

**South Dakota Board of Medical and Osteopathic Examiners
BOARD MEETING AND PUBLIC RULES HEARING**

Thursday, March 3, 2016

9:00 am (central time)/8:00 am (mountain time)

To participate by:

DDN Sites: Pierre: CAP A, 500 E. Capitol, Pierre, SD 57501

Rapid City: TIE Dakota Room, 1925 Plaza Blvd, Rapid City, SD 57701

Winner: Department of Transportation, 1200 E. Hwy 44, Winner, SD 57580

In person: Board Conference Room, 101 N. Main Ave., Suite 215 (on 2nd floor), Sioux Falls, SD

Unapproved Draft Minutesⁱ

South Dakota Board of Medical and Osteopathic Examiners Public Meeting and Public Rules Hearing- 9:00 am (CT) Thursday, March 3, 2016

Boards Members Present: Kevin Bjordahl, MD; Ms. Deb Bowman; Walter Carlson, MD; Mary Carpenter, MD; Laurie Landeen, MD; Brent Lindbloom, DO; Mr. David Lust; Jeffrey Murray, MD; Elmo Rosario, MD

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

Board Counsel: Steven Blair

Staff Counsel: William Golden

Attendees: Jason Culberson, EMT Paramedic, Rapid City Fire Department
Wade Nyberg, Assistant City Attorney, Rapid City
Mark East, South Dakota State Medical Association (SDSMA)
Dr. James Oury
Dr. Steven Myers (via phone)

1. Dr. Walter Carlson, president of the Board, called the meeting to order at 9:00 am. Roll was called and a quorum was confirmed. A motion: to approve the agenda was ratified by roll call vote (Landeen/unanimous).
2. The scheduled Public Hearing on Administrative Rules was called to order. Dr. Carlson, president of the Board, appointed Mr. Steven Blair to preside over the hearing. Mr. Blair explained the proceedings, and introduced the proposed rules.

Primarily based on LRC comments, board staff requested the withdrawal of the following proposed rules:

- a. *Article 20:47, Chapter 20:47:03, Section 20:47:03:13-Physicians and Surgeons Licensure – Locum Tenens Certificate;*
- b. *Article 20:52, Chapter 20:52:01, Section 20:52:01:03:02 – Supervision of a licensed physician assistant-separate practice location;*
- c. *Article 20:63, Chapter 20:63:01,02&03 – Athletic Trainers – General Provisions;*
- d. *Article 20:66, Chapter 20:66:03 - Physical Therapists and Physical Therapist Assistants – Continuing Education;*
- e. *Article 20:83, Chapter 20:83:04, Section 20:83:04:03 – Licensed Nutritionists – Continuing Education - Waiver.*

A motion: to enter into executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel was ratified by roll call vote (Landeen/unanimous).

The public rules hearing resumed.

A motion: to withdraw *Article 20:47, Chapter 20:47:03, Section 20:47:03:13-Physicians and Surgeons Licensure – Locum Tenens Certificate*, and direct the board staff to schedule a declaratory rules hearing regarding *SDCL 36-4-20.4-Duration of locum tenens certificates-privileges of certificate holder* was ratified by roll call vote (Landeem/unanimous).

A motion: to pursue legislation for authority to amend *SDCL 36-4-20.4* to state that a locum tenens certificate may be issued one time, and may be extended one additional time for 60 days was ratified by roll call vote (Landeem/unanimous).

A motion: to withdraw *Article 20:52; Chapter 20:52:01, Section 20:52:01:03:02 – Supervision of a licensed physician assistant-separate practice location; Article 20:63; Chapter 20:63:01,02&03 – Athletic Trainers; Article 20:66; Chapter 20:66:03 - Physical Therapists and Physical Therapist Assistants – Continuing Education; and Article 20:83, Chapter 20:83:04, Section 20:83:04:03 – Licensed Nutritionists- Continuing Education – Waiver* was ratified by roll call vote (Bjordahl/unanimous).

Mr. Klatt introduced proposed rule *Article 20:83: Chapter 20:83:04, Section 20:83:04:01&02: Licensed Nutritionist – Continuing Education*. A member of the public from Yankton, South Dakota, Karley Briggs, called in to listen to the proceedings for this rule. There were no parties in attendance to offer testimony. No supporting comments were received, no opposing comments were received, and there was no further discussion. A motion: to approve *Article 20:83; Chapter 20:83:04, Section 20:83:04:01&02: Licensed Nutritionist – Continuing Education* was ratified by roll call vote (Bjordahl/unanimous).

Mr. Klatt introduced proposed rule *Article 20:64, Chapter 20:64:02,&04 – Occupational Therapist and Occupational Therapy Assistant – Licensure Requirements, Continuing Competency*. Mr. Klatt informed the Board that the Occupational Therapist Advisory Committee had requested an amendment to *Section 20:64:04:03* to change the phrase “occupational therapist” to “occupational therapist and occupational therapy assistant”. There were no parties in attendance to offer testimony. No supporting comments were received, no opposing comments were received, and there was no further discussion. A motion: to amend *Article 20:64, Chapter 20:64:02,&04* as stated above, and to approve the amended rule was ratified by roll call vote (Landeem/unanimous).

There being no further questions or discussion, the public rules hearing was closed.

3. A motion: to approve the minutes of the December 3, 2015, Board meeting was ratified by roll call vote (Murray/unanimous).
4. A motion: to approve the new licenses, permits, certificates, and registrations issued between December 1, 2015 through February 29, 2016, was ratified by roll call vote (Murray/unanimous).
5. Public Hearings:
 - a. Licensee Beau D. Braun, PA: A motion: to approve his request for discharge from the South Dakota Health Professionals Assistance Program (HPAP) and return his license to an unrestricted status was ratified by roll call vote (Bjordahl/unanimous).
 - b. Leann K. Batiz, CNP: The South Dakota Board of Nursing submitted an Agreed Disposition and Waiver of Hearing for Board consideration. A motion: to approve the Agreed Disposition and to have the President of the Board, Dr. Walter Carlson, sign the final order was ratified by roll call vote (Bjordahl/unanimous).

The petition from Dr. Nathan Long, emergency room physician and medical director for the Rapid City Fire Department, and Jason Culberson, Paramedic, Rapid City Fire Department was reviewed by the Board. The board staff expressed concerns about the possibility of the loss of immunity for paramedics, hospitals, and physicians when a call is deemed non-emergent. Mark East, South Dakota State Medical Association (SDSMA) expressed concerns he has received from other emergency physicians in Rapid City, and the process by which the primary care physicians would be included.

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A motion: that the petitioners:

- a. continue to work with the board staff and the advanced life support (ALS) advisory committee on the protocols and training;
- b. the executive director will issue a temporary approval order for approved training programs and protocols pending final consideration by the full Board at a Board meeting

The motion was ratified by roll call vote (Bowman/unanimous).

The financial report was presented by the executive director. A motion: to instruct staff to discuss the concept of using funds for education with the Department of Health prior to considering legislation was ratified by roll call vote (Landeem/unanimous).

Mr. Klatt presented the Advisory Committee Business. The reports of the advisory committees meetings were accepted for information. A motion: to approve Cara Hamilton, MD, as the new physician member of the Genetic Counselor Advisory Committee to fill the vacancy left by Dr. Steven Benn, and to re-appoint Dr. Laura Keppen-Davis and Kali Smith, GC to a second term on the Genetic Counselor Advisory Committee was ratified by roll call vote (Landeem/unanimous).

Margaret Hansen presented the executive director report. Discussion was held about the process involved to provide testimony during legislative session. A motion: that no Board member may testify on behalf of the Board without first obtaining the Board's approval by majority vote was ratified by roll call vote (Bowman/unanimous). A motion: to accept the executive director report was ratified by roll call vote (Landeem/unanimous).

Confidential Physician Hearings (Closed Session pursuant to SDCL 36-4-31.5 unless privilege is waived by physician)

- a. Dr. James Oury: A motion: to amend the Stipulation for Dr. Oury to require that he successfully complete assessment with the Center for Personalized Education for Physicians (CPEP) program located in Denver, Colorado, as a condition of receiving a conditional South Dakota medical license was ratified by roll call vote (Lust/unanimous). Dr. Carlson and Dr. Rosario were recused from the vote.
- b. Dr. Claude William Evrard Zeifman: A motion: to adopt the Findings of Fact, Conclusions of Law, and enter an order deeming his application as withdrawn under investigation was ratified by roll call vote (Landeem/unanimous).
- c. Dr. Steven C. Myers: A motion: to refer this matter back to board staff to schedule an administrative hearing was ratified by roll call vote (Lust/unanimous). Dr. Landeen was recused from the vote.

The updated mission statement for the Board was presented for review. A motion: to approve the updated mission statement was ratified by roll call vote (Landeem/unanimous).

The draft language for a rule regarding physician supervision of a physician assistant spouse, or other family member in the healthcare field, was presented to the Board for review. The staff was directed to work with other interested parties for input, and then bring the updated language to the Board meeting on June 2, 2016.

The draft language for a rule for medical record documentation when prescribing opioids was presented to the Board for review. The staff was directed to review language used by other states when addressing this issue, add a definition for "chronic pain", look at templates developed by the healthcare systems, get input from stakeholders, and then bring the updated language to the Board meeting on June 2, 2016.

The complaint and investigation docket was reviewed for information.

There being no further business, the meeting adjourned at 2:00 pm.

ⁱ 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.

EXECUTIVE SUMMARY FINANCIAL REPORT

TO: THE BOARD OF MEDICAL AND OSTEOPATHIC EXMINERS
FROM: MARGARET B HANSEN
DATE: MAY 6, 2016

1. The Board has three different locations of cash on hand (page 2)

- Petty Cash, Local Checking, and State Treasury Fund

	FY16	FY15	FY14
	04/30/2016	06/30/2015	06/30/2014
Total Cash	3,063,164	2,972,287	2,656,838

2. Upcoming Anticipated Expenses (page 3)

- Total anticipated expenses.

	FY16
Total Anticipated Expenses	2,236,548

3. Revenue (page 5)

- Total revenue for licensing, services, and other sources by line detail on the report.

	FY16	FY15	FY14
	04/30/2016	06/30/2015	06/30/2014
Total Revenue	1,205,928.43	1,307,603.35	1,256,516.60

4. Income Statement – review of expense variances (Pages 6 – 7)

		FY16	FY16	FY15	FY15
		Budgeted	04/30/2016	Budgeted	06/30/2015
4-A	5203040 – Air-State Owned – Instate • Use of a state owned plane for meetings	16,000	912	16,000	7,372
4-B	5203100 - Lodging Out-Of-State • Hotel expenses for in state meetings or training attended	500	3,321	500	3,977
4-C	5204160 – Workshop Registration Fee • Registration fee for meetings or training attended	2,000	838	2,000	4,656
4-D	5204530 - Telecommunication Services • Board Member Laptop wireless • Background Reports e.g.	3,000	7,745	3,000	10,185
4-E	5205020 – Office Supplies • Supplies for daily tasks in the office	10,000	2,940	10,000	2,560
4-F	5205320 - Duplication – Private • Printed pages from leased printers • Licensure Cards ordered	300	5,253	300	6,046

5. Income Statement – Total Expenses - (page 7)

Shows total expenses and budget comparison.

	FY16	FY16	FY15	FY15	FY14	FY14
	Budgeted	04/30/2016	Budgeted	06/30/2015	Budgeted	06/30/2014
Total Expenses	1,025,703	1,008,371	1,011,493	992,155	988,618	924,257

6. Income Statement - Net Income - (page 7)

Shows earnings measured by taking total revenue and minus expenses.

	FY16	FY16	FY15	FY15	FY14	FY14
	Budgeted	04/30/2016	Budgeted	06/30/2015	Budgeted	06/30/2014
Net Income	233,797	197,558	174,257	315,639	210,382	332,261

7. Other Contractual Services Breakdown by service description (page 8)

	FY16	FY15	FY14
	04/30/2016	06/30/2015	06/30/2014
Total Other Contractual Services	41,123	36,751	60,868

SDBMOE Financial Report

05/09/2016

for

07/01/15 - 04/30/16

Page	Report Name
2	Balance Sheet (Cash Only)
3	Upcoming Anticipated Expenses
4	Revenue Summary
6	Income Statement
8	Other Contractual Services

SDBMOE
Balance Sheet (Cash Only)

Date Range: July 1, 2015 -April 30, 2016

	FY16 04/30/2016	FY15 06/30/2015	FY14 06/30/2014	FY13 06/30/2013	FY12 06/30/2012	FY11 06/30/2011
Cash						
Petty Cash	100	100	100	100	100	100
Local Checking	2,449	2,034	3,598	2,930	4,223	4,712
State Treasury Fund	3,060,615	2,970,153	2,653,139	2,300,852	1,810,978	1,370,641
1. Total Cash	3,063,164	2,972,287	2,656,838	2,303,882	1,815,301	1,375,452

SDBMOE

Upcoming Anticipated Expenses

Expense Items:	Anticipated Amount:
Operating Expense Budget (with Salaries and Benefits)	\$ 1,025,703
Technology Update:	
Update Database - rework and implantation	\$ 400,000
Technical Support for Board Members Technology	\$ 12,000
Training Expenses (outside of budgeted amount in Operating Expenses)	
Investigator Training	\$ 2,345
Licensing Staff Training and Professional Certification	\$ 3,000
Attorney Training	\$ 2,500
Policy Training	\$ 1,000
Sending 4 Board Members to the annual FSMB Meeting	\$ 10,000
HPAP yearly support costs - projections for this year	\$ 200,000
Scanning paper files to an electronic format	\$ 10,000
Lawsuit reserve fund (for 3 large cases)	\$ 370,000
Compact Licensing Funding	\$ 200,000
2. Total Anticipated Expenses	\$ 2,236,548

SDBMOE
Revenue by Item Summary

Date Range: July 1, 2015 - April 30, 2016

Type	07/01/15 - 4/30/16 Amount	07/01/14 - 06/30/15 Amount	07/01/13 - 06/30/14 Amount
Licenses			
Athletic Trainer Application	\$ 2,900.00	\$ 3,400.00	\$ 3,000.00
Athletic Trainer Reinstatement	\$ -	\$ -	\$ -
Athletic Trainer Renewal	\$ 550.00	\$ 11,350.00	\$ 9,500.00
Advanced EMT for Instate Graduate	\$ 850.00	\$ 1,400.00	\$ 850.00
Advanced EMT for out of state Graduate	\$ 300.00	\$ 300.00	\$ 225.00
Advanced EMT Renewal	\$ 300.00	\$ 1,550.00	\$ 800.00
Advanced EMT Reinstatement	\$ 50.00	\$ 50.00	\$ -
ALS-I 85 Application for Instate Graduate	\$ 50.00	\$ 50.00	\$ -
ALS-I 85 Application for Out of State Graduate	\$ -	\$ 150.00	\$ 75.00
ALS-I 85 Renewal	\$ 600.00	\$ 3,850.00	\$ 3,625.00
ALS-I 99 Application for Instate Graduate	\$ -	\$ -	\$ -
ALS-I 99 Application for Out of State graduate	\$ -	\$ -	\$ -
ALS-I 99 Renewal	\$ 50.00	\$ 250.00	\$ 225.00
ALS-I 99 Reinstatement	\$ -	\$ -	\$ -
ALS-I85 Reinstatement	\$ -	\$ 100.00	\$ 450.00
ALS-Paramedic Application for Instate graduate	\$ 1,400.00	\$ 1,300.00	\$ 1,850.00
ALS-Paramedic Application for Out of State Graduate	\$ 3,750.00	\$ 6,350.00	\$ 5,250.00
ALS-Paramedic Renewal	\$ 3,100.00	\$ 15,625.00	\$ 11,100.00
ALS-Paramedic Reinstatement	\$ 450.00	\$ 500.00	\$ 600.00
Genetic Counselor Temporary Application	\$ -	\$ 200.00	\$ 200.00
Genetic Counselor Application	\$ 5,800.00	\$ 3,800.00	\$ 1,600.00
Genetic Counselor Renewal	\$ 100.00	\$ 3,100.00	\$ 1,900.00
Licensed Nutritionist Application	\$ 3,150.00	\$ 1,610.00	\$ 1,750.00
Licensed Nutritionist Renewal	\$ 425.00	\$ 10,710.00	\$ 10,395.00
Temporary License Nutritionist Application	\$ 100.00	\$ 400.00	\$ 250.00
Licensed Nutritionist Reinstatement	\$ 200.00	\$ 300.00	\$ -
Locum Tenens Application	\$ 5,200.00	\$ 2,850.00	\$ 2,550.00
MD/DO Application	\$ 72,800.00	\$ 67,600.00	\$ 74,600.00
MD/DO Reinstatement	\$ 5,800.00	\$ 9,200.00	\$ 6,600.00
MD/DO-Renewals	\$ 773,200.00	\$ 746,600.00	\$ 729,400.00
Medical Assistant Application	\$ 640.00	\$ 840.00	\$ 1,000.00
Medical Assistant Renewal	\$ 2,760.00	\$ 20.00	\$ 2,720.00
Medical Assistant Reinstatement	\$ 205.00	\$ 40.00	\$ 300.00
Medical Corp Application	\$ 100.00	\$ 650.00	\$ 550.00
Medical Corp Reinstatement	\$ 1,050.00	\$ 700.00	\$ 1,000.00
Medical Corp Renewal	\$ 14,300.00	\$ 15,900.00	\$ 15,900.00
Occupational Therapist Application	\$ 1,700.00	\$ 1,750.00	\$ 1,950.00
Occupational Therapist Reinstatement	\$ 75.00	\$ 75.00	\$ 50.00
Occupational Therapy Assistant Application	\$ 1,000.00	\$ 1,050.00	\$ 850.00
Occupational Therapist Renewal	\$ 23,350.00	\$ 21,200.00	\$ 22,000.00
Occupational Therapy Assistant Reinstatement	\$ 50.00	\$ -	\$ -
Occupational Therapy Assistant Renewal	\$ 8,050.00	\$ 7,200.00	\$ 7,150.00
Occupational Therapist Limited Permit	\$ -	\$ 25.00	\$ 125.00
Occupational Therapy Assistant Limited License	\$ -	\$ 25.00	\$ 75.00
Physical Therapist Application	\$ 3,780.00	\$ 5,040.00	\$ 3,900.00
Physical Therapist Renewal	\$ 47,900.00	\$ 44,800.00	\$ 43,900.00
Physical Therapist Reinstatement	\$ 150.00	\$ 600.00	\$ 150.00
Physical Therapist Assistant Application	\$ 2,280.00	\$ 2,880.00	\$ 1,980.00
Physical Therapist Assistant Renewal	\$ 14,000.00	\$ 12,050.00	\$ 12,050.00
Physical Therapist Assistant Reinstatement	\$ 100.00	\$ -	\$ 50.00
Physician Assistant Corporation Application	\$ 100.00	\$ -	\$ -
Physician Assistant Corporation Renewal	\$ 300.00	\$ 200.00	\$ 200.00
Physician Assistant Corporation Reinstatement	\$ 50.00	\$ -	\$ -
Physician Assistant Application	\$ 3,975.00	\$ 3,900.00	\$ 4,425.00
Physician Assistant Temporary Permit	\$ -	\$ -	\$ 50.00
Physician Assistant Reinstatement	\$ -	\$ 75.00	\$ 125.00
Physician Assistant Renewal	\$ 42,300.00	\$ 55,700.00	\$ 52,900.00
Resident License Application	\$ 2,300.00	\$ 3,300.00	\$ 3,800.00
Resident License Renewal	\$ -	\$ 6,500.00	\$ 3,650.00
Respiratory Care Practitioner Application	\$ 2,550.00	\$ 2,175.00	\$ 3,225.00
Respiratory Care Temporary Application	\$ 720.00	\$ 520.00	\$ 520.00
Respiratory Care Practitioner Renewal	\$ 60.00	\$ 27,000.00	\$ 60.00
Respiratory Care Practitioner Reinstatement	\$ 95.00	\$ 190.00	\$ 95.00
NSF Check Board Fine	\$ -	\$ -	\$ -
USMLE Testing	\$ -	\$ -	\$ 3,150.00
Other Income	\$ -	\$ 190.00	\$ -
Total Licenses	\$ 1,055,065.00	\$ 1,107,190.00	\$ 1,054,695.00

SDBMOE
Revenue by Item Summary

Date Range: July 1, 2015 - April 30, 2016

		07/01/15 - 4/30/16 Amount		07/01/14 - 06/30/15 Amount		07/01/13 - 06/30/14 Amount	
Other							
Interest Income	\$	12,229.46	\$	24,236.35	\$	30,177.73	
Fines & Penalties	\$	-	\$	-	\$	-	
Total Services	\$	12,229.46	\$	24,236.35	\$	30,177.73	
Services							
Information Request	\$	-	\$	30.00	\$	30.00	
Online Verifications	\$	100,096.00	\$	128,857.00	\$	118,256.00	
Written Verifications	\$	38,048.00	\$	46,620.00	\$	47,940.00	
Duplicate License Card	\$	490.00	\$	670.00	\$	1,020.00	
Candian Service Fee (Skype Fee Charge)	\$	-	\$	-	\$	(2.13)	
Mailing List					\$	4,400.00	
Total Services	\$	138,634.00	\$	176,177.00	\$	171,643.87	
Total	3.	\$	1,205,928.46	\$	1,307,603.35	\$	1,256,516.60

