

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

December 8, 2010

Board Room, Sioux Falls

MINUTES

Board Members Present: Mr. Patrick Burchill
Mary Carpenter, MD
Mr. Bernie Christenson
David Erickson, MD
Alex Falk, MD
Robert Ferrell, MD
Brent Lindbloom, DO
Milton Mutch, MD
James Reynolds, MD

Staff Present: Margaret Hansen, PA-C
Ms. Jane Phalen

Consultants Present: Roxanne Giedd, JD
William H. Golden, JD
Craig Kennedy, JD
Ms. Sandy Jorgensen

Advisory Committee Members Present:
Mr. Dan Palmer, PA-C

Visitors: Ms. Becky Cermack
Mr. Jeffrey Poppen
Scott Leuning, JD

MINUTES

Wednesday, December 8, 2010

The meeting was called to order at 9:00 a.m. by Dr. Ferrell, President of the Board. The roll was called and all Board members were present. The minutes from the September 16, 2010, board meeting were reviewed. A motion by Mr. Christenson to approve the minutes; was seconded by Dr. Lindbloom. The vote was unanimous.

New Licenses, Permits, Certificates and Registrations:

Between 9/1/2010 to 11/30/2010: 180 new licenses, permits, certificates and registrations were issued. Of these, 75 were physicians. A motion by Mr. Burchill to approve the new licenses; was seconded by Dr. Lindbloom. The vote was unanimous.

Board Action:

The Board member of the Review Panel for each individual case abstains from the vote on their case.

The following applicants for a medical assistant registration engaged in practice as medical assistants without first obtaining a registration: Shawna Augustine, Liliann Kiyunga, Susan Schmid, Aida Sijah, Nora Przybilla, Candace Duncan, and Valerie Wantoch. They agreed to enter into Consent Agreements with Reprimands, and their provisional registrations were issued. A motion by Dr. Lindbloom to approve the agreements and the new registrations; was seconded by Mr. Burchill. The vote was unanimous.

The following applicants for a medical assistant registration engaged in practice as medical assistants without first obtaining a registration: Savannah Allen and Stacy Buysse. They agreed to enter into Consent Agreements with Reprimands, and their provisional registrations were issued. A motion by Mr. Christenson to approve the agreements and the new registrations; was seconded by Mr. Burchill. The vote was unanimous.

At 9:16 a.m. a motion by Mr. Burchill that the Board enter Executive Session pursuant to SDCL 1-25-(1) and (3) for the purpose of discussing personnel matters and consulting with legal counsel was seconded by Dr. Falk. The vote was unanimous.

At 12:10 p.m. the meeting was resumed. A motion by Mr. Christenson to pursue legislation in 2010 to authorize the Board to impose fines as part of the rehabilitative process and to recover the costs of investigations; was seconded by Dr. Carpenter. The vote was unanimous.

The following Board Actions were reviewed, and the Board member assigned to each case abstained from the vote in their respective case. The actions were ratified with motions/seconds as follows: Sean Fusco, RCP – Board Action was rescinded – Burchill/Erickson; Austin Stage, RCP – Stipulation and Agreement – Christenson/Reynolds; Stanley Gallagher, DO – strike the fine and approve the Consent Agreement with Reprimand – Reynolds/Falk; Thomas Fennessy, MD – strike the fine and approve the Consent Agreement with Reprimand – Christenson/Mutch; Joshua Payer, MD – Voluntary Surrender and Cancellation of License – Mutch/Christenson; Edward Wegrzynowicz, MD – Stipulation and Agreement – Reynolds/Carpenter. Dr. Falk abstained; Gregg Tobin, MD – Stipulation and Agreement – Burchill/Erickson. Dr. Carpenter abstained; Janelle Hanna, PA – strike the fine and approve the Letter of Reprimand – Christenson/Falk; Marshall Keith Brown, MD – Stipulation and Agreement – Burchill/Lindbloom; Iris Moore, MD – Consent Agreement with Reprimand – Mutch/Falk. Dr. Ferrell abstained; George England, MD – Stipulation and Agreement – Burchill/Mutch; Timothy Nealy, MD – Stipulation and Agreement – Erickson/Reynolds. The staff was instructed to prepare the Amended Orders to execute at the next Board meeting.

The proposed Administrative Law Judge decision in the matter of a contested case for Kirby Kosirog, DO, applicant for a South Dakota Resident Training Permit, was presented to the Board. The applicant was represented by counsel, Mr. Scott Leuning. Mr. Craig Kennedy spoke on behalf of the Board's Review Panel. The Board asked the attorneys to provide additional information for consideration at a later Board meeting.

At a previous meeting, the Board reviewed information and considered a request from several physical therapists to be permitted to perform Dry Needling procedures. The request was not approved. The parties then requested an Advisory Opinion on Dry Needling. A motion by Dr. Carpenter to approve the format for the Advisory Opinion and to ratify the Advisory Opinion on Dry Needling; was seconded by Dr. Erickson. The vote was unanimous.

The executive director report was presented. Information was provided on the state's records retention policy, state archives and a visit from the state archivist.

The Board reviewed a draft petition format developed by staff to assist physician applicants who are American Board of Medical Specialties (ABMS) board certified and wish to petition the Board for licensure. A motion by Dr. Carpenter to approve the draft petition format; was seconded by Dr. Lindbloom. The vote was unanimous. A second motion by Mr. Christenson that ABMS board certification shall be verified by the primary source; was seconded by Dr. Carpenter. The vote was unanimous.

The Board considered a petition from Dr. Chrystel Venturini. A motion by Dr. Erickson to approve the petition; was seconded by Mr. Burchill. The vote was unanimous.

The Board reviewed training logs provided by Melissa Alexander, PA. A motion by Dr. Erickson to approve Ms. Alexander to perform the additional duties; was seconded by Mr. Christenson. The vote was unanimous.

Becky Cermack, President of the South Dakota Speech-Language-Hearing Association met with the Board, and her presentation was accepted for information purposes.

Mr. Jeffrey Poppen, Administrator at the Bowdle Hospital, met with the Board. A motion by Dr. Falk to direct staff to investigate the eligibility of an applicant for medical licensure; was seconded by Dr. Erickson. The vote was unanimous.

The Board reviewed the financial report. A motion by Dr. Mutch to approve the financial report; was seconded by Dr. Erickson. The vote was unanimous.

The Board was presented with the following proposed 2011 Board meeting dates: Thursday, March 31; Wednesday, June 22; Wednesday, September 14 (annual Joint Boards meeting with the SD Board of Nursing); and Wednesday, November 8. A motion by Mr. Christenson to accept the dates was; seconded by Dr. Lindbloom. The vote was unanimous.

At 2:53 p.m. a motion by Dr. Lindbloom that the Board enter Executive Session pursuant to SDCL 1-25-(1) and (3) for the purpose of discussing personnel matters and consulting with legal counsel; was seconded by Dr. Reynolds. The vote was unanimous.

At 3:23 p.m. the meeting was resumed. A motion by Dr. Falk to accept the oversight committee report; was seconded by Mr. Christenson. The vote was unanimous.

There being no further business, a motion by Dr. Erickson to adjourn the meeting; was seconded by Mr. Burchill. The vote was unanimous.