

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Minutes June 22, 2011

Board Meeting

9:00 a.m.

Board Room, Sioux Falls

Board Members Present: Mr. Patrick Burchill
Mr. Bernie Christenson
Robert Ferrell, MD
Brent Lindbloom, DO
Milton Mutch, MD
James Reynolds, MD

Board Member Absent: Mary Carpenter, MD
David Erickson, MD
Alex Falk, MD

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

Consultants Present: Roxanne Giedd, JD
William H. Golden, JD

Advisory Committee
Members Present: Dan Palmer, PAAC
Jeffrey Steinberger, PTAC

Guests: James McGrann, MD
Michael Farritor, MD
Heather Karu, MD
Lornell Hansen, MD
Brett Lovrien, JD
Jana Elwood, PA
Tiffanie VanEimeren, CNP
Sharon Hunt
Heather Springer, JD
Greg Alvine, JD
Nancy Delker, EMT/P
Todd Espicha, EMT/P
Paul Linde, JD
Chris Fosness
Erin Odens, PT
Laura Fosness
Gordon Fosness
Alan Miller
Dennis Hartman

MINUTES

Wednesday, June 22, 2011

The Board meeting was called to order at 9:00 a.m. by Dr. Robert L. Ferrell, President of the Board. The roll was called and all Board members were present with the exception of Dr. Mary Carpenter, Dr. David Erickson, and Dr. Alex Falk. There was a quorum.

The minutes from the March 31, 2011, meeting were reviewed. A motion by Mr. Burchill to amend the minutes to state "*to remove Scott F. Brock's name from the list and not approve his respiratory care practitioner license at this meeting, but to leave his provisional license in place at this time, and then approve the remaining new licenses, permits, certificates and registrations*"; was seconded by Dr. Mutch. The vote to approve the amendment was unanimous. A motion by Dr. Reynolds to then approve the amended minutes for March 31, 2011; was seconded by Dr. Mutch. The vote was unanimous.

The minutes from the May 12, 2011, meeting were reviewed. A motion by Dr. Lindbloom to approve the minutes; was seconded by Mr. Burchill. The vote was unanimous.

A request for a Declaratory Ruling on Lasers was presented by Dr. Lornell Hansen. The Board reviewed written input as well as heard comments and recommendations from guests who appeared before the Board. A motion by Dr. Reynolds to form an ad hoc committee to meet and draft language for the Declaratory Ruling for the Board's consideration at a future meeting; was seconded by Mr. Christenson. The vote was unanimous. Dr. Ferrell requested that all parties wishing to serve on the committee submit their names and a summary of their proposals to the Board office.

New Licenses – A motion by Mr. Burchill to remove Mr. Scott Brock from the listing of new licenses, certificates, permits and registrations until resolution of the pending issues, but keep his license in a provisional status; was seconded by Dr. Lindbloom. The vote was unanimous. A motion by Dr. Lindbloom to then approve the listing of new licenses, certificates, permits and registrations; was seconded by Dr. Mutch. The vote was unanimous.

The Board considered a request from Dr. Heather Karu for Tiffanie VanEimeren, CNP, to perform Botox and filler injections. This request had been approved by the South Dakota Board of Nursing pending this Board's approval. A motion by Mr. Burchill to approve the request; was seconded by Dr. Lindbloom. The vote was unanimous.

Petitions:

Dr. Kwan was scheduled to appear before the Board in regard to his request, but severe weather delayed his flight. A motion by Mr. Christenson to grant a waiver in this exceptional instance to Dr. Daniel Kwan; was seconded by Dr. Mutch. The vote was unanimous.

A motion by Dr. Mutch to grant a waiver to Dr. Jongdae Suh; was seconded by Mr. Christenson. The vote was unanimous.

Board Actions:

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

A motion by Dr. Reynolds to ratify the Consent Agreement with Reprimand and Temporary Order for Jeffrey Hedlund, PA; was seconded by Mr. Burchill. The vote was unanimous.