SDBMOE
Income Statement

Date Range: July 1, 2015 - April 30, 2016

	FY16 Budgeted	FY16 04/30/2016	% of Budget FY16	FY15 Budgeted	FY15 06/30/2015	% of Budget FY15	FY14 Budgeted	FY14 06/30/2014
Ordinary Income/Expense								
Income								
License Fee Revenue	1,089,000	1,055,065	97%	1,010,000	1,107,190	110%	1,012,000	1,054,695
Fines, Penalties, and other	0	0	0%	0	190	0%	0	0
Sales and Service Revenue	150,500	138,634	92%	150,750	176,177	117%	152,000	171,646
Total Income	1,239,500	1,193,699	96%	1,160,750	1,283,557	111%	1,164,000	1,226,341
Gross Profit								
	1,239,500	1,193,699	96%	1,160,750	1,283,557	111%	1,164,000	1,226,341
5101000 - Employee Salaries	300,801	292,013	97%	288,154	326,321	113%	277,412	308,612
5101030 - Board & Community Member Fees	3,418	2,040	60%	3,275	1,620	49%	3,154	2,520
5102010 - OASI	27,812	21,320	77%	26,392	23,656	90%	24,207	22,796
5102020 - Retirement	16,133	17,516	109%	16,133	19,332	120%	16,133	18,472
5102060 - Health Insurance	60,790	46,612	77%	60,790	65,024	107%	50,963	70,193
5102080 - Worker's Compensation	889	380	43%	889	261	29%	889	216
5102090 - Unemployment Insurance	42	97	230%	42	147	350%	42	99
5201030 - Board Member Per Diem	0	0	0%	0	0	0%	0	0
5203010 - Auto - State owned - Instate	0	407		0	396		0	423
5203030 - Auto - Private - Low Rate	0	477		0	988		0	423
5203030 - Auto - Private - High Rate	2,000	577	29%	2,000	278	14%	2,000	1,412
4-A 5203040 - Air-State owned-Instate	16,000	912	6%	16,000	7,372	46%	16,000	8,473
5203060 - Air-Commercial Carrier Instate	0	0		0	5,565		0	582
5203070 - Air Travel - Charter Flights	30,000	10,325	34%	30,000	0	0%	30,000	3,750
5203100 - Lodging In-State	2,000	676	34%	2,000	323	16%	2,000	697
5203120 - Incidentals-Travel Instate	50	10	20%	50	72	144%	50	56
5203130 - Nonemployee Travel	0	1,078		0	491		0	8,827
5203140 - Taxable Meals	0	122		0	27		0	20
5203150 - Non-taxable meals In-state	600	281	47%	600	405	68%	600	353
5203230 - Auto - Private Out-of-state - High Rate	0	171		0	0		0	0
5203260 - Air-Commercial Out-of-state	1,100	4,474	407%	1,100	1,876	171%	1,100	1,795
5203280 - Other Public Out-of-state	100	275	275%	100	260	260%	100	150
4-B 5203300 - Lodging Out-Of-State	500	3,321	664%	500	3,977	795%	500	3,653
5203320 - Incidentals - Out of State	0	235		0	25		0	50
5203350 - Out of State Meals	0	998		0	640		0	436
5204010 - Subscriptions	1,000	406	41%	1,000	90	9%	1,000	270
5204020 - Membership Dues	6,000	3,900	65%	6,000	4,425	74%	6,000	4,171
5204030 - Legal Document Fees	0	0		0	0		0	10
5204050 - Computer Consultant	0	124,550		0	47,970		0	70,980
5204080 - Legal Counsel	198,000	97,851	49%	198,000	78,008	39%	198,000	37,188
5204090 - Management Consultant	0	174,242		0	173,333		0	22,655
5204100 - Consultant Fees-Medical	13,500	12,600	93%	13,500	1,500	11%	13,500	1,750
5204110 - PR & Advertising Consultant	0	4,850		0	0		0	0
5204130 - Other Consulting	0	8,738		0	9,692		0	8,820
4-C 5204160 - Workshop Registration Fees	2,000	838	42%	2,000	4,656	233%	2,000	3,280
5204180 - State Computer Services	9,359	15,753	168%	9,359	17,810	190%	9,359	15,734
5204181 - BIT Development Costs	0	0		0	155		0	12
5204190 - Private Computer Services	0	0		0	0		0	0
5204200 - Central Services	3,531	4,217	119%	3,531	5,772	163%	3,531	3,709
5204202 - Property Management	0	16		0	307		0	317
5204203 - Purchasing Central Services	0	28		0	420		0	488
5204204 - Records Management	0	96		0	112		0	131
5204207 - Human Resource Services	0	3,453		0	3,931		0	3,454
5204220 - Equipment Maintenance	0	262		0	1,670		0	35,201
5204230 - Janitorial	0	0		0	0		0	0
5204250 - Cable TV (Office Internet)	0	745		0	830		0	695
5204320 - Audit Services - Private	5,500	0	0%	5,500	0	0%	5,500	0
5204340 - Computer Software Maint.	0	29		0	0		0	0
5204350 - Advertising - Magazines	0	4,675		0	2,750		0	2,750
5204360 - Advertising Newspapers	500	359	72%	500	1,255	251%	500	207
5204400 - Advertising Internet	500	0	0%	500	294	59%	500	0
5204460 - Equipment Rental	2,000	736	37%	2,000	960	48%	2,000	1,040
5204490 - Rents - Other	0	0		0	0		0	791
5204510 - Rents - Lease	83,000	68,382	82%	83,000	82,058	99%	83,000	51,160
4-D 5204530 - Telecommunication Services	3,000	7,745	258%	3,000	10,185	339%	3,000	15,418
5204550 - Garbage and Sewer	0	1,020		0	1,118		0	1,610
5204580 - Truck-Drayage & Freight	0	3,043		0	2,095		0	857
5204590 - Professional Liability Insurance	20,000	1,216	6%	20,000	2,394	12%	20,000	2,400
5204620 - Taxes and License Fees	0	956		0	911		0	995
5204730 - Maintenance Contract	1,000	0	0%	1,000	0	0%	1,000	0
5204740 - Bank Charges	24,192	0	0%	24,192	0	0%	24,192	78
5204960 - Other Contractual Services	151,986	41,123	27%	151,986	43,306	28%	172,986	50,800
4-E 5205020 - Office Supplies	10,000	2,940	29%	10,000	2,560	26%	10,000	1,912
5205290 - Flags	0	0		0	209		0	0
5205040 - Educational & Instructional Sup	0	0		0	0		0	275
5205310 - State-Printing	0	0		0	0		0	0
4-F 5205320 - Duplication - Private	300	5,253	1751%	300	6,046	2015%	300	1,142
5205340 - Supp. Public & Ref Material	0	22		0	185		0	0
5205350 - Postage	11,000	11,204	102%	11,000	15,171	138%	11,000	11,557
5205390 - Food Stuffs	100	0	0%	100	0	0%	100	280
5207121 - Building Improvement & Remodel	0	0		0	0		0	800
5207451 - Office Furniture & Fixtures	0	0		0	1,194		0	37,742
5207495 - Telephone Equipment	10,000	0	0%	10,000	76	1%	10,000	13,138
5207531 - Household Appliances	0	0		0	0		0	875
5207675 - Audio Visual Equipment	0	167		0	4,217		0	61,152
5207791 - Police and Security Equipment	0	0		0	0		0	0
5207901 - Computer Hardware (BIT)	0	2,420		0	5,175		0	3,468
5207905 - Computer systems	6,000	0	0%	6,000	0	0%	6,000	0
5207960 - Computer Software	0	0		0	0		0	0
5207961 - Computer Software (BIT)	1,000	0	0%	1,000	0	0%	1,000	1,089
5207980 - Depreciation Expense - Computer	0	0		0	0		0	0
5207965 - Software State Contract	0	0		0	0		0	0
5208080 - Prior Year Revenue Refund	0	0		0	0		0	0
5208210 - Interest on Late Vendor Payment	0	221		0	260		0	275
Total Expense	5,	1,025,703	98%	1,011,493	992,155	98%	988,618	924,257
Net Ordinary Income	213,797	185,328	87%	149,257	291,402	195%	175,382	302,084
Other Income/Expense								
Other Income								
4491000 - Interest Income	20,000	12,229	61%	25,000	24,236	97%	35,000	30,178
Total Other Income	20,000	12,229	61%	25,000	24,236	97%	35,000	30,178
Net Other Income	20,000	12,229	61%	25,000	24,236	97%	35,000	30,178
Net Income	6,	233,797	84%	174,257	315,639	181%	210,382	332,261

SDBMOE

Other Contractual Services

Date Range: July 1, 2015 - April 30, 2016

Description	FY16		FY15		FY14	
	04/30/2016		06/30/2015		06/30/2014	
Other Contractual Services						
Health Practitioners Assistance - HPAP	\$	-	\$	-	\$	28,295
SDBON - CNP, CNM Co-regulation	\$	-	\$	-	\$	-
Investigator Contractor	\$	-	\$	-	\$	-
Investigations Expenses	\$	6,736	\$	4,625	\$	1,521
Temporary Employment Services	\$	-	\$	-	\$	-
Other State Verifications	\$	-	\$	-	\$	-
Shredding	\$	-	\$	-	\$	-
Goods and Services	\$	-	\$	-	\$	-
Background Reports	\$	-	\$	-	\$	-
BD member Expenses	\$	427	\$	441	\$	172
Board Meeting Audio	\$	-	\$	-	\$	-
Other	\$	33,960	\$	31,684	\$	30,881
7. Total Other Contractual Services	\$	41,123	\$	36,751	\$	60,868

Clint Perman has been a certified physician assistant since 2002 when he graduated from the University of North Dakota School of Medicine and Health Sciences. He is currently employed for Avera Medical Group. He staffs and is the sole provider for a rural clinic in Selby, SD. He also provides locum coverage at Eureka Hospital and Bowdle Hospital. Prior to his current position in Selby he worked full-time as a PA in Bowdle, staffing a Rural Health Clinic, a critical access hospital, a 24 hour emergency room, and a 26 bed nursing home/assisted living facility. Prior to his position at Bowdle, he worked as a PA for Mobridge Regional Hospital.

He was also appointed by Governor Michael Rounds to the South Dakota Commission on Health Care, serving as the only PA on the Health Care Commission. He was also appointment to the sub-committee that was instrumental in the development and implementation of South Dakota Prescription Drug Monitoring Program. In 2009, Clint served as a Delegate for the South Dakota Academy of Physician Assistants and represented SD as a delegate at the National Physician Assistant Conference in San Diego

Prior to becoming a Physician Assistant, Clint served for 6 years in the United States Army Reserves as an officer for the 311 Evac Hospital and the 4226 US Army Hospital in Bismarck, ND. He was also employed as the Director of Nursing at Beverly Healthcare in Mobridge, an operating room nurse for 8 years in Bismarck, ND, a travel nurse for 1 year in California, and worked at West River Regional Health Center in Hettinger, ND for 1 year. Prior to his nursing degree, he also received a certificate in Surgical Technology at Presentation College.

Outside of his professional career, Clint enjoys golfing, hunting, and spending time with his wife, Brenda, and three children.

Clint Perman PA-C

PO Box 57 – Selby, SD 57472
Phone (605) 649-7684 – Home
848-1085 – Cell

clint.perman@avera.org

An experienced Physician Assistant specializing in Family Practice. Providing care for Pediatrics to Geriatrics, Acute and Chronic Illnesses, Internal Medicine, Men's and Women's Health. I am also experienced in Emergency Room Services, Hospital and Nursing Home Services. Excellent communication skills and cross cultural skills.

PROFESSIONAL EMPLOYMENT

Physician Assistant – April 2011 – Present

- Family Practice, free standing community clinic
- AVERA MEDICAL GROUP – Selby, SD

Physician Assistant – April 2016 – Present

- Locums – ER Coverage
- EUREKA HOSPITAL – Eureka, SD

Physician Assistant – February 2003 – Present

- Locums – Family Practice, rural health clinic, ER Coverage, Hospital and Nursing Home Services/Rounds
- BOWDLE HEALTH CARE – Bowdle, SD

Physician Assistant April 2003 – Present

- Locums – ER Coverage
- MOBRIDGE REGIONAL HOSPITAL – Mobridge, SD

Physician Assistant – March 2002 – February 2003

- Family Practice, ER Coverage
- MOBRIDGE REGIONAL HOSPITAL – Mobridge, SD

Physician Assistant Student – January 2001 – January 2002

- UND SCHOOL OF MEDICINE – Grand Forks, ND

Director of Nursing 1999 – 2001

- BEVERLY HEALTH CARE – Mobridge, SD

Operating Room Nurse – 1991 – 1999

- MEDCENTER ONE – Bismarck, ND

Operating Room Nurse – 1992 – 1998

- 4226 US ARMY HOSPITAL, US ARMY RESERVES – Bismarck, ND

Operating Room Nurse – 1990 – 1991

- TRAVEL NURSING STAR MED STAFFING – Tampa Bay, FL

Operating Room Nurse – 1989 – 1991

- WEST RIVER REGIONAL MEDICAL CENTER – Hettinger, ND

MEDICAL EDUCATION

Physician Assistant – January 2001 – January 2002

- UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES – Grand Forks, ND

Nursing – August 1985 – May 1989

- PRESENTATION COLLEGE – Aberdeen, SD

Surgical Technology – August 1984 – May 1985

- PRESENTATION COLLEGE – Aberdeen, SD

PROFESSIONAL ACTIVITIES

Delegate

- South Dakota Academy of Physician Assistants

South Dakota Commission on Health Care

- 3 year term, appointed by Governor Michael Rounds
- Only PA to serve on Governors Health Care Commission
- Instrumental in development of Prescription Drug Monitoring Program

AFFILIATED ASSOCIATIONS

AAPA (American Academy of Physician Assistants)

SDAPA (South Dakota Association of Physician Assistants)

NDAPA (North Dakota Association of Physician Assistants)

PROFESSIONAL QUALIFICATIONS

National Commission of Certification of Physician Assistants

- Certified Physician Assistant

South Dakota Board of Medical and Osteopathic Examiners

- Licensed Physician Assistant

American Heart Association

- ACLS – ATLS – PALS

REFERENCES

Available Upon Request

Advanced Life Support Committee met on May 25, 2016

1. Discussed progress on Mobile Medic petition from Rapid City
2. Reviewed petition from Yankton County EMS
3. Discussed how to add an AEMT to the committee

Athletic Trainer Committee met on May 5, 2016

1. Continued review of administrative rules
2. Updated members on current and remaining committee terms

Genetic Counselor Committee met on May 5, 2016

1. Introduced Dr. Cara Hamilton as the newest committee member
2. Reviewed orientation material to familiarize new member with the committee
3. Discussed the recommended language for the continuing education rule

Nutrition and Dietetics Committee met on May 10, 2016

1. Updated on the rules approved by the Interim Rules Review Committee
2. Began discussions on auditing the licensees to ensure compliance with continuing education
3. An audit plan will be reviewed at the next committee meeting

Occupational Therapy Committee met on May 9, 2016

1. Updated on the rules approved by the Interim Rules Review Committee
2. Reviewed and provided feedback on questions from licensees
3. Discussed members whose terms are up for renewal this year
4. Began discussions on auditing the licensees to ensure compliance with continuing education

Physical Therapy Committee met on May 17, 2016

1. Reviewed statutes that are over 30 years old for relevance
2. Discussed the role the FSBPT model practice act may play in revising the practice act
3. Agreed that working with the SDPTA will be important as this process continues

Physician Assistant Committee met on May 25, 2016

1. Discussed new member
2. Reviewed 90 day supervision rule
3. Reviewed the new draft of the spouse supervision rule

Respiratory Therapy Committee met on May 26, 2016

1. Updated on committee terms and upcoming reappointments
2. Discussed the impact of the memo sent to SDSRC
3. Continued discussion on medical directors

TO: SDBMOE BOARD MEMBERS
FROM: TYLER KLATT
SUBJECT: ALS PETITION FOR AEMT SCOPE OF PRACTICE – YANKTON COUNTY EMS
DATE: JUNE 2, 2016
CC:

BACKGROUND INFORMATION

- **Petitioners:** Yankton County EMS Medical Director Scott Hiltunen, MD and Yankton County EMS Paramedic Administrator Steve Hawkins, NRP
- **Additional skills requested:**
 - Diphenhydramine (IV) for allergic reactions and long rural travel times,
 - Zofran (ondansetron) (IV) for nausea and vomiting,
 - Epinephrine 1:10,000 (IV/IO) as directed for pulseless cardiac arrest per ACLS protocols.
- AEMT's whose scope will be increased:
 - Jean Scherschligt, AEMT License #1049
 - Michael Slowey, AEMT License #1964
 - Kim Velk, AEMT License #2027
- **Staff review:** The staff has researched this proposal and finds that with the proposed training plan the listed AEMT's will:
 - receive appropriate education and training
 - be able to demonstrate competency prior to performing the procedures under medical direction
 - receive continuing education and training on a regular basis to maintain competency
- **Advisory Committee Review:** The Board's ALS advisory committee reviewed the petition from Yankton County EMS. The committee provided feedback primarily that the petition mirrored the Vermillion petition and concurred with staff opinion that there were no concerns regarding this petition.

PREVIOUS PETITIONS

- **December 2015:** Vermillion/Clay County EMS petitioned to approve the following procedures:
 - Use intraosseous (IO) devices for adult therapy after failed intravenous attempts
 - Use positive pressure ventilator (CPAP)
 - Administration of the following medications:
 - Flumazenil (IV) for benzodiazepine overdoses
 - Diphenhydramine (IV) for allergic reactions and long rural travel times
 - Zofran (PO and IV) for nausea and vomiting
 - Epinephrine 1:10,000 (IV/IO) for cardiac arrest as directed by ACLS protocols
- **December 2015:** The skills requested by Vermillion/Clay County EMS were amended and approved by the Board
- The underlined skills above were approved by the board, without amendment. These are the same skills requested by Yankton County EMS



805 Capitol Street
Yankton, S.D. 57078
Phone: (605) 668-9033
Fax: (605) 668-0585



Petition to the South Dakota Board of Medical and Osteopathic Examiners (SDBMOE)

Yankton County Emergency Medical Services Medical Director Scott Hiltunen M.D. of Yankton, South Dakota, a physician practicing internal medicine at Avera McGreevy Clinic in Sioux Falls, and Steve Hawkins NRP, of Yankton, the Paramedic Administrator of Yankton County EMS, do hereby petition the South Dakota Board of Medical and Osteopathic Examiners for their decision in regard to the following:

1. Yankton County EMS is a Paramedic ambulance service that provides a full-time paramedic on the 1st crew and a full-time paramedic on the 2nd crew. Paramedics on the first two crews are partnered with an EMT, Advanced EMT or part-time paramedic, depending on part-time staff availability. Any staff needed beyond the first and second crew is paged on an as-available basis. We are requesting approval for Yankton County EMS Advanced Emergency Medical Technicians (AEMT) Jean Scherschligt, Mike Slowey and Kim Velk (SDCL 36-4B-16.2) to administer additional medications and perform additional skills to be granted and further approved by the Board.
2. The facts and circumstances which give rise to the petition or request to be decided by the Board are as follows:

The petitioners are the active medical director and the ambulance administrator for Yankton County EMS. The petitioners oversee all ambulance staff employed at Yankton County EMS.

The Emergency Medical Services Department under the National Highway Traffic Safety Administration developed the National Emergency Medical Services Standards in 2009. The current standards allow jurisdictions to allow the use of certain medications specific to their area. We recognize the deciding jurisdiction in the State of South Dakota as the South Dakota Board of Medical and Osteopathic Examiners¹.

- A. The Advanced Emergency Medical Technician Scope of Practice² allows for pediatric intraosseous (IO) infusions of medications and fluids for shock therapy. The scope does not allow for the AEMT to utilize an IO for adult therapy after failed intravenous attempts. Adult IO therapy is becoming the preferred method in resuscitation when vascular access cannot be obtained. Several peer-reviewed studies^{3,4,5,6} have been conducted proving the benefits of IO therapy in the pre-hospital setting. We are petitioning the board to approve AEMT to utilize IO devices for adult therapy in emergent situations, per our current protocol.
- B. Medications currently provided by the AEMT Scope of Practice² include: albuterol, nitroglycerin, epinephrine 1:1,000, aspirin, glucagon, dextrose 50%, naloxone, glucose, and oxygen. Medication delivery techniques taught in the National Highway Transportation

subcutaneous, intranasal, sublingual, and oral delivery. We are requesting the following nonscheduled controlled medications to be added for use by Advanced Emergency Medical Technicians: diphenhydramine (IV) for allergic reactions and long rural travel times, Zofran (ondansetron) (IV) for nausea and vomiting, and epinephrine 1:10,000 (IV/IO) as directed for pulseless cardiac arrest per ACLS protocols.

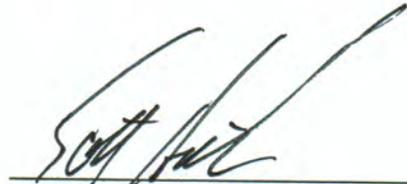
C. An education plan is attached to this petition.

3. The precise petition or request to be decided by the Board is as follows:

We request a decision by the Board to approve the aforementioned full or partial list of petitioned skills and administration of medications by Advanced Emergency Medical Technicians (SDCL 36-4B-16.2).

Dated at Yankton, South Dakota, this 27 day of May, 2016.


Steve Hawkins, NRP
Yankton County EMS Administrator


Scott Hiltunen, M.D.
Yankton County EMS Medical Director

References:

1. National Emergency Medical Services Standards in 2009, US Department of Transportation, National Highway Traffic Safety Administration, DOT HS 811 077A, January 2009.
2. National EMS Scope of Practice Model, from the National Highway Traffic Safety Administration.
3. Seigler, R., Tecklenburg, F., Shealy, R. (1989). Prehospital intraosseous infusion by emergency medical services personnel: A prospective study. *Pediatrics* 84(1), 173-177.
4. Lewis, F. (1986). Pre-hospital intravenous fluid therapy: Physiologic computer modeling. *Journal of Trauma* 26(9), 808-811.
5. Miner, W., Corneli, H., Bolte, R., et al. Pre-hospital use of intraosseous infusion by paramedics. *Pediatric Emergency Care* 5(1), 5-7, 1989.
6. LaRocco, B., Wang, H. (2003). Intraosseous infusion. *Pre-hospital Emergency Care* 7(2), 280-285.

Education Plan:

All currently certified Advanced Emergency Medical Technicians (AEMT) at Yankton County EMS will receive five (5) hours of additional training before they begin practicing additional skills. Training will be broken down as follows:

Adult IO procedures: 1.5 hours

Medications

Diphenhydramine: 1.5 hours

Ondanestron: 1 hour

Epinephrine 1:10,000: 1 hour

These employees would also be required to attend an Advanced Cardiac Life Support (ACLS) course as well as a Pediatric Advanced Life Support (PALS) course.

