

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Public Board Meeting Unapproved Draft Minutes

1. **Pierre - Public DDN site:** CAP A, 500 E. Capitol Ave., Room B12, Pierre, SD 57105
2. **Rapid City - Public DDN site:** Rapid City Dept. of Transportation (DOT), 2300 Eglin St., Rapid City, SD 57703
3. **Board Conference Room:** 101 N. Main Ave., Suite 215, Sioux Falls, SD 57104

Thursday, September 8, 2016 – 10:00 am (CDT); Unapproved Draft Minutes posted September 9, 2016

Boards Members:

Present: Kevin Bjordahl, MD; Ms. Deb Bowman (DDN Pierre); Walter Carlson, MD; Mary Carpenter, MD; Laurie Landeen, MD (DDN Rapid City); Mr. David Lust (DDN Rapid City); Jeffrey Murray, MD; Elmo Rosario, MD
Absent: Dr. Brent Lindbloom

Board Staff:

Present: Margaret Hansen, PA-C; Mr. Tyler Klatt; Ms. Jane Phalen; Ms. Misty Rallis

Counsel:

Present: Assistant AG Steven Blair (Board), Assistant AG William Golden (Staff)

Attendees providing testimony:

Ste. 215: Mr. Mark East, South Dakota State Medical Association (SDSMA)
Dr. Daniel Heinemann, Sanford Health System
Ms. Louis Papka, PA-C, President - South Dakota Academy of Physician Assistants (SDAPA)
Mr. Justin Thurman, PA-C

Public DDN site - Pierre: Mr. Tim Engle, counsel to the South Dakota State Medical Association (SDSMA)

The meeting was a public meeting and other individuals may have been present.

Dr. Walter Carlson, president of the Board, called the meeting to order at 10:00 am. Roll was called and a quorum was confirmed.

Consent Agenda:

- The report of South Dakota Health Professions Assistance Program (SD HPAP) was pulled from the consent agenda for review and discussion at the request of Dr. Carpenter.

A motion to approve the remaining items on the consent agenda was ratified by roll call vote (Carpenter/unanimous):

- September 8, 2016 agenda
- June 2, 2016, Board meeting minutes
- June 1st through August 24th new licensure list
- ~~Report of South Dakota Health Professions Assistance Program (SD HPAP)~~ (pulled)
- Advisory Committee Business
- Financial report
- Docket review

South Dakota Health Professions Assistance Program (SD HPAP) Report was discussed. The Board directed staff to contact the executive director of SD HPAP to request that she provide a financial report 3 weeks prior and then attend the December 1 Board meeting.

- Closed physician hearings – assigned board member does not participate in discussion or vote:
 - Physician hearings are confidential until final action is taken pursuant to SDCL 36-4-31.5:
 - Christiana M. Lietzke, MD: motion to adopt administrative law judge's Findings of Fact, Conclusions of Law and recommendation to deny application for medical license (Rosario/unanimous; assigned Board member Dr. Landeen abstained)
 - William I. Feske, MD: motion to approve consent agreement with reprimand (Murray/ unanimous; assigned Board member Dr. Rosario abstained)
 - Romeo S. Puzon, MD: motion to approve consent agreement with conditions and reprimand (Landeen/unanimous; assigned Board member Dr. Carlson abstained)
 - Kent D. Andre, MD: motion to accept voluntary surrender of license effective September 8, 2016 (Bjordahl/unanimous; assigned Board member Dr. Carlson abstained)

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

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- Public Hearing on Proposed Administrative Rules:
 - On September 8, 2016 the Board of Medical and Osteopathic Examiners held the public hearing for proposed rules numbered §§ 20:47:07:01, 20:47:07:02, 20:52:01:03.01, 20:52:01:03.02, and 20:82:04. Both written and public comments were provided to the Board for consideration. The proposed rules were all amended to include any comments provided by the Legislative Research Council, which were related to style and form. The next step in the rules process is a review by the Interim Rules Review Committee.
 - Public Hearing:
 - Rose Hoiten, Certified Nurse Midwife: a motion to approve Board of Nursing recommendation to issue a Letter of Reprimand with Remediation and Agreed Upon Disposition and Waiver of Hearing (Carlson/unanimous; assigned Board member Dr. Lindbloom not in attendance)
 - Mobile Medic Report was accepted for information
 - Draft language for proposed South Dakota administrative rules:
 - Article 20:47; Chapter 20:47:09; Section 20:47:09:01: Supervision provided by physician: board staff directed to communicate with the Board of Nursing, and bring second draft to future Board meeting.
 - Article 20:78; Chapter 20:78:04; Section 20:78:04:04:01: Disciplinary action in another state: board staff instructed to work with Steve Blair and David Lust to then bring second draft to the December 1, 2016 Board meeting.
 - Executive Director Report was accepted for information
 - Executive session: a motion to enter executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel (Bjordahl/unanimous)

The meeting adjourned at 2:15 pm CDT.

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