



**South Dakota Board of Nursing and
South Dakota Board of Medical and Osteopathic Examiners**

Joint Board Meeting

September 14, 2011

Board of Medical and Osteopathic Examiners Conference Room
Sioux Falls, South Dakota

1. **CALL TO ORDER** by David Erickson, Presiding Officer, at 9:00 a.m.
 - Members present representing the South Dakota Board of Medical and Osteopathic Examiners: Patrick Burchill, Mary Carpenter, Walter Carlson, David Erickson, Robert Ferrell, Brent Lindbloom, James Reynolds, John Vander Woude.
 - Members present representing the South Dakota Board of Nursing: Diana Berkland, Christine Callaghan, Teresa Disburg, John Jones, June Larson, Adrian Mohr, Nancy Nelson, Sharon Neuharth, Kristin Possehl, Mary Schmidt, Deborah Soholt.
 - Staff members present representing the Board of Medical and Osteopathic Examiners: Margaret Hansen, Executive Director, Jane Phalen, Board Operations Coordinator, Ted Huss, Investigation Specialist, William Golden, Attorney
 - Staff members present representing the Board of Nursing: Gloria Damgaard, Executive Director; Linda Young, Nursing Program Specialist; Kristine Kreiter O'Connell, Attorney; Kathy Rausch, Nursing Program Specialist, Erin Matthies, Licensure Operations Manager
 - Guests present: Michael Farritor, MD, Tiffanie Van Eimeren, CNP; Dan Palmer, PA; Karen Bumann, PA;
2. **MINUTES:** Motion to approve the minutes of the September 16, 2010 Joint Board meeting by B. Lindbloom, second by D. Soholt, motion carried in a unanimous voice vote.
3. **AGENDA:** correction by D. Erickson, the day of the week listed at the top of the agenda should read Wednesday, not Thursday. **MOTION** to approve agenda as corrected, motion carried in a unanimous voice vote.
4. **REPORTS**
 - a. **FINANCIAL REPORT** of Activity FY 2010 – 2011 was presented by L. Young.
MOTION to approve Financial Report by J. Reynolds, second by P. Burchill, motion carried in a unanimous voice vote.
 - b. **REPORT ON OUT-OF-HOSPITAL BIRTHS** Performed by Certified Nurse Midwives (CNMs) Practicing on an Approved Waiver to a Collaborative Agreement with a Physician was presented by L. Young. The report included an overview of the birth outcome data from July 2008 through June 2011, the number of women who sought out-of-hospital births, the number of referrals to a physician, and the number of transports during active labor. B. Lindbloom stated that the data is meaningful and the referrals have been appropriate. D. Soholt added that the waiver has provided an important safety net for women who choose out-of-hospital births, and that the neonatal outcomes have been good.
MOTION to approve report on the Out-of-Hospital Births Performed by CNMs by D. Soholt, second by B. Lindbloom, motion carried in unanimous voice vote.
5. **OLD BUSINESS**
 - a. **AUTHORIZING NURSES/NON-PRESCRIBERS TO ACT AS AN AGENT OF THE PHYSICIAN TO SIGN NEW PRESCRIPTIONS OR DRUG REFILLS FOR NON-CONTROLLED DRUGS ON BEHALF OF THE PRESCRIBER:** At the 2010 meeting of the Joint Board a motion was approved to form a Task Force with the South Dakota Board of Nursing, the Board of Medical and Osteopathic Examiners, and the Board of Pharmacy to address the issue. Several attempts were made by the Board of Nursing and the Board of Medical and Osteopathic Examiners to arrange this task force meeting, due to scheduling difficulties, and a change of directors at the Board of Pharmacy, the meeting was not accomplished. Discussion held by members that this remains an important issue and all three Boards must participate in addressing this issue.
MOTION to contact the Board of Pharmacy, and relay that it is essential that all three Boards participate together to address the Board of Pharmacy's July 2010 interpretation on this issue, which was distributed to South Dakota's pharmacists, carried in a unanimous voice vote.
6. **NEW BUSINESS**
 - a. **REVIEW OF EXISTING LASER PROTOCOL AND PROPOSED CHANGES** was presented by M. Hansen. Board staff have received comments from licensees that the Certified Nurse Practitioner (CNP), CNM, and Physician Assistant (PA) Laser Utilization Policy adopted by the Joint Board in 2003 no longer reflects current practice and

is outdated. In response to this issue, in March 2011 the Board of Medical Examiners requested comments and recommendations from interested parties about the policy. As a result of feedback, an Ad Hoc Committee was formed, the committee met on August 31, 2011. The committee drafted a new policy entitled, Laser Utilization by CNPs, CNMs, and PAs, this draft policy was provided to the Joint Board members.

MOTION to accept presented draft policy, Laser Utilization by CNPs, CNMs, and PAs, by D. Sohlt, second D. Berkland;

DISCUSSION ON MOTION Members discussed topics of initial education and training, continuing education, competency, documentation, practitioner responsibility, physician collaboration and/or supervision, and avoiding creating artificial barriers for advanced practice professionals. M. Hansen and G. Damgaard explained that the policy is only for advanced practice professionals, CNPs, CNMs and PAs, who have advanced education within the medical model and who practice with an approved collaborative or supervisory agreement with a licensed South Dakota physician. Explanation was provided by Hansen that the use of lasers is considered a surgical procedure and is listed in SDCL 36-4-8.2 and is the practice of medicine; Damgaard commented that the use of lasers is not nursing practice and use of lasers by registered nurses (RN) would be considered a delegated medical function. Therefore, the delegation of lasers by physicians to RNs, other healthcare personnel, and/or unlicensed personnel would be discussed and considered by the Board of Medical and Osteopathic Examiners members at a later date.

MOTION carried in a unanimous voice vote.

- b. COLLABORATIVE AGREEMENT MODIFICATION REQUEST by Sarah Coulter Danner, CNM, and Jeffrey Bendt, MD, to allow Danner to perform limited obstetrical (OB) ultrasounds. L. Young presented request, documentation provided to Board members supporting Danner's additional education obtained on the procedure and a letter of support from Dr. Bendt.

MOTION to approve the request for S. Danner to perform basic OB ultrasound was carried in a unanimous voice vote.

- c. COLLABORATIVE AGREEMENT MODIFICATION REQUEST by Donna Dickey, CNP, Family, and collaborating physician, Dr. Eric Rolfsmeyer, to allow Dickey to perform percutaneous tracheostomy tube placement. L. Young presented request, documentation provided to Board members supporting Dickey's additional education obtained on performance of the procedure and a letter of support from a collaborating physician.

MOTION to approve the request for D. Dickey to perform percutaneous tracheostomy tube placement was carried in a unanimous voice vote.

- d. MEDICAL ASSISTANTS: M. Hansen presented information on the following medical assistants:
- i. Laura Williams, MA, entered into Consent Agreement with Reprimand for engaging in unregistered practice. MOTION to approve as presented, carried in a unanimous vote.
 - ii. Tracy Heirigs, MA, entered into Consent Agreement with Reprimand for engaging in unregistered practice. MOTION to approve as presented, carried in a unanimous vote.
 - iii. Susan Tikka, MA, entered into a Stipulation with Reprimand, with mandated completion of eight hours of additional education, for unregistered practice. MOTION to approve as presented, carried in a unanimous vote.

- e. ELECTION OF OFFICERS for 2012: Kristin Possehl was elected Presiding Officer; Brent Lindbloom was elected Secretary.

- f. NEXT JOINT BOARD MEETING will be held in September 2012, the specific date to be determined.

7. ADJOURNMENT: 10:05 a.m.