The proposed additional skills would be added to the monthly training topics on an annual basis to ensure competencies for the provider permitted to conduct advanced level skills. Proposed medications will be reviewed and AEMT's will be trained on an annual basis. Any AEMT not demonstrating proficiency will be remanded for a didactic review and clinical practice. Proficiency will be evaluated during the peer-reviewed committees and annual training.

PROTOCOL 9.####: Paramedic Mobile Medic-Assessment

The Paramedic Mobile Medic will need to provide a patient assessment that covers many body system areas in order to develop a field impression. The information received in the patient assessment will then be relayed to a physician for the physician's medical opinion to determine a proper patient disposition.

ASSESSMENT

If at any time the information gathered during the assessment is abnormal, the Paramedic Mobile Medic shall immediately call for an ambulance.

- A. Physical Findings - note the patient's general appearance, posture, any guarding or protective movements
 - a. Chief Complaint
 - b. Determine level of consciousness using the Glasgow Coma Score and the patient's verbal response to the AVPU mnemonic
 - c. Airway
 - i. Assess the patient's airway for patency, and any condition that may lead to loss of patency such as bleeding, emesis, edema, or trauma
 - d. Breathing
 - i. Determine the rate, depth, pattern, and effort of breathing.
 - ii. Assess patient's neck for JVD
 - iii. Assess the chest wall for symmetrical movement noting use of accessory muscles/diaphragmatic breathing
 - iv. Auscultate lungs in four fields for adventitious sounds such as wheezes, rales, or rhonchi
 - e. Circulation
 - i. Palpate the radial pulse noting the rate and strength
 - ii. Listen to heart tones. Note if S1 S2 are clear
 - iii. Assess the patient's skin color, temperature, and condition
 - Check the soft tissue and skin for deformity, contusions, abrasions, punctures, burns, tenderness, lacerations and swelling (DCAP-BTLS) and rash, irritation or breakdown
 - f. Vitals
 - i. Obtain a complete set of vitals
 1. B/P
 2. Pulse including SpO2
 3. Respiratory Rate
 4. Blood Glucose level

5. GCS

6. Temperature (oral/rectal)

- g. HEENT- Head Eyes Ears Nose Throat
 - i. Assess for Facial Symmetry
 - ii. Assess pupils and make sure they are equal round reactive to light
 - iii. Assess for masses, lesions, tenderness, pain or discharge from the eyes or ears
 - iv. Assess nose for DCAP-BTLS
 - v. Assess oral mucosa (moist and intact, able to swallow)
 - vi. Trachea midline, no harsh sounds or stridor
- h. Chest and back
 - i. Assess for DCAP-BTLS
- i. Abdomen
 - i. Assess the abdomen for DCAP-BTLS
 - ii. Note if the abdomen is distended, rigid, or painful
 - iii. Ask the patient about any recent abdominal disturbances such as nausea, vomiting, diarrhea, constipation, ability to pass flatus
 - iv. Auscultate bowel sounds
 - v. Inquire about last bowel movement (when, what was the consistency and color, continent of stool)
 - vi. Assess for bladder issues (pain with urination, color, odor, continent of urine)
- j. Extremities
 - i. Assess extremities for DCAP-BTLS and edema
 - ii. Palpate for warmth, tenderness, presence of pulses
 - iii. Note if any weakness or contractures
 - iv. Assess range of motion
 - v. Use of assistive devices (crutches, cane, walker, wheelchair)

B. History Findings

- a. Current chief complaint
 - a. O – onset of the complaint
 - b. P- Provocation. What makes the condition worse? Better?
 - c. Q- Quality. Have the patient describe the quality of the pain. Sharp? Dull? Throbbing? Burning?
 - d. R- Radiation. Does the pain radiate anywhere?
 - e. S- Severity. Have the patient describe the pain on the 10 scale.
 - f. T – Time of onset. How long has this been going on and what is worse now compared to before?
- b. Patient Past Medical History
 - a. Age

- b. What are the patient's other medical conditions?
- c. Any recent surgeries?
- d. Does the patient have allergies to medications or other substances (such as latex)?
- e. What Medications are you taking?
 - Prescribed
 - OTC
 - Herbal
 - Illegal
- f. Do you drink alcohol? How much per week or day?
- g. Do you smoke tobacco? Do you smoke any other substances and if you do, what are those?
- h. Are you pregnant? When was your LMP?

Following the patient assessment, contact the physician to communicate the assessment physical and history findings to receive the physician's medical opinion. The physician shall give the physician's medical opinion as to whether ambulance transport is necessary or not necessary. The Paramedic Mobile Medic shall relay the physician's medical opinion to the patient. The patient shall have the final decision as to whether or not to follow the physician's medical opinion. The complete patient assessment, the physician's medical opinion and the patient decision shall be documented in the patient's record.



RAPID CITY FIRE DEPARTMENT

EMS ACADEMY



Paramedic Mobile Medic Care Course Syllabus (16 hours)

Course No:

Date:

Days/Time: TBD

Classroom: RCFD Classroom

Instructor: Nathan Long, MD and Christopher Jolley, BS, NRP, CCEMTP, other faculty PRN

Phone: 605-415-3373

Email: chris.jolley@rcgov.org

Office Hours: M-F, 08:00am-05:00pm

Course Description:

This course provides students with the principles of responding to low acuity (card 26) calls. To provide an understanding of the role the Paramedic Mobile Medic has in the community and the greater healthcare system. Training includes low acuity patient assessment (protocol 9), communication of the assessment findings to the physician, relaying the physician's medical opinion to the patient, and appropriate documentation of the patient assessment and physician's medical opinion.

Prerequisite:

Rapid City Fire Department Paramedic in good standing

Student Learning Outcomes:

- Describe the characteristics and components of low acuity (card 26) calls
- Explain the roles, responsibilities, and characteristics of the Paramedic Mobile Medic
- Select behaviors that promote EMS workforce safety and wellness
- Apply principles of public health in your role as a Paramedic Mobile Medic
- Perform low acuity patient assessment (protocol 9) and relay findings to the physician
- Apply paramedic ethical principles to your work as a Paramedic Mobile Medic
- Use technology and knowledge of EMS communications systems to communicate effectively in carrying out your responsibilities as a Paramedic Mobile Medic
- Create complete, well-written reports of the patient encounter to include the assessment and physician's medical opinion

Teaching-Learning Methods:

Teaching-learning methods in this course may include, but are not limited to, assigned readings, presentations, discussion, critical thinking exercises, labs, and class activities. Evaluation procedures include quizzes, written examinations, and assignments.

Course Completion Requirements:

Successful completion of this course requires adherence to course policies, maintaining a course average of 80% percent with a minimum score of 80% on each in-class examination, a minimum score of 85% on the course final examination, and successfully demonstrating all required skills.

Course Attendance Policy:

Student attendance is required at all scheduled classes. Students may be dropped from the course for excessive absences of any kind.

If a student misses any class, student is responsible for any missed quizzes, examinations, and material covered in that class session. Prompt arrival is expected at all class activities. It is the student's responsibility to sign in on the attendance roster.

Comportment:

Students are expected to conduct themselves in accordance with the professional expectations for paramedics at all times. Students are reminded that they are representatives of the RCFD whenever and wherever they are involved with course-related activities. Professional conduct is essential to a successful course experience and EMS career.

Dress and Appearance:

Uniform as prescribed by the RCFD while on clinical rotations. Casual during classroom hours.

Academic Dishonesty:

Academic dishonesty in any form will not be tolerated and is grounds for immediate dismissal from the program and other administrative action taken by the program. Examples include, but are not limited to:

- Cheating in any form
- Falsification or forgery of academic documents, applications, clinical evaluations, lab evaluations, etc.
- Plagiarism (including copying and pasting of electronic text into assigned work)

Course Schedule

Date	Chapter	Assignments, Tests, Quizzes
Day 1:	Course Introduction and Overview Roles and responsibilities of the Paramedic Mobile Medic Technology and knowledge of EMS communication systems	
Day 2:	Assessment of the low acuity patient (protocol 9), communication with the physician Relay the physician's medical opinion to the patient Documentation of your patient encounter, including the patient assessment and physician's medical opinion	



RAPID CITY FIRE DEPARTMENT

EMS ACADEMY



Paramedic Mobile Medic Clinical Course Syllabus

Course No:
Semester:
Date:
Days/Time: Clinical times vary per personal schedules

Instructor: Nathan Long, MD
Phone: 605-755-8222
Email: nlong@regionalhealth.com
Office Hours: By appointment

Course Descriptions:

ER Clinical (40 hrs) – This clinical rotation includes observation hours to include rotations in the emergency room to become proficient with patient assessments on the low acuity patient. Focus will be placed on proper assessment and documentation of assessment findings and physician’s medical opinion. The clinical will take place on the emergent care side of the emergency room.

Prerequisite:

Paramedic in the Rapid City Fire Department, acceptance into Paramedic Mobile Medic program; Paramedic Mobile Medic Care course.

Textbook:

None.

Required Materials:

Class uniform, ID badge

Student Learning Outcomes:

- Utilize techniques taught to date
- Assess patients with low acuity (card 26) complaints
- Communicate protocol 9 assessment findings to physician
- Communicate the physician medical opinion to the patient

Teaching-Learning Methods:

- Students will be working under an assigned preceptor at clinical site.
- Students must arrive at the Scheduled Clinical Site 15 minutes early.

- Students need to follow the South Dakota paramedic scope of practice and RCFD protocol 9.
- At the end of shift, complete the required paper work, give to your preceptor (preferably an hour prior to leaving) so there is adequate time for them to evaluate and write it down.
- In class clinical evaluation will consist of case reviews, going over procedures used in current clinical setting and paperwork turned in to staff.

Course Completion Requirements:

Successful completion of this course requires adherence to course policies and successfully completing all of the assigned clinical hours.

Course Attendance Policy:

Student attendance is required at all scheduled clinicals, including class evaluation times. Students may be dropped from the course for excessive absences of any kind.

The course instructor may grant excused absences for extenuating circumstances. If three or more absences occur for any reason, the status of the student will be reviewed by the faculty to determine a disposition. Course failure is likely under these circumstances.

If a student misses any clinical, they must be made up in order to successfully complete the course.

Compartment:

Students are expected to conduct themselves in accordance with the professional expectations for paramedics at all times. Students are reminded that they are representatives of the Rapid City Fire Department whenever and wherever they are involved with course-related activities. Professional conduct is essential to a successful course experience and EMS career.

Dress and Appearance:

Uniform as prescribed by the RCFD while on clinical rotations. Casual during classroom hours.

Academic Dishonesty:

Academic dishonesty in any form will not be tolerated and is grounds for immediate dismissal from the program and other administrative action taken by the program. Examples include, but are not limited to:

- Cheating in any form
- Falsification or forgery of academic documents, applications, clinical evaluations, lab evaluations, etc.
- Plagiarism (including copying and pasting of electronic text into assigned work)

Course Grading and Grading Scale:

This course is a Pass or Fail.

Clinical Schedule:

Clinical times vary per personal schedules.

STATE OF SOUTH DAKOTA
DEPARTMENT OF HEALTH
BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

In Re:

Rapid City Fire Department

TEMPORARY APPROVAL ORDER

Paramedic Mobile Medic Program

WHEREAS, the Rapid City Fire Department submitted a petition requesting approval of a paramedic mobile medic program, and

WHEREAS, the paramedic mobile medic is being authorized by the South Dakota Board of Medical and Osteopathic Examiners to perform an assessment, communicate the assessment findings to the physician for a medical opinion, and then relay the physician's medical opinion to the patient. The patient will make the final decision regarding transport. The paramedic mobile medic shall only communicate the physician's medical opinion to the patient. The paramedic mobile medic training program will ensure that the mobile medic is proficient at performing the protocol 9 assessment, and

WHEREAS, a paramedic who has successfully completed the mobile medic training program may be dispatched as a single unit to low acuity (card 26) calls in a vehicle that is not an ambulance, and is not authorized for patient transport, and perform the duties that are set forth in the scope of practice for paramedics (SDCL 36-4B) and RCFD protocol 9. This shall include providing a low acuity assessment that will allow a physician to provide a medical opinion to the patient about whether the patient needs immediate ambulance transport, or if ambulance transport can be deferred, and

WHEREAS, the paramedic mobile medic shall share the medical opinion from the physician with the patient. The patient then makes the decision about whether to be transported to the hospital or to decline ambulance transportation. Once the physician's medical opinion determines that an ambulance transport is unnecessary, the mobile medic shall cease providing care to the patient; however, if the patient disagrees with the physician's medical opinion and wants to be transported by ambulance, the mobile medic will call for the ambulance and continue to provide care to the patient until the ambulance arrives, and

WHEREAS, the RCFD will provide to the Board the requested faculty, preceptors, examination, and required skills information regarding the Paramedic Mobile Medic program prior to taking dispatch calls. At the end of each month, the RCFD will provide copies of any and all documents associated with each call that the paramedic mobile medic has attended to the board office for at least one year after they start to take dispatch calls, and

WHEREAS, the executive director of the South Dakota Board of Medical and Osteopathic Examiners is authorized by the Board to enter this temporary approval order pending review by the full Board, and

WHEREAS, this matter will be presented to the full Board for consideration at the next Board meeting.

For this reason, said paramedic mobile medic program is temporarily approved pending consideration by the full Board at the next Board meeting.

By: Margaret B. Hansen Date: May 11, 2016
Margaret B. Hansen, Executive Director

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INDEX TO WITNESSES

Direct Cross Redirect Recross

FOR THE BOARD:

MISTY RALLIS

By Mr. Golden: 4

Board rests: 8

INDEX TO EXHIBITS

BOARD EXHIBITS

NUMBER	DESCRIPTION	MARKED	OFFERED	RULED ON
1	License renewal application.	4	7	7
2	07/20/15 SDBMOE letter to Hasart.	4	7	7
3	08/02/15 Hasart letter to SDBMOE.	4	7	7
4	11/28/12 SDBMOE Final Order.	4	7	7
5	SD Unified Judicial System Record Search Report.	4	7	7
6	02/03/16 Hasart letter to SDBMOE.	4	7	7

Original transcript and exhibits provided to the South Dakota Board of Medical and Osteopathic Examiners.

1 (Board Exhibit Numbers 1 through 6, inclusive, marked
2 for identification.)

3 HEARING EXAMINER FRIEBERG: We will go on the record.
4 This is in the matter of Curt Hasart, EMT/Paramedic,
5 Board of Medical and Osteopathic Examiners File Number
6 16-10. It is 1:25 on Friday, February 12, 2016. The
7 board is present and appearing by counsel, William
8 Golden. Mr. Hasart is not present.

9 I would begin by asking Mr. Golden have you been in
10 contact with or had any discussions with Mr. Hasart prior
11 to the hearing that is scheduled for today?

12 MR. GOLDEN: Mr. Hasart had sent an email to the
13 board staff, I believe we have marked it as Exhibit 6,
14 and had requested that his license be surrendered at this
15 time. It would be our intention to continue with the
16 hearing as a matter of default.

17 The petitions that are filed by the board staff set
18 forth the provisions that if the applicant or licensee
19 does not attend that there may be a default proceedings.
20 It would be our intent to offer the exhibits in this
21 matter to support the record for the request.

22 At this point in time we would be making the request
23 that he would be under the conditions that his license --
24 or that he would need to sign up and be evaluated by the
25 Health Assistance Program, Health Professionals

1 Assistance Program, HPAP. We would also ask at that time
2 for the hearing examiner to take his request into account
3 in these proceedings.

4 HEARING EXAMINER FRIEBERG: Did you want to put on
5 any testimony then today?

6 MR. GOLDEN: Very briefly.

7 HEARING EXAMINER FRIEBERG: Okay. Why don't we
8 proceed with that at this time then.

9 MR. GOLDEN: Thank you. The State would call Misty
10 Rallis.

11 MISTY RALLIS,
12 called as a witness at 1:28 p.m., having been first duly
13 sworn, testified as follows:

14 EXAMINATION

15 BY MR. GOLDEN:

16 Q Would you please identify yourself to the Hearing
17 Examiner?

18 A My name is Misty Rallis and I am the Board Investigator
19 for the South Dakota Board of Medical and Osteopathic
20 Examiners.

21 Q How long have you held that position?

22 A Approximately two years.

23 Q Would you describe your position at the South Dakota
24 Medical Board?

25 A As investigator I'm tasked with investigating any written

1 complaint or any complaint that comes through me through
2 the application or renewal process.

3 Q At some point did you get assigned to investigate Curt
4 Hasart?

5 A I did after his renewal in July of 2015.

6 Q Why is that?

7 A He reported on his application that he had had a criminal
8 charge for disorderly conduct.

9 Q And how is Mr. Hasart licensed?

10 A Could you repeat the question?

11 Q What is his profession?

12 A He is a paramedic.

13 Q Does he currently hold a South Dakota license?

14 A He does.

15 Q And when you say a renewal application, what do you mean?

16 A He was required to renew. If he wanted to renew his
17 license, it had to have been done by July 15 of 2015 to
18 keep the license. So this was his renewal for that year.

19 Q Has Mr. Hasart ever been disciplined by this board
20 previously?

21 A He has. He was disciplined in 2012.

22 Q Do you have Exhibit 1 in front of you?

23 A I do.

24 Q What is that?

25 A Exhibit 1 is Mr. Hasart's application for renewal of his

1 paramedic license.

2 Q Do you have Exhibit Number 2 in front of you?

3 A I do. Exhibit Number 2 is the letter that I sent to
4 Mr. Hasart notifying him that his license had been placed
5 under investigation.

6 Q To your knowledge, was a Notice of Hearing sent to
7 Mr. Hasart?

8 A Yes, it was.

9 Q For today's hearing?

10 A Yes, it was.

11 Q Do you have Exhibit 3 in front of you?

12 A Yes.

13 Q What is that?

14 A Exhibit 3 is Mr. Hasart's response to my investigative
15 letter.

16 Q And what materials did he provide?

17 A He provided a brief explanation of what occurred for the
18 disorderly conduct charge and then he also provided some
19 court documents regarding the charge that took place at
20 Kansas.

21 Q Exhibit Number 4?

22 A Exhibit Number 4 is the previous South Dakota Board Order
23 for his discipline.

24 Q And could you just summarize what that was?

25 A In November of 2012 there was a Final Order signed for a

1 reprimand concerning Mr. Hasart and that was due to
2 Mr. Hasart engaging in unprofessional or dishonorable
3 conduct.

4 Q Was that related to criminal charges?

5 A Yes. It was related to simple assault and then he had an
6 arrest for obstructing law enforcement and resisting
7 arrest.

8 Q What is Exhibit Number 5?

9 A Exhibit Number 5 is a record inquiry done through the
10 South Dakota Unified Judicial System that shows
11 Mr. Hasart's criminal charges.

12 Q And Number 6?

13 A Number 6 is an email or letter that was received from
14 Mr. Hasart following the Notice of Hearing for today
15 where he is requesting to voluntarily surrender his
16 paramedic license.

17 Q And did he send anything with it?

18 A He sent his license with it as well.

19 MR. GOLDEN: I would offer Exhibits 1 through 6 at
20 this time.

21 HEARING EXAMINER FRIEBERG: Exhibits 1 through 6 will
22 be received.

23 MR. GOLDEN: Thank you. No further questions.

24 (Whereupon, the witness was excused at 1:31 p.m.)

25 MR. GOLDEN: I have a brief argument.

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HEARING EXAMINER FRIEBERG: All right. Go ahead.

MR. GOLDEN: The staff had requested, as reflected in the petition, since Mr. Hasart has not shown up and contested anything, we ask that you take the facts in the petition to be as alleged and proved by the exhibits the staff has offered.

The recommendation from the board member on this case was that Mr. Hasart enroll in HPAP in order to receive an assessment and to follow the recommendations concerning any mental health or anger management issues that he may be experiencing based on his two convictions for a simple assault and a disorderly conduct, which was actually at his place of work.

Since Mr. Hasart has asked to surrender his license, I do not believe the staff has any objections to that if the board wants to order that his license is to be surrendered instead of the actual recommendation for an evaluation. But at this time I'm only authorized to proceed on the recommendation for HPAP.

HEARING EXAMINER FRIEBERG: Okay. Being nothing further to come before us, that will conclude this hearing.

(Whereupon, the proceedings were concluded at 1:33 p.m.)

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THE BOARD OF MEDICAL AND
OSTEOPATHIC EXAMINERS OF THE
STATE OF SOUTH DAKOTA

IN THE MATTER OF:)	NO. 16-010
)	
Curt Hasart, Paramedic)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW
Respondent.)	
)	
)	

This matter came on for hearing before the undersigned hearing examiner on February 12, 2016 pursuant to the Petition for Board of Medical and Osteopathic Examiners wherein it was requested that due to incidents of unprofessional conduct, Mr. Hasart be mandated into South Dakota Health Professionals Assistance Program (HPAP), and be required to follow all conditions of the program and maintain compliance with all requirements of the program. The South Dakota Board of Medical and Osteopathic Examiners, hereinafter "Board", appeared by and through their counsel, William Golden. Executive Director of the Board, Margaret B. Hansen, was also present on behalf of the Board. Mr. Hasart did not appear despite being given due and proper notice of the hearing.

The Board presented evidence by and through one of its investigators, Misty Rallis, and presented Exhibits 1 through 6 which were received into evidence and are a part of the record. At the conclusion of the testimony, the Board made a brief closing statement and relied upon the contents of the Petition and the Brief in Support of Petition which it had filed prior to the hearing.

Based upon the entirety of the record before the undersigned, the undersigned submits the following:

FINDINGS OF FACT

1. Mr. Hasart submitted his Advanced Life Support Paramedic renewal application on July 15, 2015 (Exhibit 1, Pages 3-7). On his renewal application, Mr. Hasart reported that he was investigated in Kansas for disorderly conduct and battery after a confrontation with a co-worker in April of 2015. This was in response to question 8 on the application inquiring as to whether the applicant has “been subject to a criminal or civil complaint, investigation or proceeding other than minor traffic offenses” (Exhibit 1, Page 6).
2. A notice of investigation was sent to Mr. Hasart on July 20, 2015 (Exhibit 2, Page 8). An explanation of the events and documentation of the investigation were requested in the notice letter.
3. Mr. Hasart’s response was received on August 3, 2015 (Exhibit 3, Pages 9-16). Mr. Hasart said that in April of 2015, he had a conflict with a co-worker, and he pushed his co-worker up against a wall and started yelling at him. Mr. Hasart was charged in the City of Wellington, Kansas with Battery and Disorderly Conduct (Exhibit 3, Pages 11-12).
4. Mr. Hasart signed a Diversion Agreement with the Municipal Court of Wellington wherein, as long as Mr. Hasart complies with the terms of the Diversion Agreement, the charges will be dismissed with prejudice in August of 2016 (Exhibit 3, Page 13-15).

