LPN
2. Approval of Minutes: November 28, 2012
3. Approval of Agenda
4. Reports
 - 4a. Financial Report of Activity FY 12-13
 - 4b. Report on Out-of-Hospital Births Performed by Certified Nurse Midwives
5. New Business
 - 5a. Legislative Session 2014
 - 5b. Election of Officers (Presiding Officer – Board of Nursing, Secretary – Board of Medicine)
Administrative Rule 20:62:01:05. Presiding officer and secretary. At the annual meeting of the boards, the last order of business shall be to elect a presiding officer and a secretary of the boards to serve through the next annual meeting. One officer shall be elected from each of the two separate boards.
 - 5c. Date of Next Joint Board Meeting: September 11, 2014
Administrative Rule 20:62:01:02. Annual meetings. An annual meeting of the boards shall be held each year in September at a place designated by the presiding officer of the boards.
6. Adjournment

7. Public Meeting of the South Dakota Board of Medical and Osteopathic Examiners

Current Board Member Meeting Attendance Record

	KLB	PJB	WOC	MSC	BWC	DKE	BJL	JAM	JRR
9/12/12	N/A	<input checked="" type="checkbox"/>							
11/28/12	N/A	<input checked="" type="checkbox"/>							
12/13/12	N/A	<input checked="" type="checkbox"/>							
3/27/13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3/28/13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6/26/2013	<input checked="" type="checkbox"/>								

Key: Dr. Bjordahl (KLB) Mr. Burchill (PJB) Dr. Carlson (WOC) Dr. Carpenter (MSC)
Mr. Christenson (BWC) Dr. Erickson (DKE), Dr. Lindbloom (BJL) Dr. Murray (JAM)
Dr. Reynolds (JRR)

8. Welcome, Call to Order, Roll Call – President: Mary S. Carpenter, MD
 - 8a. Approval of Minutes from the previous Board meeting
 - 8b. Approval of Agenda
9. Petition for Declaratory Ruling on Immunizations:

ARSD 20:78:02(01);(02);(03).Petition for declaratory ruling. Any person may file with the board a petition for a declaratory ruling as to the applicability of a statutory provision or a rule or order of the agency. The form is available from the board. Action by board on petition for declaratory ruling. Upon receipt of a petition for a declaratory ruling, the board may request from the petitioner any additional information it requires for the issuance of a ruling. The board at its discretion may hold a hearing on the petition for declaratory ruling. Disposition of petition. Disposition of the petition for declaratory ruling shall be completed within 90 days after receipt of the petition, within 90 days following receipt of information requested, or within 45 days following a hearing held on the petition. The board shall mail a copy of the declaratory ruling to the petitioner's last know mailing address within 20 days after making the ruling.

 - 9a. Petition
 - 9b. Exhibit 1

9c. Exhibit 2

9d. Staff Proposed Findings of Fact, Conclusions of Law and Declaratory Ruling

9e. SDSMA Proposed Findings of Fact, Conclusions of Law and Declaratory Ruling

10. FSMB's new policy for treatment of chronic pain

11. Licensure List: June 1 to August 31, 2013

12. Financial Report

13. Executive Director Report

14. South Dakota Health Professionals Assistance Program Update

15. Legislation and Administrative Rule Discussion

16. Minimal Data Set

17. Guidelines for Discipline Discussion

18. Closed Physician Hearings (Closed Session unless privilege is waived by physician - SDCL 36-4-31.5)

36-4-31.5. Evidence in cancellation, revocation, suspension, or limitation proceedings confidential. Testimony of a witness or documentary evidence of any kind on cancellation, revocation, suspension, or limitation proceedings are not subject to discovery or disclosure under chapter 15-6 or any other provision of law, and are not admissible as evidence in any action of any kind in any court or arbitration forum, except as hereinafter provided. No person in attendance at any hearing of the Board of Examiners considering cancellation, revocation, suspension, or limitation of a license, certificate, or permit issued by it may be required to testify as to what transpired at such meeting. The prohibition relating to discovery of evidence does not apply to deny a physician access to or use of information upon which a decision regarding the physician's staff privileges was based. The prohibition relating to discovery of evidence does not apply to any person or the person's counsel in the defense of an action against the person's access to the materials covered under this section.

19. Public Hearing: Angela Chambers, PA

20. Ethics Discussion

21. Malpractice Discussion

21a. USA Today Article

21b. Malpractice Spreadsheet

21c. Sample of how other boards handle malpractice

21d. Example to how Iowa deals with malpractice review

22. Executive Session: SDCL 1-25-2(3)

SDCL 1-25-2(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

23. Future Board Meeting Dates

2013: Wednesday, November 13

2014: March 12 and 13, June 12, September 11, November 13

2015: March 11 and 12, June 11, September 10, November 12

Federation of State Medical Board Meetings April 24-26, 2014, April 23-25, 2015, April 28-30, 2016