A motion by Mr. Christenson to ratify the Consent Agreement with Reprimand and Temporary Order for David Webb, PA; was seconded by Dr. Reynolds. The vote was unanimous.

A motion by Mr. Burchill to ratify the Consent Agreement with Reprimand and Temporary Order for Dr. James Okoh; was seconded by Dr. Lindbloom. The vote was unanimous.

A motion by Dr. Lindbloom to ratify the Consent Agreement with Reprimand and Temporary Order for Dr. Eric Brecher; was seconded by Mr. Christenson. The vote was unanimous.

A motion by Dr. Mutch to ratify the Stipulation and Agreement for Dr. Steven Miller; was seconded by Mr. Christenson. The vote was unanimous.

A motion by Mr. Burchill to approve the Stipulation and Agreement for Dr. Teralynn Clark and approve the reinstatement of her medical license; was seconded by Dr. Lindbloom. The vote was unanimous.

A motion by Mr. Burchill to ratify the Consent Agreement with Reprimand for Michael Wiley, EMT I/85; was seconded by Dr. Reynolds. The vote was unanimous.

A motion by Dr. Lindbloom to ratify the Stipulation and Agreement and Temporary Order for Benjamin Estes, EMT Paramedic; was seconded by Dr. Reynolds. The vote was unanimous.

The executive director's report was presented. A motion by Dr. Mutch to accept the report for information was seconded by Mr. Burchill. The vote was unanimous.

The financial report was presented. A motion by Dr. Mutch to accept the report; was seconded by Dr. Lindbloom. The vote was unanimous.

Regarding the annual election of officers, a motion by Dr. Reynolds to continue with the current slate of officers until the September meeting; was seconded by Mr. Burchill. The vote was unanimous.

Hearing - A contested case hearing was brought before the Board in the matter of Nancy K. Delker, EMT Paramedic. Ms. Delker and her attorney, Grant Alvine, were present. Ms. Delker waived confidentiality for the parties in attendance. The parties stipulated to the facts in the case. Witnesses were called, testimony was taken, oral arguments were made, and exhibits were entered into the record.

Executive Session – SDCL 1-25 (1) and (3). 1:31 p.m. A motion by Dr. Lindbloom to enter into an executive session for the purpose of discussing personnel matters or consulting with legal counsel; was seconded by Dr. Mutch. The vote was unanimous.

The meeting resumed at 1:51 p.m. A motion by Dr. Reynolds to suspend the EMT Paramedic license and require performance evaluations from her employer every 6 months for a two year period; was seconded by Dr. Mutch. The vote was unanimous. A motion by Dr. Reynolds to set the length of the suspension at 90 days; was seconded by Mr. Burchill. The vote was unanimous. The Board member on the review panel for this case abstained from the votes.

Hearing – A contested case hearing was brought before the Board in the matter of Chris R. Fosness. Mr. Fosness and his attorney, Paul Linde, were present. Mr. Fosness waived confidentiality for the parties in attendance. The parties stipulated to the facts in the case. Witnesses were called, testimony was taken, oral arguments were made, and exhibits were entered into the record.

Executive Session – SDCL 1-25 (1) and (3). 3:30 p.m. A motion by Dr. Reynolds to enter into executive session for the purpose of discussing personnel matters or consulting with legal counsel; was seconded by Dr. Mutch. The vote was unanimous.

The meeting resumed at 3:45 p.m. A motion by Mr. Christenson that due to exceptional circumstances, the license be reinstated; was seconded by Dr. Mutch. The vote was unanimous. The Board member on the review panel for this case abstained from the vote.

Discussion was held regarding board office operations. The oversight committee that was appointed to review the operation of the board office reported significant objective and measurable improvement. A motion by Dr. Lindbloom to disband the committee; was seconded by Dr. Mutch. The vote was unanimous.

The next Board meeting is September 14, 2011, and will begin with the annual meeting of the Joint Board of Nursing and Medical and Osteopathic Examiners.

There being no further business, a motion by Dr. Lindbloom to adjourn the meeting at 3:50 p.m.; was seconded by Mr. Burchill. The vote was unanimous.