5. On October 19, 2012, Mr. Hasart entered into a Consent Agreement with the Board agreeing to a reprimand based upon unprofessional and dishonorable conduct including, but not limited to, an arrest for a simple assault on July 25, 2011 and an arrest for obstructing law enforcement and resisting arrest on August 22, 2011 (Exhibit 4, Pages 19-20). The Consent Agreement was temporarily approved by Executive Director Margaret B. Hansen on November 20, 2012 and a final order was entered by the Board on November 28, 2012 (Exhibit 4, Pages 17-18). The reprimand indicated that Mr. Hasart had acted unprofessionally and dishonorably which led to his arrests for criminal charges (Exhibit 4, Page 20).
6. By letter dated February 3, 2016, Mr. Hasart made a decision to voluntarily surrender his EMT-Paramedic license number 0809 effective immediately. Mr. Hasart's license was returned to the Board with his letter (Exhibit 6, Pages 27-28).
7. Mr. Hasart has engaged in unprofessional conduct and has not agreed to enroll in the HPAP as recommended by Board staff.

Based upon the foregoing Findings of Fact, the undersigned does hereby make the following:

CONCLUSIONS OF LAW

1. SDCL § 36-4B-31 allows the Board to deny the issuance or renewal of a license or suspend or revoke the license of any advanced life support personnel upon satisfactory proof of the person's "incompetence, or unprofessional or dishonorable conduct as defined in § 36-4-30".

2. SDCL § 36-4-30 defines unprofessional or dishonorable conduct for purposes of SDCL Ch. 36-4B.
3. Mr. Hasart's conduct constituted unprofessional or dishonorable conduct under SDCL § 36-4-30(6) in that Mr. Hasart's assault of a co-worker involved a act of moral turpitude.
4. Mr. Hasart's conduct constituted unprofessional or dishonorable conduct pursuant to SDCL § 36-4-30(22) in that he engaged in conduct which constituted a danger to the health, welfare or safety of the public which was unbecoming a person licensed to as an advanced life support personnel.
5. Mr. Hasart's action of voluntarily surrendering his license to the Board should be accepted, provided, however, if Mr. Hasart disagrees with the revocation, the Board should take disciplinary action based upon Mr. Hasart's unprofessional and dishonorable conduct.
6. Mr. Hasart's history of conduct and assaultive behavior impacts his ability to be licensed as an advanced life support personnel and as such, he is in need of assistance to be permitted to continue to provide services for which he is licensed.
7. Any item designated herein as a Finding of Fact which is more appropriately deemed a Conclusion of Law, shall be deemed a Conclusion of Law. Any item contained herein which is identified as a Conclusion of Law and which is more appropriately deemed a Finding of Fact, shall be deemed a Finding of Fact.

RECOMMENDATION

Based upon the entirety of the record herein, it is recommended that the Board accept the voluntary surrender of license as submitted by Mr. Hasart. If Mr. Hasart disagrees with or revokes the voluntary surrender of his license, Mr. Hasart should be referred to the HPAP program and be required to participate in and follow any and all conditions of the program and maintain compliance with all requirements of the program to retain his licensure.

Dated this 3rd day of March, 2016.



Thomas H. Frieberg
Hearing Examiner

THE BOARD OF MEDICAL AND
OSTEOPATHIC EXAMINERS OF THE
STATE OF SOUTH DAKOTA

IN THE MATTER OF:)	NO. 16-010
)	
Curt Hasart, Paramedic)	PETITION FOR BOARD OF
)	MEDICAL AND OSTEOPATHIC
Respondent.)	EXAMINERS
)	
)	

COMES NOW, the Executive Secretary of the South Dakota Board of Medical and Osteopathic Examiners (BMOE) and files this Petition pursuant to SDCL 36-4B-6, 31, SDCL 1-26 and South Dakota's Administrative Rules (ARSD) 20:78:04 and 05. Respondent, Curt Hasart (Mr. Hasart) submitted a renewal application for his South Dakota Advanced Life Support Paramedic license, and reported that he was investigated in Kansas for disorderly conduct and battery after confrontation with a co-worker in April of 2015. Respondent's address as reported to the BMOE is PO Box 575, Wellington, KS, 67152.

After investigation, a recommendation was made pursuant to ARSD 20:78:04:04 for Mr. Hasart to be mandated into the South Dakota Health Professionals Assistance Program (HPAP). Respondent has contested this recommendation. The Secretary, pursuant to ARSD 20:78:04 and ARSD 20:78:05, therefore files this Petition for a contested case hearing.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A contested case hearing on this licensure action shall be heard by a Hearing Examiner pursuant to ARSD 20:78:05:04. The hearing shall begin at 1:00 pm (central time) on Friday, February 12, 2016, in the BMOE

Conference Room, 101 North Main Avenue, Suite 215, Sioux Falls, South Dakota 57104.

Answer. Respondent may file an Answer within twenty (20) days of the date he is served with this Petition. An Answer, if filed, should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Petition. The Answer and any other pleading must be filed with the BMOE at the following address: BMOE, 101 North Main Avenue, Suite 301, Sioux Falls, South Dakota 57104.

Presiding Officer. The Hearing Examiner will preside over the hearing and make a recommended decision consisting of proposed Findings of Fact, Conclusions of Law, and an Order, to the BMOE. ARSD 20:78:05:06. The BMOE will read the record, transcript of the contested case proceeding, and all exhibits, and make its decision thereon at a BMOE meeting following the contested case hearing. The BMOE may request that the parties appear to present oral argument and objections to the Hearing Examiner's recommended decision. ARSD 20:78:05:06.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at SDCL chs. 36-4B and 1-26, and ARSD chs. 20:78:05. The contested case proceeding is an adversarial proceeding. At the hearing, you have the right to be present, to appear personally, and/or to be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the allegations of the Petition, to produce evidence on your behalf, to present witnesses, to cross-examine witnesses, and to examine and respond

to any documents introduced at hearing. These and other due process rights will be forfeited if they are not exercised at the hearing.

The hearing is open to the public.

Any decision of the BMOE based on the contested case proceeding may be appealed to the circuit court and the State Supreme Court as provided by law.

Pre-hearing Conferences and Continuances. Any party may request a pre-hearing conference to discuss evidentiary issues related to hearing, or may request a continuance, by filing a motion for a prehearing conference with the BMOE at the address above.

Prosecution. Counsel for the Secretary is responsible for representing the public interest (the State) in this proceeding. Counsel for the Secretary is: William H. Golden, Assistant Attorney General, 101 North Main Avenue, Suite 301, Sioux Falls, South Dakota 57104. Copies of all pleadings filed in this matter must be provided to Counsel for the Secretary at this address.

Communications. You may not contact Board members in any manner, including by phone, letter, in person, or by e-mail about this Petition. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the BMOE office and serve upon all parties in this case. See SDCL 1-26-26.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The BMOE has jurisdiction in this matter pursuant to SDCL 36-4B.

Legal Authority. If any of the allegations against you are founded, the BMOE has authority to take disciplinary action against you under SDCL 36-4B-6, 31 and 36-4-30, and ARSD 20:78:04 and 05.

Default. If you fail to appear at the hearing, the BMOE may enter a default decision or proceed with the hearing and render a decision in your absence in accordance with SDCL 1-26.

C. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

Mr. Hasart is subject to discipline under SDCL 36-4B-6 and 36-4-30(6)(12) and (22) when he submitted his renewal application on July 15, 2015, and disclosed that he was investigated in Kansas for disorderly conduct and battery after a confrontation with a co-worker in April of 2015.

FACTUAL CIRCUMSTANCES

1. Mr. Hasart submitted his Advanced Life Support Paramedic renewal application on July 15, 2015 (Exhibit 1, Pages 3-7). On his renewal application, Mr. Hasart reported that he was investigated in Kansas for disorderly conduct and battery after a confrontation with a co-worker in April of 2015.
2. A notice of investigation was sent to Mr. Hasart on July 20, 2015 (Exhibit 2, Page 8). An explanation of the events and documentation of the investigation were requested in the notice letter.

3. Mr. Hasart's response was received on August 3, 2015 (Exhibit 3, Pages 9-16). Mr. Hasart said that in April of 2015, he had a conflict with a co-worker, and he pushed his co-worker up against a wall and started yelling at him. Mr. Hasart was charged in the City of Wellington, Kansas with Battery and Disorderly Conduct.
4. Mr. Hasart signed a Diversion Agreement with the Municipal Court of Wellington where, as long as Mr. Hasart complies with the terms of the Diversion Agreement, the charges will be dismissed with prejudice in August of 2016.
5. Mr. Hasart has been licensed in South Dakota since 2000, and has been the subject of previous Board Action in South Dakota. Mr. Hasart entered into a Consent Agreement with Reprimand with the BMOE in October of 2012 (Exhibit 4, Pages 17-20). The Reprimand was due to his unprofessional and dishonorable acts resulting in an arrest in July of 2011 for simple assault, and a second arrest for obstructing law enforcement and resisting arrest in August of 2011. According to the South Dakota Record Inquiry, Mr. Hasart pled guilty to a Count of 22-11-6 (M1) Obstruct Police, Jailer or Firefighter (Exhibit 5, Pages 21-25). The other charges were dismissed.
6. It is hereby requested that, due to his incidents of unprofessional conduct, Mr. Hasart be mandated into HPAP and be required to follow all

conditions of the program and maintain compliance with all requirements of the program.

D. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the BMOE's settlement process are found at ARSD 20:78:04:04. If you are interested in pursuing settlement of this matter, please contact William Golden, Assistant Attorney General, at (605) 201-8588.

Signed pursuant to Article 20:78:05:02: Petitions for hearing. An applicant for a license, permit, or certificate issued by the board may file a petition for hearing at any time during the processing of an application. The executive secretary may file a petition for hearing to initiate a disciplinary proceeding against a licensee. A petition for hearing shall be signed by the petitioner and contain the following information: the name and address of the applicant or licensee, the basis for the request for hearing, recitation of the applicable statutes or regulations under which the petitioner is requesting board action, and the relief requested by the petitioner.

By: Margaret B. Hansen Date: 1/21/2016
Margaret B. Hansen
Executive Director
South Dakota Board of Medical
and Osteopathic Examiners

Copies to: William Golden
Assistant Attorney General
101 M. Main Ave., Suite 301
Sioux Falls, SD 57104

Curt Hasart
PO Box 575
Wellington, KS 67152

Court of Wellington. As long as Mr. Hasart complies with the terms of the agreement the charges will be dismissed with prejudice in August of 2016.

Mr. Hasart has been licensed in South Dakota since 2000, and has previous South Dakota Medical Board Disciplinary Action. Mr. Hasart entered into a Consent Agreement with Reprimand with the BMOE in October of 2012 (Exhibit 4). The Reprimand was imposed due to the unprofessional /dishonorable acts of Mr. Hasart in an arrest in South Dakota in July of 2011 for simple assault, and in another arrest in South Dakota in August of 2011 for obstructing law enforcement and resisting arrest. According to the South Dakota Record Inquiry, Mr. Hasart pled guilty to a Count of 22-11-6 (M1) Obstruct Police, Jailer or Firefighter (Exhibit 5). The other charges were dismissed.

EVIDENTIARY GROUNDS FOR EXHIBITS

Administrative hearings are not required to follow the technical rules of evidence but are to be applied fairly to both parties. *Daily v. City of Sioux Falls*, 802 N.W. 2d 905 (S.D. 2011). Administrative hearings are controlled by the following statute for evidence to be admitted:

SDCL 1-26-19 Rules of evidence in contested cases. In contested cases:

(1) Irrelevant, incompetent, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied under statutory provisions and in the trial of civil cases in the circuit courts of this state, or as may be provided in statutes relating to the specific agency, shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not otherwise admissible thereunder may be admitted except where precluded by statute if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written

form;

(2) A party may conduct cross-examinations required for a full and true disclosure of the facts;

(3) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the agency.

Our Court has set out the follow require for meeting the necessary due process rights of Parties in the hearing:

Application of the technical rules of evidence is not constitutionally required. United States v. Fell, 360 F.3d 135, 144–45 (2d Cir.2004). Numerous courts have recognized that this is especially true in administrative proceedings. See, e.g., R & B Transp., L.L.C. v. U.S. Dep't of Labor, Admin. Review Bd., 618 F.3d 37, 45 (1st Cir.2010); Hardisty v. Astrue, 592 F.3d 1072, 1075 (9th Cir.2010); Lybesha v. Holder, 569 F.3d 877, 882 (8th Cir.2009) (citing Tun v. Gonzales, 485 F.3d 1014, 1025–26 (8th Cir.2007)). Yet it cannot be doubted that the applicable rules of evidence must be applied in a fair and even-handed manner. See Withrow, 421 U.S. at 46, 95 S.Ct. at 1464 (“[A] ‘fair trial in a fair tribunal is a basic requirement of due process.’” (quoting Murchison, 349 U.S. at 136, 75 S.Ct. at 625)). Daily v. City of Sioux Falls, 802 N.W. 2d 905 (S.D. 2011).

The Executive Secretary of the BMOE will offer the following evidence:

1. Exhibit 1 and Exhibit 2 are admissible under SDCL 19-6-10 as business records.
2. Exhibit 1, Exhibit 2, and Exhibit 4 are admissible as the exception for government under SDCL 19-16-12.
3. Exhibit 3 is admissible as party admissions under SDCL 19-19-801.

BASIS FOR RECOMMENDATION TO MANDATE INTO THE SOUTH DAKOTA HEALTH PROFESSIONALS ASSISTANCE PROGRAM

The purpose of the BMOE is to “safeguard the public health and protect the public from incompetence, deception and fraud” *Katz v. South Dakota State Board of Medical and Osteopathic Examiners*, 432 N.W.2d 274. The legislature may define that which constitutes unprofessional or dishonorable conduct which may absolutely disqualify a person from the practice of medicine. *Katz v. South Dakota State Board of Medical and Osteopathic Examiners* 432 N.W.2d 274. Further, the Court has held the right to practice medicine is not a fundamental right. *Id at foot note 6*

The BMOE’s Review Panel recommends that, due to his repeated incidents of unprofessional and violent conduct and behaviors, Mr. Hasart be mandated into the South Dakota Health Professionals Assistance Program (HPAP), that he follow all conditions of the program, and that he maintain compliance with all requirements of the program. The “Health Professionals Assistance Program,” is a confidential program designed to monitor the treatment and continuing care of any regulated health professional who may be unable to practice with reasonable skill and safety if the professional's mental health issues or substance use disorder is not appropriately managed. SDCL 36-2a-1. HPAP can conduct an evaluation of the healthcare professional and determine what assistance they may need, if any. Mr. Hasart has a history of assaultive behavior which is documented in Court records and is directly related to his employment and his relationships. Mr. Hasart’s conduct is strong evidence that he fails to react to conflict in a professional manner. The Review Panel’s request for evaluation by HPAP is to detect any underlining

mental illness or substance abuse issues that may be contributing to Mr. Hasart's assaultive behavior. The review panel asks that Mr. Hasart be mandated into the program, and that he be required to follow through on any recommendation of the evaluation to ensure that his violent outbursts and behaviors are addressed to prevent future occurrences of unprofessional conduct.

Dated this 28th day of January, 2016.



William Golden
Assistant Attorney General
South Dakota Attorney General's Office
317 N. Main
Sioux Falls, SD 57104

License Renewal - Paramedic License

Number: EMTP 0809 Renewal Tracking # 52655 Submitted on: 7-15-2015

Name Information

CURT HASART

Alternates *None reported.*

Address

Type	Work Address
Public?	Y
Name/Attention	Wellington Fire/EMS
Address	200 N. C Ste 200 Wellington, KS 67152

****Default****

Type	Home Address
Public?	N
Name/Attention	Curt Hasart
Address	PO Box 575 Wellington, KS 67152

Phone and Email

Cell	620-968-7537	
Work	620-326-7444	**Public**
Home	chasart@hotmail.com	**Default**

Identification

Date of Birth	9-18-1978
Birth Place	Pierre, South Dakota UNITED STATES
Gender:	M SSN: XXXXX1485 NPI:
US Citizen	Y

Race/Ethnicity/Languages (ALL OPTIONAL)

White: Y
Black or African American: N
American Indian or Alaska Native: N
Asian: N
Native Hawaiian/Other Pacific Islander: N
Other:
No: Y
Mexican, Mexican American, Chicano/a: N
Puerto Rican: N
Cuban: N
Another Hispanic, Latino/a, or of Spanish origin:
N

What is your race? (check all that may apply):

Ethnicity: Are you Hispanic, Latino/a, or of Spanish origin? (check all that may apply)

Do you speak a language other than English at home?

What is this language? (if you answered Yes to above) N

Education

Name Prairie Lakes Hospital
Location Watertown, SD
Degree Paramedic
Status
Dates Attended 09/1997 to 06/1999
Graduated 06/1999

Practice Information

1. What is your current employment status?: ACTIVEMED
2. Are you currently providing direct clinical or patient care on a regular basis? Y
3. Which of the following best describes your primary area of practice in which you spend most of your professional time: Emergency Medicine
4. Which of the following categories best describes your primary practice or work setting(s) where you work the most hours each week? Other (specify): Pre-hospital
5. How many weeks did you work in medical related positions in the past 12 months? 52
6. For all medical related positions held in South Dakota, indicate the average number of hours per week spent on each major activity:

Clinical or patient care 0 hours/week
 Research 0 hours/week
 Teaching/Education 0 hours/week
 Administration 0 hours/week
 Volunteering (medical related only) 0 hours/week
 Other (specify): 0 hours/week

7. What is the location of the site(s) where you spend most of your time providing direct clinical or patient care? Please enter the complete address for up to three locations and your direct patient care hours per week at each site.

Principal Location

Tim Hay

Wellington Fire/EMS
 200 N. C St.
 Wellington, KS 67152

Direct patient care hours per week at site: 52 hrs.

8. Would you say you work primarily in South Dakota (more than anywhere else)? N
9. If not working in South Dakota, in which states do you practice?

Supervision/Profession Relationships

No information on record.

Continuing Education

My NREMT registry is current and unexpired.

Required Disclosures

Definitions:

All questions use the following definitions whether actions were formally, informally, voluntarily or involuntarily committed: Questions refer to both you and your licensure.

A. **Adverse Action** shall refer to having been terminated, stipulated, restricted, limited, conditioned, counseled, reprimanded, suspended, revoked, refused, denied, not renewed, withdrawn or relinquished.

B. **Claim(s)** shall refer to any malpractice, administrative, civil, or criminal final judgments including any pending claims, lawsuits, judgments, and/or settlements.

C. **Complaint** shall refer to any communications which express concerns, warnings or dissatisfaction about personal or profession conduct and rising to the level that the meetings or comments are documented in a written or digital format.

D. **Entity** shall refer to any licensing or disciplinary board, professional agency or committee, academic program, clinic, hospital, or other health-related entity, or governmental agency or organization.

E. **Health related program** shall refer to private or public insurance, Medicare and Medicaid.

F. **Illegal use of drugs** shall refer to drugs whose possession or distribution is unlawful under the Controlled Substances Act, 21 U.S.C. sec. 812.22. The term does include the unlawful use of prescription controlled substances. It does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provision of Federal law.

G. **Investigation** shall refer to any formal or informal inquiry to acquire and examine facts.

H. **Licensure** shall refer to type of licensure and using any licensure nomenclature such as any registration, permit, certificate, and license. Examples include the subject of this application, DEA registration, etc.

I. **Minor traffic offense** shall refer to any violation which is punishable by a maximum of 30 days in jail, a \$500 fine or both and does not result in a change of driving privileges.

J. **Proceeding** shall refer to whether you have appeared or been requested to appear in private or in public, for a meeting, counseling, hearing, administrative, civil or criminal actions, or been questioned, reviewed, charged, arrested, plead guilty, plead no contest, convicted, received a suspended imposition of sentence or suspended sentence by any entity.

K. **Sexual impropriety** shall refer to misconduct including but not limited to discrimination, complaint, assault, the possession of child pornography, sexual contact with patients or other acts, expressions or gestures that disrespect privacy and are demeaning.

L. **You** shall refer to you or any licensure held by you.

In the past year, or since your last renewal:

01 Is this a true statement for your licensure? "My licensure has not experienced adverse action." Y

*02 Is this a true statement for you? "I have not experienced adverse action." N

Explanation:Received 72 hour suspension for incident with co-worker in April 2015.

03 Has your licensure been subject to any complaint, investigation or proceeding involving any entity? N

*04 Have you been subject to any complaint, investigation or proceeding involving any entity? Y

Explanation:Investigated for disorderly conduct and battery after confrontation with co-worker in April 2015.

05 Have you been dishonorably discharged from a branch of the United States military or National Guard? N

06 Have you had any adverse action during any education, residency or training program N

07 Have you had adverse action with your membership or privileges with any entity regarding your ability to participate in any health related program? N

*08 Have you been subject to a criminal or civil complaint, investigation or proceeding other than minor traffic offenses? Y

Explanation: Investigated for disorderly conduct and battery following confrontation with co-worker in April 2015.

