

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Minutes September 14, 2011

Board Meeting

10:10 a.m.

Board Room, Sioux Falls

Board Members Present: Mr. Patrick Burchill
Walter Carlson, MD
Mary Carpenter, MD
David Erickson, MD
Robert Ferrell, MD
Brent Lindbloom, DO
James Reynolds, MD
John Vander Woude, MD

Board Member Absent: Mr. Bernie Christenson

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

Consultants Present: Steven Blair, JD
William H. Golden, JD

Advisory Committee
Members Present: Dan Palmer, PA
Karen Bumann, PA (nominee to the PAAC)
Arlen Klamm, OT (nominee to the OTAC)

Guests: Michael Farritor, MD
Heather Springer, JD

Minutes

Wednesday, September 14, 2011

The meeting was called to order at 10:10 a.m. by Dr. Ferrell, president of the Board. Dr. Ferrell welcomed the new Board members, Dr. Walter Carlson and Dr. John Vander Woude.

The roll was taken and there was a quorum with all Board members present except Mr. Bernie Christenson.

Minutes – A motion by Mr. Burchill to approve the June 22, 2011, minutes; was seconded by Dr. Lindbloom. The vote was unanimous.

The Board met with Karen Bumann, PA, the nominee to the Physician Assistant Advisory Committee (PAAC), and Arlen Klamm, OT, the nominee to the

Occupational Therapy Advisory Committee. A motion by Mr. Burchill to approve Ms. Bumann and Mr. Klamm as the new members of their respective advisory committees; was seconded by Dr. Reynolds. The vote was unanimous.

New Licenses – A motion by Mr. Burchill to approve the new licenses, certificates, permits, and registrations issued since the last meeting; was seconded by Dr. Lindbloom. The vote was unanimous.

Executive Session – SDCL 1-25 (1) and (3). 10:25 a.m. A motion by Mr. Burchill to enter into an executive session for the purpose of discussing personnel matters or consulting with legal counsel; was seconded by Dr. Lindbloom. The vote was unanimous.

The meeting resumed at 12:20 p.m.

Financial Report – a motion by Dr. Carlson to approve the financial report; was seconded by Dr. Reynolds. The vote was unanimous.

Petitions:

A motion by Dr. Erickson to grant the requests for waivers to Dr. Demetre Skliris, Dr. William Kendall, and Dr. Uzma Mian; was seconded by Mr. Burchill. The vote was unanimous.

The executive director's report was presented on the following topics: monthly reports for May, June, and July; staffing update; investigation processes; request for any black-out dates to assist the staff in scheduling the 2012 Board meetings and the dates for Board's strategic planning retreat; and information regarding the Board members Meeting Website. A motion by Dr. Carpenter to accept the report for information was seconded by Dr. Erickson. The vote was unanimous.

A report on the Board's proposed rules was presented. The Board was informed that the proposed rules have been provided to interested parties. Comments and suggestions are being requested, received and reviewed, and questions posed by interested parties are being addressed. Notice for the public meeting is being drafted and will be published to announce the Rules Hearing to be held on Wednesday, November 9, 2011. A motion by Dr. Reynolds to accept the report for information was seconded by Mr. Burchill. The vote was unanimous.

Hearings and Board Actions:

The Board member on the review panel for each individual case abstained from the vote on their case.

A hearing was held in the matter of a nutritionist licensed in South Dakota. The staff recommended that a reprimand be issued to the nutritionist. Testimony was taken and exhibits were entered.

Executive Session – SDCL 1-25 (1) and (3). 1:32 p.m. A motion by Dr. Lindbloom to enter into an executive session for the purpose of discussing personnel matters

or consulting with legal counsel; was seconded by Dr. Reynolds. The vote was unanimous.

The meeting resumed at 1:43 p.m. A motion by Dr. Erickson to issue a letter of concern was seconded by Mr. Burchill. The vote was unanimous.

A contested case hearing in the matter of a physician licensed in South Dakota was scheduled. A request for a continuance was presented to the Board. A motion by Dr. Lindbloom to postpone the hearing; was seconded by Dr. Erickson. The vote was unanimous.

