

**September 12, 2012**

**South Dakota Board of Medical and Osteopathic Examiners – Regular Board Meeting**

Board Members Present: Mr. Patrick Burchill; Walter Carlson, MD; Mary Carpenter, MD; Mr. Bernie Christenson; David Erickson, MD; Robert Ferrell, MD; Brent Lindbloom, DO; Jeffrey Murray, MD; James Reynolds, MD

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

Counsel Present: Roxanne Giedd, Board; William Golden, Staff;

Dr. Robert Ferrell, President of the Board, called the meeting to order. Roll was called, a quorum was established.

A motion to accept the meeting agenda was approved (Mr. Burchill/Unanimous vote).

A motion to accept the June 27, 2012, meeting minutes was approved (Dr. Carlson/Unanimous vote).

A motion to accept the List of New Licenses, Permits, Certificates and Registrations issued between June 1 and August 31, 2012, was approved (Dr. Lindbloom/Unanimous vote).

The financial report was accepted for information.

Ms. Barbara Smith and Dr. Daniel Heinemann presented a request for a Declaratory Ruling on Immunizations and Vaccines. Discussion was held explaining that Board authority is specific only to the physician, and that the Board could provide parameters for standing orders. A motion for the staff to facilitate a meeting with interested parties to discuss who may administer vaccines and whether a standing order is required, and then report back to the Board was approved (Dr. Carpenter/Unanimous vote).

The Board staff presented a request for a Declaratory Ruling on Criminal Background Checks (CBC). A motion to prepare a document of interpretation to reflect that CBC results are required prior to issuance of the permanent license, but temporary licenses, permits or certificates may be issued pending the receipt of the CBC results was approved (Dr. Carpenter/Unanimous vote)

Waiver requests were received pursuant to SDCL 36-4-17. Written examination required--Discrimination between systems of medicine prohibited--Minimum grade--Reexamination--Fee--Preservation of grades. The examination required by this chapter shall be in writing. The questions on

all subjects shall be such as are answered alike by all schools of medicine or osteopathy. No license may be refused any applicant because of adherence to any particular school of medicine. Each applicant shall be required to attain an average percentage of at least seventy-five percent of correct answers. Any applicant failing on such examination is eligible for a maximum of two subsequent examinations upon payment of the required fee at any regular meeting of the Board of Medical and Osteopathic Examiners or at such time and place as the board may designate. Before taking the examination, the applicant shall pay to the secretary of the board a fee to be set by the board in an amount not to exceed five hundred fifty dollars. The applicant must pass all parts or steps of the examination within seven years. **However, if the applicant is board-certified by a board of the American Board of Medical Specialties, the Board of Medical and Osteopathic Examiners may waive this requirement.** All grades achieved shall be preserved by the secretary of the board for a period of at least three years. **(Emphasis supplied)**

The following physicians are board certified by an American Board of Medical Specialties:

Dr. Maria De Guzman David, internal medicine. A motion to grant the waiver and issue the medical license was approved (Mr. Burchill/Unanimous vote).

Dr. Shahriar Heydari, internal medicine. A motion to grant the waiver and issue the medical license was approved (Dr. Reynolds/Unanimous vote).

Dr. Khaled Ali Ibrahim Hamada, radiology. A motion to grant the waiver and issue the medical license was approved (Mr. Christenson/Unanimous vote).

Dr. Balasubramanya Seshanarayana Kolar, radiology. A motion to grant the waiver and issue the medical license was approved (Mr. Burchill/Unanimous vote).

Waiver requests were received pursuant to SDCL 36-4A-29.1. Modification of method and frequency of supervision--Number of physician assistants--  
Application. **The board may authorize modifications in the method and frequency of supervision of a physician assistant required by § 36-4A-29 that it considers appropriate based upon its finding of adequate supervision, training, and proficiency.** A supervising physician may apply to the board for permission to supervise more than one physician assistant. The board shall establish the number of physician assistants, up to four FTE, to be supervised by a supervising physician based upon its finding that adequate supervision will exist under the arrangement proposed by the supervising physician. The board may consider a joint application for both modification of supervision and the number of physician assistants supervised as provided in this section. **(Emphasis supplied)**

The following physician assistants appeared and presented documentation of training and proficiency for additional tasks to be added to their supervisory agreements: Carroll Poppen, PA-C; Marc Ellwein, PA-C, and Shantel Schumack PA-C. A motion to approve

all requests for additional tasks to be added to the supervisory agreements was approved (Dr. Carlson/ Unanimous vote).

The Executive Director updated the Board members regarding the progress of the criminal background checks, the record setting number of licenses recently issued, the disclosure questions meeting, the recent presentation to the third year medical students, and the dates of the 2013 FSMB meeting.

Further discussion was held regarding the progress for the re-writing of application disclosure questions. A motion to wait for final feedback from stakeholders including the allied groups regulated by the Board was approved (Mr. Christenson/Unanimous vote).

A motion to change the conference room table set-up to a “U” shape configuration was approved (Dr. Carlson/Unanimous vote).

Board Members do not vote on Board actions for their respective cases pursuant to administrative rule 20:78:05:05.:

Hearing procedure. Contested case hearings shall be conducted in accordance with SDCL 1-26. The parties to a hearing are the executive secretary and the applicant or licensee. **A board member who has participated in any investigation of the matter before the board shall disqualify himself from all deliberations and decisions. (Emphasis supplied).**

A motion to accept the hearing examiner’s Findings of Fact and Conclusions of Law for the Mr. Shane Duffy, OTA: contested case was approved (Dr. Carlson/Unanimous vote).

A motion to accept the hearing examiner’s Findings of Fact and Conclusions of Law for the Ms. Sarah Neilan, medical assistant applicant contested case and to refer the matter to the co-regulating South Dakota Board of Nursing for its consideration was approved (Mr. Christenson/Unanimous vote).

A motion to accept the Consent Agreement with Reprimand and the Temporary Approval Order for Lyndsey Holmes, RCP: was approved (Dr. Lindbloom/Unanimous vote).

A motion to accept the request to withdraw an application while under investigation for Matthew Visher, EMT/Paramedic applicant was approved (Mr. Burchill/Unanimous vote).

A motion to accept the hearing examiner’s Findings of Fact and Conclusions of Law for the Ms. Leah Johnson, medical assistant applicant contested case and to refer the matter to the co-regulating South Dakota Board of Nursing for its consideration was approved (Dr. Carpenter/Unanimous vote).

A motion to accept the Consent Agreement with Reprimand and Temporary Approval Order for Dr. C. Billiston Clark was approved (Mr. Burchill/Unanimous vote).

A motion to accept the Stipulation and Agreement and Temporary Approval Order for Dr. Debra Federer was approved (Mr. Christenson/Unanimous vote).

A motion to approve the Consent Agreement with Reprimand and Temporary Approval Order for Dr. Kimberly Hanssen was approved (Mr. Christenson/Unanimous vote).

A motion to accept the request from Dr. Paul Frazer to return his license to an unrestricted status was approved (Mr. Burchill/Unanimous vote).

A motion to accept the request from June Torrence-Heinz, PA-C to return her license to an unrestricted status was approved (Dr. Carlson/Unanimous vote).

A motion to accept the application and issue a medical license to Dr. Jonathan Holmes was approved (Mr. Burchill/Unanimous vote).

The next Board meeting will immediately follow the Joint Board meeting of the Boards of Nursing and Medical and Osteopathic Examiners on Wednesday, November 28, 2012

There being no further business, the meeting adjourned.