09 Have you had a complaint, investigation or proceeding in any manner concerning sexual impropriety? N

10 Is this a true statement for you? "I have not been reported to NPDB (National Practitioners Data Bank) or HIPDB (Healthcare Integrity and Protection Data Bank)." Y

11 Is this a true statement for you? "I have experienced no adverse action in privileges at any hospital, clinic or health related entity." Y

12 Have you had any claims paid by you or paid on your behalf for any reason? N

13 Have you had any liability insurance company, including malpractice carriers, change, deny or cancel your coverage? N

14 Have you stopped working or practicing for any period of time greater than or equal to 30 consecutive calendar days? N

15 Do you have a physical, mental or emotional condition which may adversely affect your practice? N

16 Have you been treated for or do you have a diagnosis for any Mental Health condition. (If yes, please ask your treating provider to send a status letter to the Board office). N

17 Does your use of alcohol or drugs affect your ability to provide appropriate care to patients? N

18 Are you currently using illegal drugs or prescription controlled medications in an illegal manner? N

TERMS AND CONDITIONS:

AUTHORIZATION AND RELEASE:

Any references to the terms "Users" or "Users of this Application" in this authorization shall include the following entities:

- The South Dakota State Board of Medical and Osteopathic Examiners together with its board members, staff members, legal counsels, investigators
- agents, employees, contractees, and authorized representatives hereinafter collectively referred to as SDBMOE;
- Any other state or national medical licensing, medical reporting or medical regulatory board;
- The Federation of State Medical Boards;
- Any other South Dakota or United States agency in furtherance of and in compliance with SDBMOE's duties and responsibilities under my South Dakota Medical Practices Act and its administrative regulations.

I am the person described herein. I have not engaged in any acts prohibited by the criminal or medical statutes of the State of South Dakota. I am the person named on any diploma or certificate that I have received, I am the lawful holder of said diploma or certificate, and the diploma or certificate was given to me in the regular course of instruction and examination without fraud or misrepresentation.

HIPAA AUTHORIZATION: Per 45 CRF 164.512, the Privacy Rule permits covered entities to disclose protected health information without authorization for specified public health purposes. The South Dakota Board of Medical and Osteopathic Examiners, as a health oversight agency, is legally authorized to receive protected health information without authorization for health oversight agency purposes.

THIRD PARTIES:

(The following deals with SDBMOE consulting with and receiving information from third parties.)

I authorize SDBMOE to consult with any third person or party who may have information or evidence concerning my professional, ethical, mental and physical qualifications, or any other matter that SDBMOE deems relevant regarding my continuing qualifications for licensure with SDBMOE. These third persons and parties include hospitals, institutions or organizations, my references, physicians, therapists, previous and present employers, past and present business and professional associates, and local, state, federal or foreign governmental agencies and instrumentalities, courts of any jurisdiction, associations, institutions or law enforcement agencies, together with their representatives thereof, who have custody or control of any documents, records, information or evidence that SDBMOE deems relevant to my renewal application.

I authorize such third persons and parties to unconditionally release to SDBMOE any such information, including documents, records regarding charges or complaints filed against me, formal, or informal, pending or closed, or any other pertinent data or evidence whether favorable or unfavorable that SDBMOE deems relevant to licensure, and to permit the SDBMOE to inspect, receive, and make copies of such documents, records, evidence, medical records and other information for SDBMOE's evaluation of my professional, ethical, mental and physical qualifications that SDBMOE deems relevant to licensure.

I release, discharge and exonerate from any and all claims, damages and liabilities whatsoever such third persons and parties, together with their authorized representatives, who in good faith and without malice, consult with and release to SDBMOE such information, evidence, files or records requested by SDBMOE that SDBMOE deems relevant to licensure.

AFFIDAVIT:

I, the applicant for licensure with the South Dakota State Board of Medical and Osteopathic Examiners (SDBMOE), state that I am the applicant in the above application, that I have read the foregoing application and releases and know the contents thereof, and I unconditionally declare and affirm under the penalties of perjury that the statements made in this application been examined by me, and to the best of my knowledge and belief, are in all things true and correct. I further state that should I furnish any false information in this application, such act shall constitute cause for the denial, suspension or revocation of any license issued to me by the South Dakota State Board of Medical and Osteopathic Examiners.

I understand and agree that my submission of this application and actions subsequent thereto, but prior to licensure, shall bear directly upon my qualifications for licensure, and I fully understand that the SDBMOE may consider all such actions in its determination whether to grant licensure. To that end, I agree that any unprofessional or harassing behavior on my part, or on the part of any agent of mine, with the SDBMOE's members or staff shall establish grounds for the immediate cessation of all processing of this application and disqualify me for licensure in South Dakota. A determination regarding derogatory information or of unprofessional or harassing behavior shall be the sole determination of the SDBMOE, and I will not assert that any other entity, judicial, or otherwise, may make such determination. I understand and agree that cessation of processing of this application by the users as a result of the acts of omissions by myself as described in this paragraph shall not require the SDBMOE, to offer me a hearing or any other due process right, or any other statutory or constitutional rights, and that I will not assert that I am entitled to a hearing.

Signed:

Curt Hasart 09/18/1978

</html

SOUTH DAKOTA

BOARD OF MEDICAL
AND OSTEOPATHIC
EXAMINERS

SDBMOE
101 N MAIN AVE, SUITE 301
SIOUX FALLS, SD 57104
SDBMOE@STATE.SD.US
P 605-367-7781 F 605-367-7786
HTTP://WWW.SDBMOE.GOV



July 20, 2015

Curt Hasart
PO Box 575
Wellington, KS 67152

Dear Mr. Hasart:

According to the South Dakota administrative rules for investigations¹, you are receiving this letter to notify you of an investigation, that a file is being opened in this matter, and that a response from you is required. The investigation is in regard to the reported "investigated for disorderly conduct and battery after confrontation with a coworker". We ask that you provide an explanation of the events and any and all documentation associated with that investigation. We would appreciate receiving your response no later than August 3, 2015. Your response is your initial opportunity to be heard and this response and all data collected during this inquiry are deemed confidential by the Board in accordance with SDCL 1-27-1.5(5) and SDCL 36-4-31.5.

Ex parte communication is prohibited pursuant to SDCL 1-26-26. This means that neither you, nor any attorney(s) on your behalf, nor any other third party is to contact any Board members by phone, letter, facsimile, email, in person, or by any other method. You are entitled to due process rights during the complaint process as well as once a recommendation is made.

Thank you for your cooperation, and we anticipate your prompt response. Should you need additional time to respond, please notify this office in writing by US mail or by email to SDBMOE@state.sd.us to make other arrangements.

Sincerely,

Misty Rallis
Board Investigator

¹ **SDCL 20:78:04:03. Investigations.** The executive secretary shall initiate investigation of a complaint by notifying the license, permit, or certificate holder of the complaint and obtaining a response to the complaint. If the executive secretary determines that the complaint concerns compliance with licensing standards and requirements, the executive shall investigate the complaint. The notice shall be in writing and shall include a statement that the licensure or licensee is entitled to due process rights, including the right to notice and an opportunity to be heard and to be represented by counsel. The executive secretary may appoint a board member to assist in the investigation.

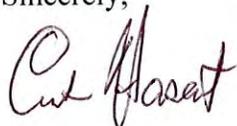
Curt Hasart
PO Box 575
Wellington, KS 67152
August 2, 2015

SDBMOE
Misty Rallis
101 N Main Ave, Ste 301
Sioux Falls, SD 57104

Dear SDBMOE:

Per your request from your letter dated July 20, 2015, I have enclosed court documents that have been presented to me at this time. Enclosed are the initial complaint and summons and the diversion agreement to the case. The Diversion Agreement is scheduled to be signed by the judge on August 9, 2015 to complete the case. In the event your office needs additional documents, (ex. Motion for discovery) your office will have to contact the prosecuting attorney's office as I am not privy to those documents.

Sincerely,

A handwritten signature in dark ink, appearing to read "Curt Hasart", written in a cursive style.

Curt Hasart

Enclosures

Curt Hasart
PO Box 575
Wellington, KS 67152
August 2, 2015

SDBMOE
Misty Rallis
101 N Main Ave, Ste 301
Sioux Falls, SD 57104

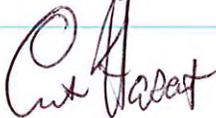
Dear SDBMOE:

Per your request from your letter dated July 20, 2015, here is a brief explanation to the charges.

On the morning of April 8, 2015, I along with my EMS crew responded to a medical emergency. Upon arrival, a patient was found to be in critical condition and additional resources were required. The call for additional assistance brought the victim, Sam Pacino, to the scene. Upon his arrival, he simply started to tell me how to run the call, telling me I was doing care wrong and doing his own treatments instead of assisting. There also had been an ongoing professional conflict between myself and Mr. Pacino. Upon returning to the fire station after the call, I confronted Mr. Pacino where I pushed him up against a wall and started yelling at him.

Since incident, there has been no further issue between myself and Mr. Pacino.

Sincerely,

A handwritten signature in black ink that reads "Curt Hasart". The signature is written in a cursive style with a large initial "C".

Curt Hasart

IN THE MUNICIPAL COURT OF WELLINGTON, KANSAS
317 S. WASHINGTON, WELLINGTON, KANSAS 67152
Court Time 6:30 P.M.

APR 23 2015

WELLINGTON, KANSAS

CITY OF WELLINGTON, Plaintiff

CODE NO. 15 PO 48

vs.

CASE NO. 15MC218

CURT CHRISTOPHER HASART,
(WM, DOB 29-18-78)
1817 North B
Wellington, KS 67152

Defendant

THE CITY OF WELLINGTON TO: Curt Hasart, 1817 North B , Wellington, KS 67152

SUMMONS

YOU ARE HEREWITH SUMMONED AND required to appear in person before the Municipal Court of Wellington, Kansas, at 317 S. Washington, Wellington, KS 67152, on the 20th day of May, 2015, at 6:30 p.m. to answer the following charge, to-wit:

On April 8, 2015, the Defendant:

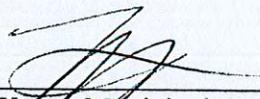
Count 1

did unlawfully knowingly cause physical contact with another person, to-wit: Sam Pacino; done in a rude, insulting, or angry manner, to-wit: during an argument, Hasart pushed and grabbed Pacino.. [BATTERY, Section 3.1, Class B Misdemeanor]

Count 2

and did then and there unlawfully engage in brawling and fighting which he knew or should have known would alarm, anger, or disturb others or provoke an assault or other breach of the peace. [DISORDERLY CONDUCT, Section 9.1, Class C Misdemeanor]

WITNESS MY HAND, at my office in the City of Wellington, in Sumner County, this 23rd day of April, 2015.



Frank L. Korté, Municipal Court Judge

Received this Summons this _____ day of _____, 2015, and served the same by _____ on _____ Date

Law Enforcement Officer

APR 22 2015

Exhibit 3

IN THE MUNICIPAL COURT OF WELLINGTON, KANSAS

WELLINGTON, KANSAS

CITY OF WELLINGTON, Plaintiff

CODE NO. 15 PO 48

vs.

CASE NO. 15MC218

CURT CHRISTOPHER HASART,
(WM, DOB 09-18-78)
1817 North B
Wellington, KS 67152

Defendant

COMPLAINT

STATE OF KANSAS, COUNTY OF SUMNER: SS

Kerwin L. Spencer, Municipal Prosecutor for the City of Wellington, being first duly sworn upon his oath, states that on or about April 8, 2015, within the corporate limits of the City of Wellington, Sumner County, Kansas, that above-named Defendant:

Count 1

did unlawfully knowingly cause physical contact with another person, to-wit: Sam Pacino; done in a rude, insulting, or angry manner, to-wit: during an argument, Hasart pushed and grabbed Pacino.. [BATTERY, Section 3.1, Class B Misdemeanor]

Count 2

and did then and there unlawfully engage in brawling and fighting which he knew or should have known would alarm, anger, or disturb others or provoke an assault or other breach of the peace. [DISORDERLY CONDUCT, Section 9.1, Class C Misdemeanor]

Witnesses: Jared Hedge Jeff Mraz Sam Pacino Jerry Preston Timothy Hay

Complainant was advised of the following facts through the written report of Officer Jared Hedge. On April 8, 2015, about 3:28 a.m., Officers Hedge responded to a report of two firefighters in a physical altercation at the fire department. Assistant Chief Mraz advised when Curt Hasart and Sam Pacino returned from a Code Blue call, Hasart yelled at Pacino, then punched, then grabbed Pacino by the neck. Hedge interviewed Hasart who confirmed that he was angry and pushed, then grabbed Pacino.

Kerwin L. Spencer

City Prosecutor

SUBSCRIBED AND SWORN to before me this 22 day of April, 2015.

Shelley S. Spencer

Notary Public



IN THE MUNICIPAL COURT OF WELLINGTON, KANSAS

CITY OF WELLINGTON, Plaintiff

vs

CASE NO 15 MC 218

CURT CHRISTOPHER HASART, Defendant

DIVERSION AGREEMENT

The Wellington Municipal Court Prosecutor has determined the diversion of the above named Defendant would be in the interest of justice and of benefit to the Defendant and the community. Therefore pursuant to K.S.A. 22-2907, et seq., the City of Wellington and Curt Hasart (WM, DOB 9-18-78 SS#xxx-xx-1485) hereby enter into the following diversion agreement for the crimes of Battery and Disorderly Conduct in violation of Sections 3.1 and 9.1 Wellington Municipal Code, on or about April 8, 2015, such charge being filed in Wellington Municipal Court in Sumner County, Kansas.

1. The Defendant hereby waives all rights under the law or the constitution of Kansas or the United States to a speedy trial and all such rights to a trial by jury.
2. The Defendant shall forthwith pay the Municipal Court the sum of \$260.50, which represents a \$200 Diversion fee and \$60.50 court costs.
3. Defendant shall maintain employment while on Diversion and notify the City Prosecutor of any change in his employment status.
4. The Defendant shall notify the Municipal Court immediately in writing of any change in address or any arrest of the Defendant during the term of this diversion, and shall continuously keep the Court informed of his current telephone number.
5. The Defendant shall not violate any Federal, State, or Local law during his diversion. Any criminal violation other than a minor traffic offense will result in revocation of this diversion.
6. The City shall dismiss the aforementioned charges with prejudice on the first Wednesday in August, 2016, provided Defendant has complied with the terms of this agreement.
7. It is hereby agreed that Defendant's case shall be continued until the date certain on the Stay of Proceedings issued by the Court upon filing this agreement and that an additional condition of this diversion is that the Defendant shall appear in Court in response to any notice to so appear sent by certified or regular mail by the Defendant at his last known address. Defendant further understands and agrees that if he shall fail to appear at any

diversion revocation hearing following notice of such hearing being attempted by mail at this last known address that a bench warrant shall be issued for Defendant's arrest.

- 8. Defendant shall send a written letter to the prosecutor thirty days prior to conclusion of the diversion which shall list all arrests and/or convictions of defendant occurring during the term of this diversion.
- 9. In the event Defendant violates this Diversion, it is hereby agreed that this case shall proceed to trial based solely upon the following factual stipulation:

The official police reports shall be received as evidence by the Court without any further foundation. Defendant stipulates that on April 8, 2015 Defendant did knowingly cause physical contact with Sam Pacino within Wellington done in a rude, insulting, or angry manner by angrily pushing Pacino during an argument. This was not done in self defense and Hasart also yelled at Pacino during this altercation which was alarming to other persons present.

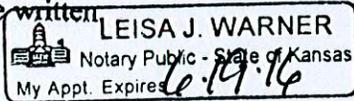
Curt Hasart

Defendant

COUNTY OF SUMNER, STATE OF KANSAS: SS

BE IT REMEMBERED, that on this 28th day of July, 2015, before me the undersigned, a Notary Public in and for the county and state aforesaid, came Curt Christopher Hasart who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Leisa J. Warner
Notary Public

Attorney for Plaintiff

S. Brady Skov

Attorney for Defendant

Kerwin L. Spencer
Wellington City Prosecutor
119 E. 11th
Wellington, Kansas 67152
620-326-6199

IN THE MUNICIPAL COURT OF WELLINGTON, KANSAS

CITY OF WELLINGTON, Plaintiff

vs.

CASE NO.

CURT CHRISTOPHER HASART, Defendant

STAY OF PROCEEDINGS

Now on this _____ day of August, 2015, the above-entitled case comes before the court on Defendant's motion to Stay further proceedings herein until the first Wednesday in August, 2015, due to the parties having previously filed a Diversion Agreement herein. Defendant acknowledges he has waived his right to a speedy trial herein. Said Diversion Agreement is for the crimes of Battery, Section 3.1 Class B Misdemeanor and Disorderly Conduct, Section 9.1 Class C Misdemeanor.

Whereupon the Court hereby stays further proceedings on this case until the first Wednesday in August, 2016, at 6:30 p.m., or until such sooner time in which a Motion might be filed requesting a revocation of Diversion due to Defendant's noncompliance with the Diversion Agreement.

Municipal Court Judge

Approved by:

:

Approved by:

S. B. [Signature]

SOUTH DAKOTA
BOARD OF MEDICAL
AND OSTEOPATHIC
EXAMINERS

SDBMOE
101 N MAIN AVE, SUITE 301
SIOUX FALLS, SD 57104
SDBMOE@STATE.SD.US
P 605-367-7781 F 605-367-7786
HTTP://WWW.SDBMOE.GOV



DOCUMENT Receipt or Delivery ACKNOWLEDGEMENT

Verified by Government Issued ID

8-3-15

Date



Document Title

Curt Hasart

Person Named in Document

Curt Hasart

Print Name

Person Receiving or Delivering Document - Verified by Government Issued ID

Curt Hasart

Signature

Person Receiving or Delivering Document - Verified by Government Issued ID

Lisa Anderson

Staff Member Signature

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Re: CURT HASART
EMT/Paramedic License #0809

FINAL ORDER

The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners ("the Board"), and Mr. Hasart having entered into a Consent Agreement with Reprimand, and the executive director, having been authorized by the Board, signed a temporary approval order on November 20, 2012, and

The Board having been fully advised in the premises thereof;
NOW; THEREFORE, the Board hereby:

APPROVES the Consent Agreement with Reprimand and the temporary order of approval and enters this Final Order. Further, these are public records of the Board and the State of South Dakota and shall be published on the Board's website and reported to the national data banks and any other entity deemed appropriate by the Board and in compliance with State and Federal law.

By:  Date: 28 Nov 12
South Dakota Board of Medical and Osteopathic Examiners

STATE OF SOUTH DAKOTA } s.s.
MINNEHAHA COUNTY

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary

By: MBH by JTP
Date: 12-4-12

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Re: CURT HASART

TEMPORARY APPROVAL
ORDER

Curt Hasart (Mr. Hasart) and the South Dakota Board of Medical and Osteopathic Examiners (the Board) have entered into a Consent Agreement with Reprimand. The Board has authorized the executive director to execute this temporary approval order pending consideration by the Board at its next Board Meeting.

For this reason, said document has been temporarily approved pending consideration by the Board.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By: Margaret B. Hansen Date: 11/20/2012
Margaret B. Hansen
Executive Director

STATE OF SOUTH DAKOTA }
MINNEHAHA COUNTY } s.s.

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary
By: MJBH by TCH
Date: 11-20-12

STATE OF SOUTH DAKOTA } s.s.
MINNEHAHA COUNTY

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Executive J...
By: [Signature] by JCH
Date: 11-20-12

IN RE: Curt Hasart

CONSENT AGREEMENT WITH REPRIMAND

This Consent Agreement with Reprimand, made and entered into by the South Dakota Board of Medical and Osteopathic Examiners, hereinafter referred to as "the Board", and Curt Hasart, hereinafter referred to as "Mr. Hasart", and the Board having been advised of the premises witnesseth:

1. Mr. Hasart is the holder of an active South Dakota EMT-Paramedic license.
2. Mr. Hasart engaged in unprofessional or dishonorable conduct, including but not limited to actions which would violate the provisions of SDCL 36-4-30(22).
3. Mr. Hasart's acts of unprofessional or dishonorable conduct include, but are not limited to the following: he was arrested for a simple assault incident that occurred on July 25, 2011, and he was arrested on August 22, 2011, for obstructing law enforcement and resisting arrest.
4. Mr. Hasart agrees that his behavior and his criminal charges constitute acts of unprofessional or dishonorable conduct.
5. Informal Agreement: It is the intent of the parties to this Consent Agreement with Reprimand to provide for the informal compromise and settlement of all issues which could be raised by a formal contested hearing. The Consent Agreement with Reprimand will be presented to the Board at a future meeting where it may accept, modify or reject the agreement.
6. Waiver of Rights: Mr. Hasart understands he has the right to consult with an attorney of his own choosing and has a right to an administrative hearing on the facts in this case. He understands and agrees that by signing this Consent Agreement with Reprimand he is waiving his rights to counsel and to a hearing. He further understands and agrees that by signing this Consent Agreement with Reprimand he is voluntarily and knowingly giving up his right to present oral and documentary evidence; to present rebuttal evidence, to cross-examine witnesses against him and to appeal the Board's decision to Circuit Court.
7. Consent Agreement, Decision and Order: Mr. Hasart agrees that the Board has the authority to issue the following Consent Agreement with Reprimand and subsequent Order.

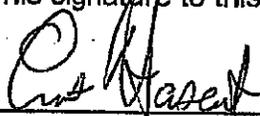
REPRIMAND

Reprimand: The following reprimand shall be placed in Mr. Hasart's file:

The Board hereby reprimands you, Curt Hasart, for the unprofessional or dishonorable conduct you exhibited which led to your arrests.

IT IS FURTHER AGREED that this Consent Agreement with Reprimand shall take effect immediately upon its adoption by the Board and is a public record of the Board and the State of South Dakota. The action taken by the Board in this Consent Agreement with Reprimand will be published on the Board's website, and reported to the national data banks, and all other entities deemed necessary by the Board in compliance with state and federal law.

Mr. Hasart has unconditionally agreed to this Consent Agreement with Reprimand by affixing his signature to this document.