A contested case hearing was scheduled in the matter of a physician licensed in South Dakota. The physician is also licensed in Wisconsin, and the Wisconsin Board imposed disciplinary action. The physician was appropriately informed of all of his rights to due process, including his right to be represented by counsel and his right to appear before the Board at this meeting. The licensee was provided with a Notice of Hearing, but he did not contact Mr. Golden or the Board staff regarding whether or not he would appear before the Board, and he did not appear at this Board Meeting. Mr. Golden presented the information along with the review panel's recommendation that the physician's South Dakota license be suspended under the same conditions as set forth in the Wisconsin Board action pursuant to SDCL 36-4-30(24) for disciplinary action taken by another state, territorial or provincial licensing Board or the licensing board of the District of Columbia. Further, the panel recommended that the Wisconsin Board action be attached and incorporated in the South Dakota Order to Suspend. A motion by Mr. Burchill to approve the Order to Suspend the South Dakota medical license held by Dr. John M. McKichan, was seconded by Dr. Lindbloom. The vote was unanimous.

A contested case hearing was scheduled in the matter of an applicant. The applicant requested a continuance until the November meeting. A motion by Dr. Erickson to continue this case until November; was seconded by Dr. Lindbloom. The vote was unanimous.

A contested case hearing was scheduled in the matter of an applicant for an EMT Student Status. The applicant was appropriately informed of all of his due process rights, including his right to be represented by counsel and his right to appear before the Board at this meeting. The applicant was provided with a Notice of Hearing, and he contacted Mr. Golden to inform him that he would appear before the Board. However, the applicant failed to appear at the meeting. Mr. Golden presented the information along with the review panel's recommendation that the application be denied due to the applicant's failure to demonstrate good moral character. A motion by Dr. Erickson to deny the application submitted by Nick E. Howell; was seconded by Dr. Vander Woude. The vote was unanimous.

A contested case hearing was held in the matter of a physical therapist who failed to renew his license while it was under investigation. The physical therapist was appropriately informed of all of his due process rights, including his right to appear before the Board at this meeting. The physical therapist was provided with a Notice of Hearing, but he did not contact Mr. Golden or the Board staff regarding

whether or not he wished to appear before the Board, and he did not appear at this meeting. Mr. Golden presented the information and the review panel's recommendation to approve an order of the failure to renew the physical therapy license while it was under investigation. A motion by Dr. Erickson to approve the Order of Mr. William Looyenga's failure to renew his physical therapy license while it was under investigation; was seconded by Mr. Burchill. The vote was unanimous.

A motion by Dr. Carpenter to authorize Mr. Golden to re-open some past cases was seconded by Dr. Erickson. The vote was unanimous.

A motion by Mr. Burchill to approve the request from Dr. Ryan Lee to place his appeal in abeyance; was seconded by Dr. Vander Woude. The vote was unanimous.

The Board considered the request from Dr. Gregg Tobin to amend his current Stipulation and Agreement. A motion by Dr. Lindbloom to approve the Amended Stipulation and Agreement; was seconded by Mr. Burchill. The vote was unanimous. Dr. Carpenter abstained from the vote.

A motion by Mr. Burchill to approve the Stipulation and Agreement for Scott Brock, RCP, and further, to approve his provisional South Dakota respiratory care practitioner license; was seconded by Dr. Erickson. The vote was unanimous.

A motion by Dr. Carlson to approve the Consent Agreement with Reprimand of Constance Hageman, LN; was seconded by Mr. Burchill. The vote was unanimous.

Discussion was held regarding the Wisconsin Portability Act, and its Declaration of Cooperation (DOC) sent to the Board. A motion by Dr. Vander Woude to not sign the DOC and to opt of the project was seconded by Dr. Reynolds. The vote was unanimous.

The annual election of officers for 2012 was held.

A motion by Dr. Erickson to nominate and elect Mr. Burchill to the office of secretary; was seconded by Dr. Lindbloom. The vote was unanimous.

A motion by Dr. Reynolds to nominate and elect Dr. Carpenter to the office of vice-president; was seconded by Mr. Burchill. The vote was unanimous.

A motion by Dr. Lindbloom to nominate and elect Dr. Ferrell as president; was seconded by Dr. Reynolds. The vote was unanimous.

The next meeting of the Board is Wednesday, November 9, 2011. There being no further business, the meeting adjourned at 2:30 p.m.