By:  Date: October 19, 2012
Curt Hasart

By: _____ Date: _____, 2012
Attorney for Mr. Hasart (optional)

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By:  Date: 11-13-2012, 2012
South Dakota Board of Medical and Osteopathic Examiners



South Dakota Unified Judicial System



Record Search Report

Name: HASART, CURT	DOB: 09/18/1978	Gender: M	Party ID: 4253804	UJS ID: 1432031
Address: PO BOX 575 WELLINGTON, KS 67152				
Aliases: HASART, CURT; HASART, CURTIS CURTIS; HASART, CURTIS C; HASART, CURT C; HASART, CURTIS				

Docket Number: 32C12000305A0 filed in Hughes County on 07/03/2012 Case Status: Terminated

Filing Name: HASART, CURTIS Arrest Date: 07/20/2012 Arrest Time: PCN:
Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney
Counsel Name: SCHREIBER, BRAD Counsel Type: Retained (Private) Counsel

Count of 22-18-1 (M1) DOM ABUSE - SIMPLE ASSAULT (Domestic Violence)

On 09/06/2012 the defendant pled Not Guilty **Disposed on 03/01/2013 Disposition: Dismissed-Motion by Prosecutor**

*** Warrant History ***	
Issued on 07/09/2012 for Arrest Warrant	Status: \$500.00 - Cash-Returned - 08/13/2012
*** Bond(s) Ordered ***	
Cash Bond Posted on 08/10/2012	Status: \$500.00 Returned 03/05/2013 - Posted by HASART, CURT

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Arraignment		09/06/2012	10:30AM	Held
Initial Appearance		08/20/2012	10:00AM	Waived
Status Hearing		11/29/2012	9:30AM	Held
Status Hearing		01/03/2013	10:00AM	Continuance-Requested by Defendant
Status Hearing		02/28/2013	10:30AM	Held
Status Hearing		03/28/2013	10:00AM	

Docket Number: 58CIV12000053 filed in Stanley on 06/04/2012 Case Status: Terminated

Plaintiff: HASART, MARVIN
Plaintiff: HASART, PAT
Filing Name: HASART, CURT
Filing Name: JONES, THERESA

Proceeding Description	Judge	Begin Date	Begin Time	Status Description
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Judgment	Judgment Status	Debtor(s)	Debtor Status	Creditor(s)
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Docket Number: 32CIV11000493 filed in Hughes on 11/14/2011 Case Status: Terminated

Plaintiff: MIDLAND FUNDING LLC AS SUCCESSOR IN INTEREST TO CREDIT ONE BANK, N.A.
Filing Name: HASART, CURT

Proceeding Description	Judge	Begin Date	Begin Time	Status Description
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Judgment	Judgment Status	Debtor(s)	Debtor Status	Creditor(s)
01	Active	HASART, CURTIS C	Active	
01	Active			MIDLAND CREDIT MANAGEMENT INC.

Judgment Activity	Judgment Date	Amount	Filing Date/Time	Docketing Date/Time
Original Judgment	1/9/2012	\$1,440.58	01/10/2012 01:00 PM	01/10/2012 01:28 PM
Original Cost	1/9/2012	\$95.00	01/10/2012 01:00 PM	01/10/2012 01:28 PM
Original Interest	1/9/2012	\$487.33	01/10/2012 01:00 PM	01/10/2012 01:28 PM

Docket Number: 32C11000405A0 filed in Hughes County on 08/24/2011 Case Status: Terminated
 Filing Name: HASART, CURT Arrest Date: 08/22/2011 Arrest Time: 10:54 AM PCN: 51051585669
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney
 Counsel Name: MAULE, THERESA Counsel Type: Retained (Private) Counsel

Count of 22-11-6 (M1) OBSTRUCT POLICE,JAILER OR FIREFIGHTER

On 09/06/2011 the defendant pled No Plea Entered **Disposed on 09/06/2011 Disposition: Dismissed-Motion by Prosecutor**
 Fine: \$336.00 Costs: \$84.00

Count of 22-11-4 (M1) RESISTING ARREST

On 09/06/2011 the defendant pled No Plea Entered **Disposed on 09/06/2011 Disposition: Dismissed-Motion by Prosecutor**

Count of 22-18-35 (M2) DISORDERLY CONDUCT

On 09/06/2011 the defendant pled Not Guilty **Disposed on 01/12/2012 Amended Disposition: Dismissed-Motion by Prosecutor**
 On 09/06/2011 the defendant pled Not Guilty **Disposed on 01/12/2012 Disposition: Dismissal-Deferred Prosecution**

Count of 22-11-6 (M1) OBSTRUCT POLICE,JAILER OR FIREFIGHTER

On 01/12/2012 the defendant pled Guilty by POA **Disposed on 01/12/2012 Disposition: Judgment on Plea of Guilty**
 Sentenced on 01/12/2012
 Incarcerated to Jail for 15 Day(s) Concurrent with 5 Day(s) suspended and credit for 10 Day(s) served.

Count of 22-11-4 (M1) RESISTING ARREST

On 09/06/2011 the defendant pled Not Guilty **Disposed on 01/12/2012 Disposition: Dismissal-Deferred Prosecution**
 Fine Due Date: 02/13/2012

*** Bond(s) Ordered ***	
Cash Bond Posted on 09/01/2011	Status: \$10500.00 Inactive 01/13/2012 - Posted by ZZRUPE, ERIC

Conditions	
1	PAY THE FINE & COSTS Condition Expiration Date: 20120213
2	LAW ABIDING CITIZEN; NO VIOLATIONS OF THE LAW Condition Expiration Date: 20130112 [COND-TIME] = 1 [COND-TIME-UNIT] = Y

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Motions Hearing		10/13/2011	2:00PM	Continuance-Requested by Defendant
Sentencing Hearing		01/12/2012	10:30AM	Held

Arraignment	01/12/2012	10:30AM	Held
Initial Appearance	08/26/2011	9:00AM	Held
Arraignment	09/06/2011	1:30PM	Held
Status Hearing	01/05/2012	10:30AM	Continuance-Requested by Court
Bond Hearing	08/26/2011	9:00AM	Held
Status Hearing	12/01/2011	11:00AM	Held
Status Hearing	12/08/2011	11:00AM	Held
Bond Hearing	09/06/2011	1:30PM	Held

Docket Number: 32C11000380A0 filed in Hughes County on 08/16/2011 Case Status: Terminated
 Filing Name: HASART, CURTIS Arrest Date: 08/22/2011 Arrest Time: PCN: 51051585667
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney
 Counsel Name: MAULE, THERESA Counsel Type: Retained (Private) Counsel

Count of 22-18-1 (M1) DOM ABUSE - SIMPLE ASSAULT (Domestic Violence)

On 01/12/2012 the defendant pled No Plea Entered **Disposed on 01/12/2012 Disposition: Dismissal-Deferred Prosecution**

*** Warrant History ***	
Issued on 08/19/2011 for Arrest Warrant	Status: \$500.00 - Cash-Returned - 08/22/2011
*** Bond(s) Ordered ***	
Cash Bond Posted on 08/24/2011	Status: \$500.00 Inactive 01/13/2012 - Posted by ZZELLER, ASHLEY

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Status Hearing		10/13/2011	2:00PM	Continuance-Requested by Defendant
Status Hearing		12/08/2011	11:00AM	Held
Initial Appearance		09/12/2011	10:00AM	Held
Status Hearing		12/01/2011	11:00AM	Held
Status Hearing		01/05/2012	10:30AM	Continuance-Requested by Court
Status Hearing		01/12/2012	10:30AM	Held

Docket Number: 32TPO11000342 filed in Hughes on 07/25/2011 Case Status: Terminated Disposition: Granted
 Petitioner: THERESA FRICK Counsel Name:
 Respondent: CURT HASART Counsel Name:

A Permanent Order of Protection against DOMESTIC ABUSE was issued on 08/24/2011 and expires on 08/24/2016 against CURT HASART by THERESA FRICK

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
TPO-Ex Parte Order Hearing	Mark Barnett	7/25/2011	12:00 AM	Held
All Other Hearings	Lori Wilbur	8/8/2011	11:00 AM	Continuance-Requested by Defendant
All Other Hearings	Mark Barnett	8/22/2011	12:00 AM	Held
TPO-Permanent Order Hearing	Mark Barnett	8/24/2011	12:00 AM	Cancelled - Decision Prior To

Docket Number: 29399M1000261 filed in Hand County on 06/28/2010 Case Status: Terminated
 Filing Name: HASART, CURT C Arrest Date: 06/15/2010 Arrest Time: 6:00 PM PCN:
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney

Count of 32-25-1.1 (M2) SPEEDING ON A STATE HIGHWAY

On 07/13/2010 the defendant pled Guilty by POA **Disposed on 07/13/2010 Disposition: Judgment on Plea of Guilty**

Sentenced on 07/13/2010 Fine: \$56.00 Costs: \$66.00

Fine Due Date: 07/13/2010

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		07/13/2010	12:00AM	Waived

 Docket Number: 32TPO07000240 filed in Hughes on 06/29/2007 Case Status: Terminated Disposition: TPO-Dismissed-Other
 Petitioner: CURT HASART Counsel Name: EMILY SOVELL
 Respondent: THERESA FRICK Counsel Name:

A case of STALKING was filed against THERESA FRICK by CURT HASART

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
TPO-Ex Parte Order Hearing	James W. Anderson	6/29/2007	12:00 AM	Held
All Other Hearings	James W. Anderson	7/23/2007	3:30 PM	Held
TPO-Permanent Order Hearing	James W. Anderson	8/6/2007	9:00 AM	Held

 Docket Number: 29399M0400270 filed in Hand County on 09/07/2004 Case Status: Terminated
 Filing Name: HASART, CURTIS C Arrest Date: 09/07/2004 Arrest Time: 1:49 PM PCN:
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney

Count of 32-25-1.1 (M2) SPEEDING ON A STATE HIGHWAY

On 09/28/2004 the defendant pled Guilty by POA **Disposed on 09/28/2004 Disposition: Judgment on Plea of Guilty**
 Sentenced on 09/28/2004 Fine: \$55.00 Costs: \$44.00
 Fine Due Date: 09/28/2004

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		09/28/2004	12:00AM	Waived

 Docket Number: 32CIV03000470 filed in Hughes on 11/14/2003 Case Status: Terminated
 Plaintiff: HASART, CURTIS CURTIS
 Filing Name: FRICK, THERESA

Proceeding Description	Judge	Begin Date	Begin Time	Status Description
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Judgment	Judgment Status	Debtor(s)	Debtor Status	Creditor(s)
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 Docket Number: 32REC03000467 filed in Hughes on 11/13/2003 Case Status: Terminated
 Plaintiff/obligee: STATE OF SOUTH DAKOTA EX REL
 Plaintiff/obligee: FRICK, THERESA
 Defendant/obligor: HASART, CURTIS CURTIS

Proceeding Description	Judge	Begin Date	Begin Time	Status Description
All Other Hearings		07/25/2011	9:00 AM	Held
Other Hearing		01/21/2014	9:00 AM	Held

=====
 Judgement Status Debtor(s) Creditor(s)
 =====
 HASART, CURTIS
 CURTIS

STATE OF SOUTH
 DAKOTA EX REL
 FRICK, THERESA

Judgement Activity	Judgment Date	Amount	Filing Date	Time	Docketing Date/Time
	10/17/2007				
	07/25/2011				
	02/12/2014				

Docket Number: 02399M0000806 filed in Beadle County on 05/11/2000 Case Status: Terminated
 Filing Name: HASART, CURTIS C Arrest Date: 05/03/2000 Arrest Time: 1:11 PM PCN:
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney

Count of 32-25-1.1 (M2) SPEEDING ON A STATE HIGHWAY

On 06/07/2000 the defendant pled Guilty by POA **Disposed on 06/07/2000 Disposition: Judgment on Plea of Guilty**
 Sentenced on 06/07/2000 Fine: \$75.00 Costs: \$33.00
 Fine Due Date: 06/07/2000

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		06/07/2000	12:00AM	Waived

Docket Number: 19399M9700515 filed in Deuel County on 09/15/1997 Case Status: Terminated
 Filing Name: HASART, CURTIS C Arrest Date: 09/11/1997 Arrest Time: 5:40 PM PCN:
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney

Count of 32-25-4 (M2) SPEEDING ON INTERSTATE HIGHWAY

On 10/13/1997 the defendant pled Guilty by POA **Disposed on 10/13/1997 Disposition: Judgment on Plea of Guilty**
 Sentenced on 10/13/1997

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		10/13/1997	12:00AM	Waived

The search you requested is a court records search based on information you provided. The search results may include criminal court data from January 1989 to present, civil court data from January 2006 to present, active money judgments for the past twenty years, and/or inactive money judgments since April 2004, DEPENDING ON THE TYPE OF SEARCH REQUESTED. Records returned are only those that precisely match this information. There may be instances where fine and cost information will appear immediately below a dismissed charge. The amounts indicated are accurate for a different charge but there should be no fine and cost information related to a dismissed charge. Based on the age of a case, not all financial information may be available in the case management system. You should contact the Clerk of Court office where an original action took place to correct any misinformation and collect any missing information.

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LABEL MAY BE REQUIRED.



EPI3F July 2013 OD: 12.5 x 9.5



RECEIVED
FEB 04 2015

CUSTOMER USE ONLY
FROM: (PLEASE PRINT)

PHONE (BY)
CURT HASNIT
PO BOX 575
WELLINGTON, KS 67152

PAYMENT BY ACCOUNT (if applicable)

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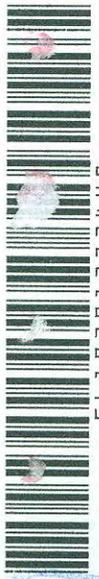
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	Employee Signature		
	Time		
	<input type="checkbox"/> AM <input type="checkbox"/> PM		

LABEL 11-B, SEPTEMBER 2015 PSN 7690-02-000-9996 3-ADDRESSEE COPY

WRITE FIRMLY WITH BALL POINT PEN ON HARD SURFACE TO MAKE ALL COPIES LEGIBLE.

February 3, 2016

South Dakota Board of Medical and Osteopathic Examiners
101 N. Main Ave.
Suite 301
Sioux Falls, SD 57104

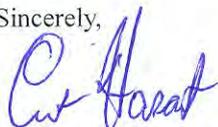
Dear South Dakota Board of Medical and Osteopathic Examiners:

After extensive consultation and discussion with my attorney, friends, family, and employees of the South Dakota Department of Health, I hereby voluntarily surrender my EMT-Paramedic license number 0809 effective immediately. Enclosed, please find my original certificate and card.

The decision to voluntarily surrender is in direct relation to the current investigation and hearing by the Board, No. 16-010. It is fact that I have not resided in the State of South Dakota, nor been employed by any service or institution in South Dakota since 2011. I have simply renewed my license for simplicity in event I ever returned to the State. However, the costs associated with meeting the requirements of the Board or contesting the ruling are not financially feasible or professionally feasible with the current minimal chance of ever returning to practice in the State.

In regards to the hearing set forth for February 12, 2016, neither I nor legal representation will be present to any ongoing proceedings.

Sincerely,



Curt Hasart

Enc. License 0809

South Dakota Board of Medical and Osteopathic Examiners

This is to Certify that

Curt Hasart

*Is a licensed EMT-Paramedic under the provisions of the laws of the State of South Dakota
and is entitled to practice Advanced Life Support.*

License No. 0809

Renewed on 07/15/2015

Not Valid After 07/15/2016

Brent J. Lindbloom, DO, Secretary


Initialed By

If any information on the certificate above or card below is inaccurate, contact the SDBMOE at sdbmoe@state.sd.us to report the problem. It is your responsibility to ensure your mailing address and contact information is updated with the SDBMOE office.

**SOUTH DAKOTA BOARD OF MEDICAL AND
OSTEOPATHIC EXAMINERS**

EMT-Paramedic License

Name: **Curt Hasart**

Number: **0809**

Renewed: **07/15/2015**

Not Valid After: **07/15/2016**

The above named individual is a licensed EMT-Paramedic under the provisions of the laws of the State of South Dakota.

Brent J. Lindbloom, DO, Secretary


Initialed By

**To remove your card, bend
carrier back at the side.
Then lift and peel card
away from the carrier.**

STATE OF SOUTH DAKOTA
DEPARTMENT OF HEALTH

BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE
SOUTH DAKOTA PARAMEDIC
LICENSE #1788 ISSUED TO:

CASE 16-058
TEMPORARY ORDER

WADE WELLS

WHEREAS, Wade Wells, Paramedic, (Mr. Wells) agreed to a Consent Agreement with Reprimand and 90-Day Suspension of License due to actions taken by other state licensing authorities, and

WHEREAS, the executive secretary of the South Dakota Board of Medical and Osteopathic Examiners (the Board) has signed a temporary approval order pending consideration by the full Board at a future Board meeting, it is therefore,

ORDERED THAT the Consent Agreement with Reprimand and 90-Day Suspension is temporarily approved pending consideration by the Board at a future Board meeting.

Dated this 12 day of May, 2016

BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By: Margaret B. Hansen

Margaret B. Hansen
Executive Director

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

In Re: WADE WELLS, PARAMEDIC

CONSENT AGREEMENT
WITH REPRIMAND
90-DAY SUSPENSION OF LICENSE

CONSENT AGREEMENT

IT IS AGREED by the South Dakota Board of Medical and Osteopathic Examiners (the Board) and Wade Wells, Paramedic (Mr. Wells) as follows:

Mr. Wells has been subject of disciplinary actions imposed by the State of Wyoming and the State of Colorado, copies of which are attached hereto and incorporated herein. The Board is authorized to take disciplinary action pursuant to SDCL 36-4-30(24) and SDCL 36-4B-31 due to discipline imposed by another state licensing authority.

Informal Agreement: It is the intent of the parties to this Consent Agreement with Reprimand and 90-Day Suspension to provide for the informal compromise and settlement of all issues which could be raised by a formal contested hearing. This agreement will be presented at a future Board meeting where the Board may accept, modify or reject the agreement.

Waiver of Rights: Mr. Wells understands he has the right to consult with an attorney of his own choosing and has a right to an administrative hearing on the facts in this case. He understands and agrees that by signing this Agreement, he is waiving his rights to counsel and to a hearing. He further understands and agrees that by signing this Agreement he is voluntarily and knowingly giving up his right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against him and to appeal the Board's decision to Circuit Court.

Disclosure Waiver: Mr. Wells understands that the Board has reporting requirements and he consents to the documents relating to this matter being provided to the required entities and to state licensing authorities upon request.

Consent Agreement with Reprimand: Mr. Wells understands and agrees that the Board has the authority to enter into this Agreement and to issue the following Reprimand and impose the 90-Day Suspension:

REPRIMAND

The Board hereby reprimands Mr. Wade Wells and imposes a 90-Day suspension of his South Dakota paramedic license due to disciplinary actions imposed by the State of Wyoming and the State of Colorado, copies of which are attached hereto and incorporated herein.

It is agreed that this Consent Agreement with Reprimand and 90-Day Suspension shall take effect immediately upon final approval by the Board, and that this action is a public record of the Board and the State of South Dakota. It shall be published on the Board's website and reported to the national databanks and all other entities deemed appropriate by the Board in compliance with state and federal law.

Mr. Wells has unconditionally accepted this Consent Agreement with Reprimand and 90-Day Suspension of his paramedic license by affixing his signature to this document.

By: Wade Wells Date: 4/22/16
Wade Wells

By: _____ Date: _____
Attorney for Mr. Wells (optional)

By: Walter O. Carlson, MD Date: 4/26/2016
Walter O. Carlson, MD
President
SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Wyoming Department of Health

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Thomas O. Forslund, Director

Governor Matthew H. Mead

December 11, 2015

Ref: BMS-2015-265

Wade Wells
505 12th ST
Wheatland, WY 82201

COPY

Dear Wade:

Licensure Suspension Agreement

This letter is to confirm by your signature, the acceptance of a suspension of your Paramedic license in lieu of revocation of that same license. Information concerning this investigation and leading to this agreement is found in Case File # 2015-127-115. By accepting this agreement you are agreeing to the following terms:

1. A ninety (90) day suspension of your paramedic license, during which time you are not permitted to provide services as a paramedic.
2. Successful completion of an ethics course as approved by the OEMS Manager.
3. A one year probationary period commencing at the end of the suspension.
4. Waive your right to appeal under the Wyoming Administrative Procedures Act.

Your dated signature below will serve as your acceptance of and agreement to abide by the terms listed above. This agreement should be returned to the OEMS within 14 days of its receipt. If you choose not to exercise this agreement, you may write your decision on this same statement and return to us. In any event, if we do not receive this signature prior to 5:00 PM, on Monday, December 28, 2015, this Office will proceed with a permanent revocation of your paramedic license.

The effective date of this suspension will be established on receipt of your signed statement accepting this agreement, and will be communicated to you by letter and email.

Respectfully,

Andy Gienapp, MS, NRP
Manager
Office of Emergency Medical Services
Public Health Division

I agree to the terms stated above.

Signature and Date

c: Travis Kirchhefer, Senior Assistant Attorney General, Wyoming Attorney General's Office

6101 Yellowstone Road, Suite 400 • Cheyenne WY 82002
E-Mail: andy.gienapp@wyo.gov • WEB Page: <http://health.wyo.gov/shotems/index.html>
Toll Free 1-888-228-8996 • Main Number (307) 777-7955 • FAX (307) 777-5639



Wyoming
Department
of Health

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Thomas O. Forslund, Director

December 28, 2015

Governor Matthew H. Mead

Ref.: EMS-2015-286

Wade Wells
505 12th ST
Wheatland, WY 82201

Dear Wade:

COPY

Licensure Suspension Term

This letter is to confirm the receipt of the signed letter of acceptance of suspension of your Paramedic license, and to clarify the stipulations. The letter of agreement with your signature was received in the Office of Emergency Medical Services and Trauma (OEMST) via email December 18, 2015. The effective start date of your ninety (90) suspension then is December 18, 2015, and the suspension will end on March 17, 2016. The OEMS will then review the status of your suspension on that date and a letter indicating either a successful or unsuccessful completion of your suspension will be sent to you via both email and certified mail.

With regard to the completion of an ethics course, we did not specify a time requirement for completion. We recognize that this training may be difficult to identify and complete within the 90 day suspension, but feel that completion by June 30, 2016, is reasonable.

Additionally, you should contact the OEMS with any questions that arise during your suspension period.

Sincerely,

Andy Gienapp, MS, NRP
Manager
Office of EMS and Trauma
Public Health Division
Wyoming Department of Health

c: Travis Kirchhefer, Senior Assistant Attorney General, Wyoming Attorney General's Office

6101 Yellowstone Road, Suite 400 • Cheyenne WY 82002
E-Mail: andy.gienapp@wyo.gov • WEB Page: <http://health.wyo.gov/sho/ems/index.html>
Toll Free 1-888-228-8996 • Main Number (307) 777-7955 • FAX (307) 777-5639



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Department of Public
Health & Environment

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VIA CERTIFIED MAIL AND ELECTRONIC MAIL

January 19, 2016

Mr. Wade Wells
17 Rick Road
Wheatland, WY 802201

RE: EMT Certification #057722

Dear Mr. Wells:

Pursuant to authority granted to the Colorado Department of Public Health and Environment ("Department") in C.R.S. §§ 25-3.5-203 and 205, the Department has concluded an investigation initiated after receipt of your disclosure that your paramedic license issued by the State of Wyoming is suspended for 90 days, effective Dec. 18, 2015. It was the Department's decision, based upon this investigation, that there is good cause to issue a Letter of Admonition in accordance with Department rules at 6 CCR 1015-3, Chapter One, Section 6.2.10. This Letter of Admonition is based on the following conduct:

The State of Wyoming suspended your paramedic license for 90 days following a determination that you altered an expired CPR card to indicate that it was still valid.

By this letter, the Department hereby admonishes you and cautions you that any repetition of similar behavior or practice may lead to the commencement of disciplinary proceedings up to and including suspension and/or revocation of your Paramedic certification, wherein this Letter of Admonition may be entered into evidence as aggravation.

In addition to this Letter of Admonition being maintained with your EMT certification file within the Department of Public Health and Environment, you understand and agree that upon a valid request pursuant to the applicable public disclosure laws, including, but not limited to, the provisions of C.R.S. § 24-72-101, et seq., the Department is obligated to provide the requesting person a copy of this Letter of Admonition.

As required under sections 1921 and 1128E of the Social Security Act (SSA), this Letter of Admonition (and any subsequent actions as applicable) shall be reported to the Healthcare Integrity and Protection Data Bank (HIPDB) and/or National Practitioner Data Bank (NPDB).

By signing below and returning this letter to the Department, you agree to this Letter of Admonition. If we have not received your signature to this Letter of Admonition (Initially, at least via fax or e-mail) by close of business on January 29, 2016, this Letter of Admonition will be deemed vacated, and the matter may be processed by means of a formal complaint and hearing.

Sincerely,

D. Randy Kuykendall
Division Director
Health Facilities and Emergency Medical Services Division



Wade Wells

Mr. Wade Wells
17 Rick Road
Wheatland, WY 802201

3/15/16

Date Signed

Return this signed Letter of Admonition via U. S. Mail to:

Colorado Department of Public Health and Environment
ATTN: EMTS Branch Chief
Health Facilities and Emergency Medical Services Division
4300 Cherry Creek Drive South
Denver, Colorado.80246-1530



STATE OF SOUTH DAKOTA
DEPARTMENT OF HEALTH
BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Re: SUZANNE M. RYAN

TEMPORARY APPROVAL
ORDER:

REINSTATEMENT OF CNM
LICENSE

WHEREAS, the South Dakota Board of Nursing approved the reinstatement of the certified nurse midwife license issued to Suzanne M. Ryan, and

WHEREAS, the executive director of the South Dakota Board of Medical and Osteopathic Examiners has entered this temporary approval order pending review by the full Board, and

WHEREAS, this matter will be presented to the full Board at the next meeting on June 2, 2016, for consideration.

For this reason, said reinstatement has been temporarily approved pending consideration by the full Board.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By: Margaret B. Hansen Date: March 22, 2016

Margaret B. Hansen
Executive Director

WHEREAS, upon review, the Board has determined that the Licensee has met the terms and conditions of the Kansas Order and has fulfilled her remediation and continuing education obligation in regard to that Order; and

WHEREAS, the Board was advised that as of February 25, 2016, the Licensee holds a valid CNM license in Maine and Missouri.

WHEREAS, upon presentation of Licensee's reinstatement request, the Board considered the Licensee's request, the documents submitted, and being fully advised in the premises;

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. That the Licensee's license to practice as a certified nurse midwife in the State of South Dakota is hereby reinstated.

IT IS HEREBY ORDERED that the above Order of Reinstatement of CNM License was adopted by the South Dakota Board of Nursing on the 19th day of February, 2016, by a vote of 8-0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director

Order of Reinstatement of CNM License
Licensee: Suzanne M. Ryan

The South Dakota Board of Medical and Osteopathic Examiners met on the _____ day of _____, 2016, and approved the terms and conditions of this Order of Reinstatement by a vote of ___ - ___ and issued its Order as follows:

IT IS HEREBY ORDERED that the above Order of Reinstatement of CNM License is adopted as shown herein by the South Dakota Board of Medical and Osteopathic Examiners this _____ day of _____, 2016.

SOUTH DAKOTA BOARD OF MEDICAL &
OSTEOPATHIC EXAMINERS

Board President

BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

April 2016

By BMOE Staff

LICENSING: Ensure only qualified professionals are licensed and allowed to practice.

Current/Past Events:

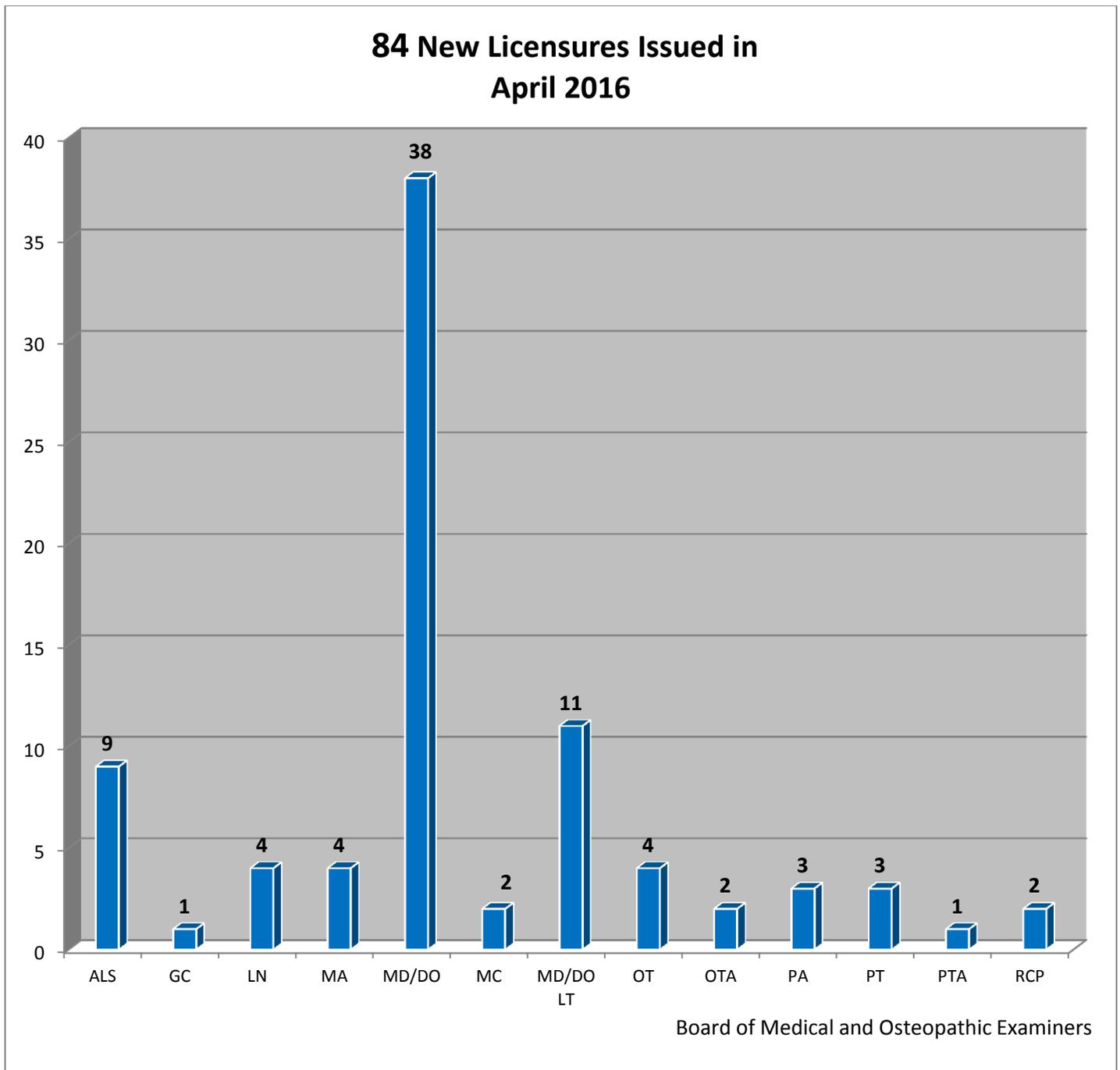
Training and Meetings attended

The database vendor, Albertson Consulting continues the process of transferring BMOE data to its Big Picture product. Weekly phone conference call updates continue with the Board staff and the Albertson Consulting project manager and transition team. Albertson Consulting finally agreed to a secure login for applicants, licensees and authorized agents – previously they were advocating for a login using last name, part of the social security and either license or NPI number.

Current and Upcoming Advisory Committee and Staff Meetings:

- Advisory Committee Meeting Schedule
 - Advanced Life Support Advisory Committee – May 25th
 - Athletic Trainer Advisory Committee – May 5th
 - Genetic Counselor Advisory Committee – May 5th
 - Nutrition and Dietetics Advisory Committee – May 10th
 - Occupational Therapy Advisory Committee – May 9th
 - Physical Therapy Advisory Committee – May 17th
 - Physician Assistant – May 25th
 - Respiratory Care Practitioners – May 26th
- Tyler Klatt will be attending the inaugural Regulatory Leadership Forum held by the National Board for Certification in Occupational Therapy

Statistics



ALS – Advanced Life Support

AT – Athletic Trainer

GC – Genetic Counselor

LN – Licensed Nutritionist/ Dietitian

MA – Medical Assistant

MD/DO – Medical License

MD/DO LT – Physician Locums Tenens

OT – Occupational Therapist

OTA – Occupational Therapist Assistant

PA – Physician Assistant

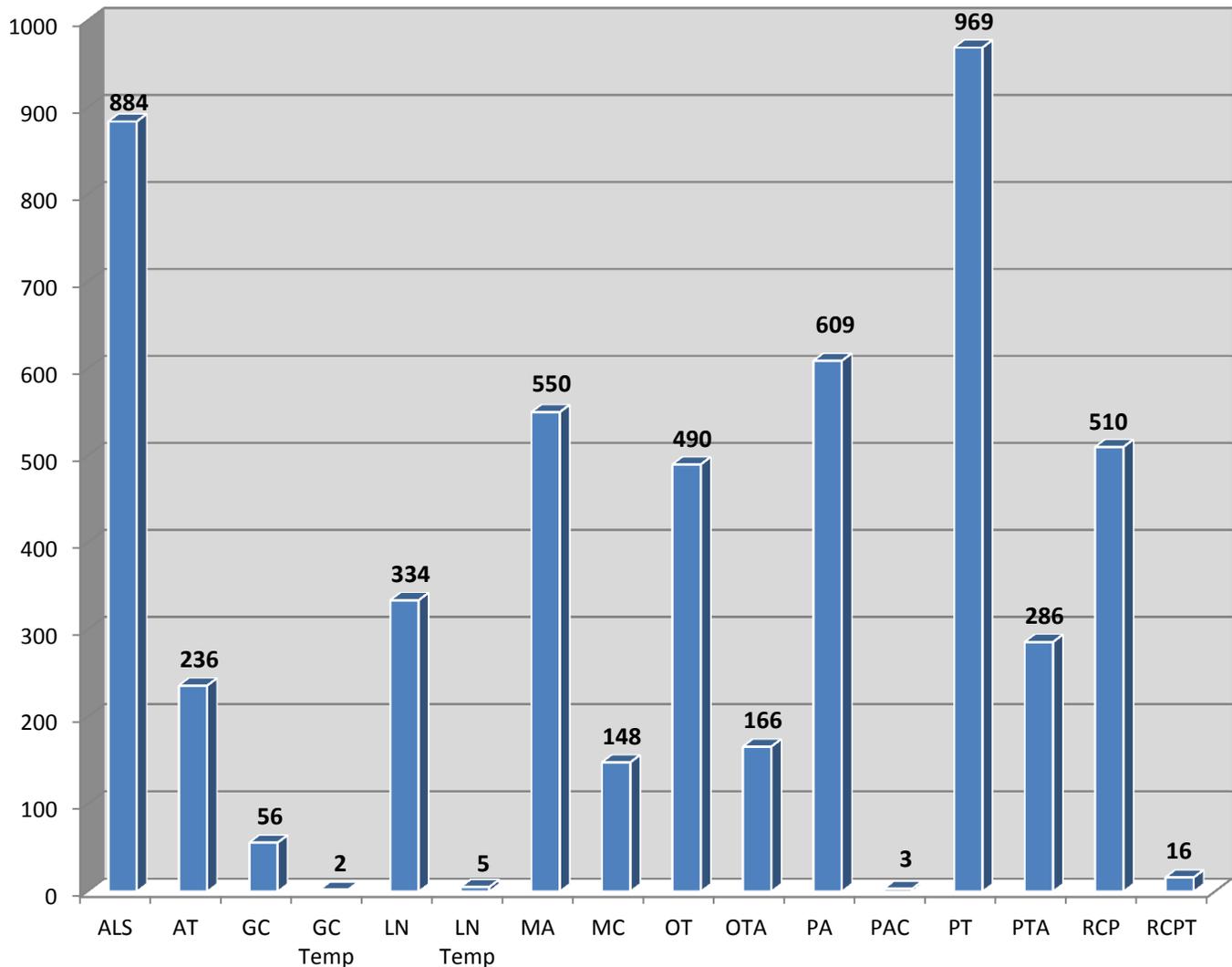
PT – Physical Therapist

PTA – Physical Therapist Assistant

RCP – Respiratory Care Practitioner

Current Non-Physician Counts

(As of 04/29/2016)

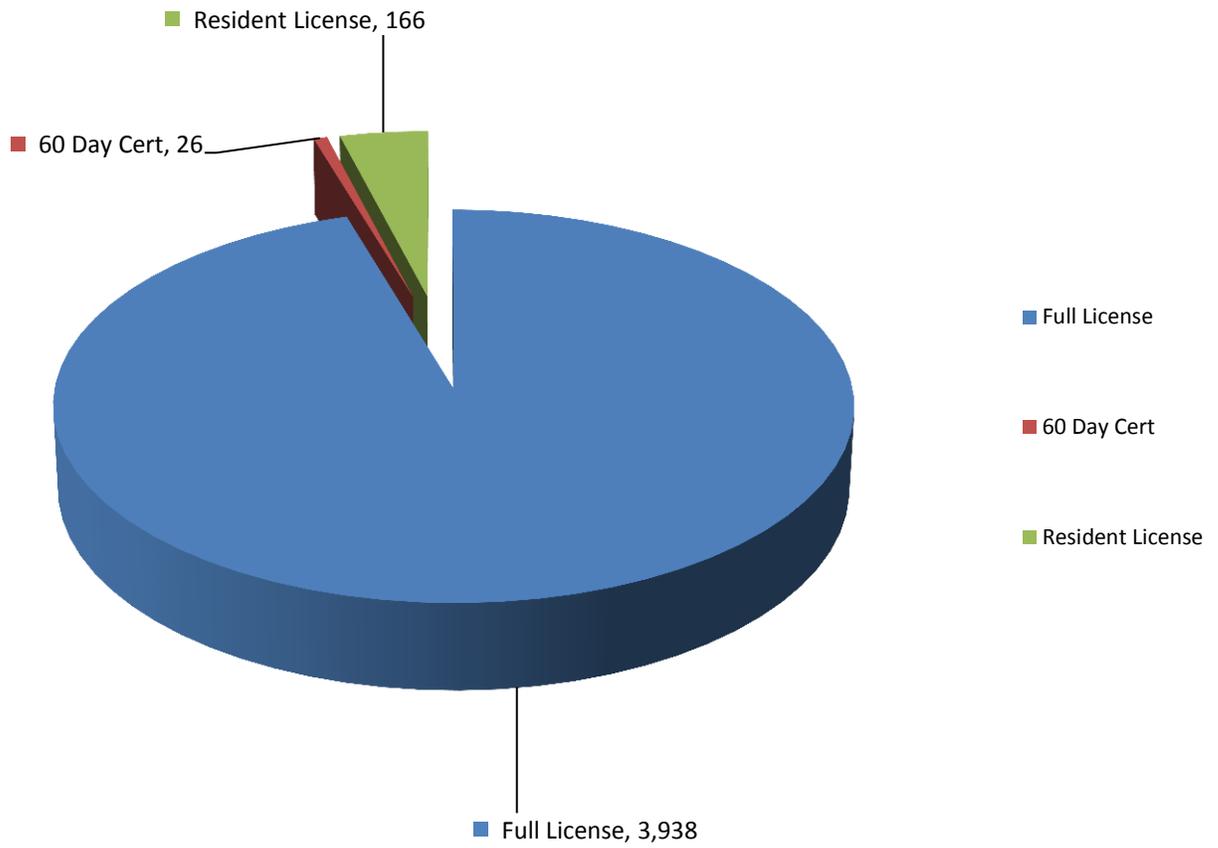


ALS – Advanced Life Support
AT – Athletic Trainer
GC – Genetic Counselor
LN – Licensed Nutritionist
MA – Medical Assistant
MC – Medical Corporation
OT – Occupational Therapist

OTA – Occupational Therapy Assistant
PA – Physician Assistant
PAC – Physician Assistant Corporation
PT – Physical Therapist
PTA – Physical Therapist Assistant
RCP – Respirator Care Practitioner

Current MD/DO Counts

(As of 04/29/2016)



INVESTIGATIONS: Ensure complaints and issues are properly investigated and resolved.

Issues

Complaints:

Summary of new applications

- 1.) New Licenses were issued
 - a. 84 new licenses issued
 - b. 20 complex applications resolved or closed

Statistics

**Investigations and Complaints
(As of 04/29/2016)**

<u>Category</u>	<u>New</u>	<u>On-going</u>	<u>Resolved</u>
Complex Applications	16	86	20
Complaints/ Investigations	18	51	12
Competency (Malpractice cases)	0	410	0

**Reinstatement and Renewal Applications
(As of 04/29/2016)**

<u>Category</u>	<u>New</u>	<u>On-going</u>	<u>Completed</u>
Reinstatement and Renewal Applications	4	28	8

OUTREACH: Make life easier for our customers.

Education

The Executive Director and Board staff continues to meet and do outreach to the medical school, residency programs, healthcare recruiters, clinic managers, health system administrators, state regulatory boards and associations as well as with the SDBMOE licensees.

Outreach Efforts:

Outreach Activities

(Totals reflect activities from first to last day of month)

Activity	Organization	# Participants	Topic Covered
Training	Academic Program (Residency) Directors & Coordinators. Healthcare Systems Recruiter. Board & Advisory Members	140	Licensing discussion
Phone/General Email	Licensees/ Applicants	415	General questions
In-Office Assistance	Licensees/ Applicants	176	Renewal and general questions

Upcoming Events:

- **2016 Meeting Dates**
 - June 2, September 8 and December 1
- **2017 Meeting Dates**
 - March 9, June 8, September 14, and December 14
- **2018 Meeting Dates**
 - March 8, June 14, September 13, and December 13

Unapproved Draft Minutesⁱ

South Dakota Board of Medical and Osteopathic Examiners Public Meeting and Public Rules Hearing- 9:00 am (CT) Thursday, March 3, 2016

Boards Members Present: Kevin Bjordahl, MD; Ms. Deb Bowman; Walter Carlson, MD; Mary Carpenter, MD; Laurie Landeen, MD; Brent Lindbloom, DO; Mr. David Lust; Jeffrey Murray, MD; Elmo Rosario, MD

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

Board Counsel: Steven Blair

Staff Counsel: William Golden

Attendees: Jason Culberson, EMT Paramedic, Rapid City Fire Department
Wade Nyberg, Assistant City Attorney, Rapid City
Mark East, South Dakota State Medical Association (SDSMA)
Dr. James Oury
Dr. Steven Myers (via phone)

1. Dr. Walter Carlson, president of the Board, called the meeting to order at 9:00 am. Roll was called and a quorum was confirmed. A motion: to approve the agenda was ratified by roll call vote (Landeen/unanimous).
2. The scheduled Public Hearing on Administrative Rules was called to order. Dr. Carlson, president of the Board, appointed Mr. Steven Blair to preside over the hearing. Mr. Blair explained the proceedings, and introduced the proposed rules.

Primarily based on LRC comments, board staff requested the withdrawal of the following proposed rules:

- a. *Article 20:47, Chapter 20:47:03, Section 20:47:03:13-Physicians and Surgeons Licensure – Locum Tenens Certificate;*
- b. *Article 20:52, Chapter 20:52:01, Section 20:52:01:03:02 – Supervision of a licensed physician assistant-separate practice location;*
- c. *Article 20:63, Chapter 20:63:01,02&03 – Athletic Trainers – General Provisions;*
- d. *Article 20:66, Chapter 20:66:03 - Physical Therapists and Physical Therapist Assistants – Continuing Education;*
- e. *Article 20:83, Chapter 20:83:04, Section 20:83:04:03 – Licensed Nutritionists – Continuing Education - Waiver.*

A motion: to enter into executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel was ratified by roll call vote (Landeen/unanimous).

The public rules hearing resumed.

A motion: to withdraw *Article 20:47, Chapter 20:47:03, Section 20:47:03:13-Physicians and Surgeons Licensure – Locum Tenens Certificate*, and direct the board staff to schedule a declaratory rules hearing regarding *SDCL 36-4-20.4-Duration of locum tenens certificates-privileges of certificate holder* was ratified by roll call vote (Landeen/unanimous).

A motion: to pursue legislation for authority to amend *SDCL 36-4-20.4* to state that a locum tenens certificate may be issued one time, and may be extended one additional time for 60 days was ratified by roll call vote (Landeen/unanimous).

A motion: to withdraw *Article 20:52; Chapter 20:52:01, Section 20:52:01:03:02 – Supervision of a licensed physician assistant-separate practice location; Article 20:63; Chapter 20:63:01,02&03 – Athletic*

Trainers; Article 20:66; Chapter 20:66:03 - Physical Therapists and Physical Therapist Assistants – Continuing Education; and Article 20:83, Chapter 20:83:04, Section 20:83:04:03 – Licensed Nutritionists- Continuing Education – Waiver was ratified by roll call vote (Bjordahl/unanimous).

Mr. Klatt introduced proposed rule *Article 20:83: Chapter 20:83:04, Section 20:83:04:01&02: Licensed Nutritionist – Continuing Education*. A member of the public from Yankton, South Dakota, Karley Briggs, called in to listen to the proceedings for this rule. There were no parties in attendance to offer testimony. No supporting comments were received, no opposing comments were received, and there was no further discussion. A motion: to approve *Article 20:83; Chapter 20:83:04, Section 20:83:04:01&02: Licensed Nutritionist – Continuing Education* was ratified by roll call vote (Bjordahl/unanimous).

Mr. Klatt introduced proposed rule *Article 20:64, Chapter 20:64:02,&04 – Occupational Therapist and Occupational Therapy Assistant – Licensure Requirements, Continuing Competency*. Mr. Klatt informed the Board that the Occupational Therapist Advisory Committee had requested an amendment to *Section 20:64:04:03* to change the phrase “occupational therapist” to “occupational therapist and occupational therapy assistant”. There were no parties in attendance to offer testimony. No supporting comments were received, no opposing comments were received, and there was no further discussion. A motion: to amend *Article 20:64, Chapter 20:64:02,&04* as stated above, and to approve the amended rule was ratified by roll call vote (Landeem/unanimous).

There being no further questions or discussion, the public rules hearing was closed.

3. A motion: to approve the minutes of the December 3, 2015, Board meeting was ratified by roll call vote (Murray/unanimous).
4. A motion: to approve the new licenses, permits, certificates, and registrations issued between December 1, 2015 through February 29, 2016, was ratified by roll call vote (Murray/unanimous).
5. Public Hearings:
 - a. Licensee Beau D. Braun, PA: A motion: to approve his request for discharge from the South Dakota Health Professionals Assistance Program (HPAP) and return his license to an unrestricted status was ratified by roll call vote (Bjordahl/unanimous).
 - b. Leann K. Batiz, CNP: The South Dakota Board of Nursing submitted an Agreed Disposition and Waiver of Hearing for Board consideration. A motion: to approve the Agreed Disposition and to have the President of the Board, Dr. Walter Carlson, sign the final order was ratified by roll call vote (Bjordahl/unanimous).

The petition from Dr. Nathan Long, emergency room physician and medical director for the Rapid City Fire Department, and Jason Culberson, Paramedic, Rapid City Fire Department was reviewed by the Board. The board staff expressed concerns about the possibility of the loss of immunity for paramedics, hospitals, and physicians when a call is deemed non-emergent. Mark East, South Dakota State Medical Association (SDSMA), expressed concerns he has received from other emergency physicians in Rapid City, and the process by which the primary care physicians would be included.

A motion: that the petitioners:

- a. continue to work with the board staff and the advanced life support (ALS) advisory committee on the protocols and training;
- b. the executive director will issue a temporary approval order for approved training programs and protocols pending final consideration by the full Board at a Board meeting

The motion was ratified by roll call vote (Bowman/unanimous).

The financial report was presented by the executive director. A motion: to instruct staff to discuss the concept of using funds for education with the Department of Health prior to considering legislation was ratified by roll call vote (Landeem/unanimous).

Mr. Klatt presented the Advisory Committee Business. The reports of the advisory committees meetings were accepted for information. A motion: to approve Cara Hamilton, MD, as the new physician member of the Genetic Counselor Advisory Committee to fill the vacancy left by Dr. Steven Benn, and to re-appoint Dr. Laura Keppen-Davis and Kali Smith, GC to a second term on the Genetic Counselor Advisory Committee was ratified by roll call vote (Landeem/unanimous).

Margaret Hansen presented the executive director report. Discussion was held about the process involved to provide testimony during legislative session. A motion: that no Board member may testify on behalf of the Board without first obtaining the Board's approval by majority vote was ratified by roll call vote (Bowman/unanimous). A motion: to accept the executive director report was ratified by roll call vote (Landeem/unanimous).

Confidential Physician Hearings (Closed Session pursuant to SDCL 36-4-31.5 unless privilege is waived by physician)

- a. Dr. James Oury: A motion: to amend the Stipulation for Dr. Oury to require that he successfully complete assessment with the Center for Personalized Education for Physicians (CPEP) program located in Denver, Colorado, as a condition of receiving a conditional South Dakota medical license was ratified by roll call vote (Lust/unanimous). Dr. Carlson and Dr. Rosario were recused from the vote.
- b. Dr. Claude William Evrard Zeifman: A motion: to adopt the Findings of Fact, Conclusions of Law, and enter an order deeming his application as withdrawn under investigation was ratified by roll call vote (Landeem/unanimous).
- c. Dr. Steven C. Myers: A motion: to refer this matter back to board staff to schedule an administrative hearing was ratified by roll call vote (Lust/unanimous). Dr. Landeen was recused from the vote.

The updated mission statement for the Board was presented for review. A motion: to approve the updated mission statement was ratified by roll call vote (Landeem/unanimous).

The draft language for a rule regarding physician supervision of a physician assistant spouse, or other family member in the healthcare field, was presented to the Board for review. The staff was directed to work with other interested parties for input, and then bring the updated language to the Board meeting on June 2, 2016.

The draft language for a rule for medical record documentation when prescribing opioids was presented to the Board for review. The staff was directed to review language used by other states when addressing this issue, add a definition for "chronic pain", look at templates developed by the healthcare systems, get input from stakeholders, and then bring the updated language to the Board meeting on June 2, 2016.

The complaint and investigation docket was reviewed for information.

There being no further business, the meeting adjourned at 2:00 pm.

¹ 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.

TO: SDBMOE BOARD MEMBERS
FROM: KLATT, TYLER
SUBJECT: LOCUM TENENS STATUTE 36-4-20.4
DATE: JUNE 2, 2016
CC:

LOCUM TENENS CERTIFICATE

Staff has prepared a draft revision to SDCL 36-4-20.4. This revision will allow a locum tenens certificate holder to apply for an additional 60 day certificate, provided that the applicant has begun the application procedure for full licensure.

36-4-20.4. Duration of locum tenens certificates--Privileges of certificate holder. Locum tenens certificates shall be issued for a period of not to exceed sixty days, and in the Board of Examiners discretion may set forth requirements and conditions governing the practice under it. An applicant may apply for a second locum tenens certificate after providing proof, to the Board of Examiners, that the certificate holder has made application for licensure as provided for in chapter 36-4-11. The locum tenens certificate shall allow the holder to practice medicine in this state only for a period set forth in the certificate and according to any conditions and requirements which the board in its discretion incorporates onto the certificate.

Source: SDC Supp 1960, §27.0308A as enacted by SL 1969, ch 105, §7.

TO: SDBMOE
FROM: KLATT, TYLER
SUBJECT: PHYSICIAN-PHYSICIAN ASSISTANT SUPERVISION RELATIONSHIP
DATE: JUNE 2, 2016

PHYSICIAN-PHYSICIAN ASSISTANT RELATIONSHIP

Summary

- June 2015 – A discussion at the Board meeting prompted the question of whether or not supervision was appropriate if the supervision involved an immediate family member.
 - *The staff was directed to research how other states address this issue.*
- December 2015 – Staff research found North Dakota as the only state with a rule addressing the relationships in question.
 - *The staff was directed draft a rule using the language from the North Dakota example*
- March 2016 – Staff presented a draft rule using the language from North Dakota
 - Concerns were brought forward from the Physician Assistant advisory committee regarding:
 - What would the board be required to do with the information gathered?
 - How would they monitor the relationship differently than other supervisory relationships
 - Would this address all the non-marital relationships that exist that would have the same conflicts of interest
 - *The staff was directed to address the policy concerns and bring a new draft to the June meeting*
- **Two options**
 - Administrative Rulemaking Process– pursue rulemaking process using drafted language
 - Amend Practice Agreement – existing language in SDCL 36-4A-1.1 and ARSD 20:52:01:03 allows the Board to require other information be reported in the practice agreement

Action Required: Direct staff on the next step to pursue

ARTICLE 20:52

PHYSICIAN ASSISTANTS

CHAPTER 20:52:01

PHYSICIAN ASSISTANT LICENSE

Section

- 20:52:01:01 Application for physician assistant license.
- 20:52:01:02 Repealed.
- 20:52:01:03 Physician assistant practice agreement.
- 20:52:01:03.01 Supervision of a licensed physician assistant.
- 20:52:01:03.02 Supervision of a licensed physician assistant -- Separate practice location.
- 20:52:01:03.03 Supervision agreement requirements
- 20:52:01:04 Repealed.
- 20:52:01:05 Termination of physician assistant practice agreement.
- 20:52:01:06 Repealed.
- 20:52:01:07 Repealed.
- 20:52:01:08 Repealed.
- 20:52:01:09 Renewal of physician assistant license.
- 20:52:01:10 Repealed.
- 20:52:01:11 Fee amounts.

Section

20:52:01:03.03 Supervision agreement requirements.

20:52:01:03.03 Supervision agreement requirements. No physician may act as a supervising physician for any physician assistant who is a member of the physician's immediate family unless specific authorization for such supervision has been approved by the Board. For purposes of this section, immediate family means a spouse, parent, child, or sibling of the supervising physician or other persons with whom the physician lives or commingles assets.

Source:

General Authority: SDCL 36-4A-42

Law Implemented: SDCL 36-4A-29

DRAFT

TO: SDBMOE BOARD MEMBERS
FROM: KLATT, TYLER
SUBJECT: MEDICAL RECORDS DOCUMENTATION ADMINISTRATIVE RULE
DATE: JUNE 2, 2016
CC:

MEDICAL RECORDS DOCUMENTATION

- **March 2016:** Board reviewed draft at March meeting
 - The Board requested the following changes:
 - Include reference to the PDMP (section 15 of draft)
 - Define “chronic pain” (20:47:07:01.01)
- **March 2016:** Centers for Disease Control and Prevention releases CDC Guideline for Prescribing Opioids for Chronic Pain
- **April 2016:** SDSMA Ad hoc committee
 - Board staff attended SDSMA ad hoc committee on Pain Management and Prescription Drug Abuse

ARTICLE 20:47

PHYSICIANS AND SURGEONS

Chapter

- 20:47:01 Definitions, Repealed.
- 20:47:02 Operation of board, Transferred.
- 20:47:03 Licensure.
- 20:47:04 Inspections.
- 20:47:05 Declaratory rulings, Transferred.
- 20:47:06 Fees.
- 20:47:07 Medical record documentation
- 20:47:08 Ethics.

CHAPTER 20:47:07

MEDICAL RECORD DOCUMENTATION

Section

20:47:07:01 Medical record documentation.

20:47:07:01.01 Chronic pain.

20:47:07:01 Medical record documentation. Every physician who treats patients for chronic pain must maintain accurate and complete medical records, which shall include:

- (1) Copies of the signed informed consent and treatment agreement;
- (2) The patient's medical history;
- (3) Results of the physical examination and all laboratory tests;

- (4) Results of the risk assessment, including results of any screening instruments used;
- (5) A description of the treatments provided, including all medications prescribed or administered (including the date, type, dose and quantity);
- (6) Instructions to the patient, including discussions of risks and benefits with the patient and any significant others;
- (7) Results of ongoing monitoring of patient progress (or lack of progress) in terms of pain management and functional improvement;
- (8) Notes on evaluations by and consultations with specialists;
- (9) Any other information used to support the initiation, continuation, revision, or termination of treatment and the steps taken in response to any aberrant medication use behaviors;
- (10) The records may include actual copies of, or references to, medical records of past hospitalizations or treatments by other providers;
- (11) Authorization for release of information to other treatment providers;
- (12) The medical record must include all prescription orders for opioid analgesics and other controlled substances, whether written or telephoned. In addition, written instructions for the use of all medications should be given to the patient and documented in the record;
- (13) The name, telephone number, and address of the patient's pharmacy also should be recorded to facilitate contact as needed;
- (14) Records should be up-to-date and maintained in an accessible manner so as to be readily available for review;

(15) The state prescription drug monitoring program should be consulted to determine whether the patient is receiving prescriptions from any other physicians.

The record shall be present any place where medicine or osteopathy is practiced, and access granted to the Board, or any of its officers, agents or employees so authorized, to enter and inspect during business hours.

General Authority: SDCL 36-4-35, 36-9A-41

Law Implemented: SDCL 36-4-30, 36-4-22.1, 36-9A-5

Source: Federation of State Medical Boards Model Policy for the Use of Opioid Analgesics in the Treatment of Chronic Pain; Federation of State Medical Boards Model Policy on DATA 2000 and Treatment of Opioid Addiction in the Medical Office.

20:47:07:01.01 Chronic pain. Chronic pain is pain lasting longer than would be anticipated for the usual course of a given condition

General Authority: SDCL 36-4-35, 36-9A-41

Law Implemented: SDCL 36-4-30, 36-4-22.1, 36-9A-5

TO: SDBMOE BOARD MEMBERS
FROM: KLATT, TYLER
SUBJECT: GENETIC COUNSELOR ADMINISTRATIVE RULE
DATE: JUNE 2, 2016
CC:

GENETIC COUNSELOR ADMINISTRATIVE RULE (ARSD 20:82:04)

- **August 2015** – Initial review of language for continuing education rule
- **January 2016** – HB 1069 introduced, continuing education rule delayed until further notice
- **February 2016** – HB 1069 signed, continuing education now part of the rulemaking authority
 - Committee reviewed draft language
- **March 2016** – Draft shared with potential stakeholders for comment
- **March 2016** – Legal staff reviewed language for style, form, and rulemaking authority
- **May 2016** – Committee approved draft language

Next Steps: Direct staff to pursue rulemaking process or send back to committee for revision

ARTICLE 20:82
GENETIC COUNSELORS

Chapter

- 20:82:01 Definitions.
- 20:82:02 Licensure requirements.
- 20:82:03 Ethics.
- 20:82:04 Continuing education

CHAPTER 20:82:04

CONTINUING EDUCATION

Section

- 20:82:04:01 Continuing education requirements
- 20:82:04:02 Reporting continuing education

20:82:04:01. Continuing education requirements. To qualify for renewal of a license upon its expiration as prescribed in SDCL 36-36-11, an applicant for renewal must complete 25 continuing education hours annually or maintain current certification by the ABGC or ABMGG.

Source

General Authority: 36-36-12

Law Implemented: 36-36-11

20:82:04:02. Reporting continuing education. Each genetic counselor must sign a statement to confirm compliance with the continuing education requirements of 20:82:04:01. The signed statement must be filed with the Board at the time the genetic counselor makes application for renewal of their genetic counseling license. Upon request by the board, the genetic counselor must submit proof of completion of any continuing education units or proof of current certification by the ABGC or ABMGG.

Source:

General Authority: SDCL 36-36-12

Law Implemented: SDCL 36-36-11

File Number	Profession	Applicant or Licensee	Start Date	Status	Status Date	Board Member	Concern Category
13-269	MD/DO	Licensee	12/16/2013	Investigation	02/29/2016	Admin	Incompetency
14-099	MD/DO	Applicant	04/24/2014	June 2, 2016 Board Meeting	04/29/2016	Landeen	Criminal
14-117	PA	Licensee	08/22/2014	Investigation	01/29/2016	Landeen	Incompetency
14-187	ALS	Licensee	08/08/2014	Investigation	01/19/2016	Carlson	Criminal
14-193	MD/DO	Licensee	08/11/2014	Investigation	03/02/2016	Carlson	Incompetency
15-019	MD/DO	Licensee	02/23/2015	ALJ Hearing TBA	04/06/2016	Lust	Unprofessional/Ethics
15-021	MD/DO	Licensee	02/26/2015	Investigation	02/18/2016	Pending	Unprofessional
15-031	MD/DO	Applicant	03/10/2015	June 2, 2106 Board Meeting	05/08/2016	Lindbloom	Unprofessional/Ethics
15-044	MD/DO	Licensee	04/06/2015	June 2, 2016 Board Meeting	05/08/2016	Bowman	Unprofessional
16-005	MD/DO	Licensee	07/08/2015	Investigation	04/28/2016	Bjordahl	Unprofessional/Ethics
16-010	EMTP	Licensee	07/20/2015	June 2, 2016 Board Meeting	03/04/2016	Erickson	Criminal/Unprofessional
16-012	MD/DO	Licensee	07/20/2015	Investigation	03/23/2016	Carpenter	Unprofessional/Ethics
16-016	MD/DO	Licensee	08/06/2015	June 2, 2016 Board Meeting	04/26/2016	Pending	Criminal
16-019	MD/DO	Licensee	08/11/2015	ALJ Hearing May 6, 2016	05/06/2016	Murray	Incompetency
16-020	MD/DO	Licensee	08/14/2015	Investigation	04/07/2016	Pending	Unprofessional/Ethics
16-023	MD/DO	Applicant	08/25/2015	June 2, 2106 Board Meeting	04/29/2016	Carpenter	Unprofessional/Ethics/Incompetency
16-025	MD/DO	Licensee	08/27/2015	Investigation	04/19/2016	Pending	Unprofessional/Ethics
15-066	MD/DO	Licensee	06/08/2015	Investigation	04/08/2016	Carpenter	Improper Sexual Interactions
16-042	MD/DO	Applicant	10/30/2015	Board Meeting TBA	04/29/5/18/16	Admin	Unprofessional/Ethics
16-043	MD/DO	Applicant	11/03/2015	June 2, 2016 Board Meeting	05/18/2016	Landeen	Unprofessional/Ethics/Incompetency
16-045	MD/DO	Licensee	11/17/2015	Investigation	05/06/2016	Pending	Unprofessional/Ethics/Incompetency
16-049	MD/DO	Licensee	12/01/2015	Investigation	02/19/2016	Admin	Unprofessional/ Ethics/Incompetency
16-052	MD/DO	Licensee	12/11/2015	Investigation	05/06/2016	Murray	Unprofessional/Ethics/Incompetency
16-055	MD/DO	Licensee	01/01/2016	Investigation	05/10/2016	Pending	Unprofessional/Ethics
16-058	EMTP	Licensee	01/14/2016	June 2, 2016 Board Meeting	04/26/2016	Carlson	Unprofessional/Ethics
16-059	MD/DO	Applicant	01/19/2016	Investigation	05/09/2016	Pending	Unprofessional/Ethics
16-060	MD/DO	Applicant	01/20/2016	Investigation	03/21/2016	Landeen	Unprofessional/Ethics/Incompetency
16-062	MD/DO	Licensee	01/26/2016	Investigation	02/25/2016	Admin	Unprofessional/Ethics
16-064	MD/DO	Licensee	01/27/2016	Investigation	05/09/2016	Pending	Unprofessional/Ethics
16-069	MD/DO	Applicant	02/10/2016	Recommendation - Consent Agreement with Reprimand	05/18/2016	Rosario	Unprofessional/Ethics
16-071	MD/DO	Licensee	02/25/2016	Investigation	03/23/2016	Pending	Unprofessional/Ethics
16-073	CNM	Licensee	02/26/2016	June 2, 2016 Board Meeting	04/04/2016	Landeen	Incompetency
16-074	EMTP	Applicant	02/26/2016	Investigation	04/13/2016	Lust	Criminal
16-075	CNP	Applicant	03/07/2016	June 2, 2016 Board Meeting	03/22/2016	Carlson	Unprofessional/Ethics
16-076	PA	Licensee	03/08/2016	Investigation	05/10/2016	Bjordahl	Incompetency
16-078	MD/DO	Applicant	03/15/2016	Investigation	05/09/2016	Pending	Unprofessional/Ethics/Criminal
16-081	MD/DO	Licensee	03/15/2016	Investigation	04/12/2016	Lust	Incompetency
16-082	MD/DO	Licensee	03/24/2016	Investigation	04/11/2016	Carlson	Improper Sexual Interactions
16-086	PA	Licensee	04/01/2016	Investigation	04/25/2016	Pending	Unprofessional/ Ethics/ Incompetency
16-089	MD/DO	Licensee	04/05/2016	Investigation	04/19/2016	Pending	Unprofessional/Ethics
16-090	PT	Applicant	04/06/2016	Investigation	04/20/2016	Pending	Substance Abuse
16-091	EMTP	Licensee	04/12/2016	Investigation	05/10/2016	Pending	Unprofessional/Ethics
16-092	MD/DO	Licensee	04/13/2016	Investigation	05/10/2016	Pending	Unprofessional/Ethics
16-093	PA	Licensee	04/18/2016	Investigation	05/10/2016	Pending	Unprofessional/Ethics
16-094	MD/DO	Licensee	04/19/2016	Investigation	05/10/2016	Pending	Incompetency
16-095	MD/DO	Licensee	04/19/2016	Investigation	05/03/2016	Pending	Unprofessional/Ethics
16-096	RCP	Licensee	04/27/2016	Investigation	05/10/2016	Pending	Substance Abuse
16-097	MD/DO	Licensee	04/27/2016	Investigation	05/05/2016	Pending	Unprofessional/Ethics
16-098	MD/DO	Licensee	04/27/2016	Investigation	04/27/2016	Pending	Incompetency
16-099	MD/DO	Applicant	05/05/2016	Investigation	05/09/2016	Carpenter	Incompetency
16-100	MD/DO	Applicant	05/05/2016	Investigation	05/05/2016	Pending	Incompetency/Improper Sexual Interactions
16-101	EMTSS	Licensee	05/09/2016	Investigation	05/10/2016	Pending	Unprofessional/Ethics/Substance Abuse
16-102	CNP	Licensee	05/09/2016	Investigation	05/10/2016	Pending	Incompetency
16-103	MD/DO	Applicant	05/12/2016	Investigation	05/12/2016	Pending	Unprofessional/Ethics
16-104	MD/DO	Applicant	05/16/2016	Investigation	05/16/2016	Pending	Incompetency
16-105	MD/DO	Licensee	05/18/2016	Investigation	05/18/2016	Pending	Unprofessional/Ethics
16-106	MD/DO	Licensee	05/18/2016	Investigation	05/18/2016	Pending	Unprofessional/Ethics
16-107	MD/DO	Licensee	05/18/2016	Investigation	05/18/2016	Pending	Unprofessional/Ethics
16-108	MD/DO	Licensee	05/18/2016	Investigation	05/18/2016	Pending	Unprofessional/Ethics
16-109	MD/DO	Applicant	05/26/2016	Investigation	05/26/2016	Pending	Unprofessional/Ethics/Incompetency