



**SOUTH DAKOTA  
BOARD OF NURSING**

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

**JOINT BOARD MEETING MINUTES**

THURSDAY, SEPTEMBER 15, 2005

SIoux FALLS SHERATON HOTEL AND CONVENTION CENTER

CALL TO ORDER by Presiding Officer Milton Mutch, MD, at 9:05 a.m.

**BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS MEMBERS PRESENT:**

Patrick Burchill (via teleconference); Robert Ferrell, MD; Brent Lindbloom, DO; Milton Mutch, MD; Richard Porter, MD; Robert Raszkowski, MD; James Reynolds, MD

**BOARD OF NURSING MEMBERS PRESENT:**

Diana Berkland, RN; Linda Bunkers, RN; Teresa Disburg, RN; Dori Dufault, LPN; John Jones; June Larson, RN; Christine Pellet, LPN; Deb Soholt, RN; Patricia Wagner, LPN; Robin York, RN

**IN ATTENDANCE:**

From SD Board of Medical and Osteopathic Examiners: Margaret Hansen, PA-C, MPAS, Executive Director; Paul Jensen, outgoing Executive Director; Jane Phalen, Secretary; Donald Srstka, Attorney

From SD Board of Nursing: Gloria Damgaard, RN, MS, Executive Secretary; Nancy Bohr, RN, Nursing Program Specialist; Linda Young, RN, Nursing Program Specialist; Kris O'Connell, Attorney; Winora Robles, Senior Secretary

Also Present: Carol Borg, NPASD President; Robin Peterson-Lund, NPASD & Board of Nursing Advanced Practice Advisory Council; Tobi Lyon, NPASD Executive Director & SDNA Executive Director; Jane Glanzer, NPASD; Steven Frost, MD (via teleconference); Jo Penning, CMA; Carlene VanEgdom, CMA; Heidi Weber, CMA, RMA; Brenda Froerichs, CMA; James Cody, PA-C

MINUTES FROM THE SEPTEMBER 16, 2004 Joint Meeting were approved as published in a unanimous voice vote.

AGENDA: To accommodate Dr. Frost's participation via teleconference, the discipline case was moved to the end of the meeting; with this amendment, the Agenda was approved in a unanimous voice vote.

THE ANNUAL REPORT OF ACTIVITY FOR FY 2004-2005: Gloria Damgaard reviewed the Annual Report, which was distributed to Board members. Discussion was held concerning the true costs of managing Advanced Practice Nursing licensure. It was suggested that APN licensure fees could be raised to cover such costs, but it was determined that it would be unrealistic to expect that so few licensees could cover the entire expense. Following discussion, **a Motion was made and seconded to accept the Annual Report of Activity; the Motion carried in a unanimous voice vote.**

SCHEDULE II PRESCRIPTION AUTHORITY FOR CNP/CNM: Dr. Frost provided testimony in support of extending prescriptive authority for Schedule II drugs for Certified Nurse Practitioners and Certified Nurse Midwives from 48 hours to no more than 30 days. A letter written by Dr. Frost and addressed to the Boards was made available to members. Dr. Frost said that it is difficult to consult with providers for use of chronic opiates with a two-day prescription limit, resulting in poor pain management for patients, especially in rural and remote areas of South Dakota. Dr. Frost and Carol Borg shared that over 30 states presently allow 30-day prescriptive authority for midlevel healthcare providers. A question was raised regarding prescription monitoring; Dr. Frost said that both DEA and collaborating physicians monitor. Members discussed adequate preparation of the healthcare providers affected as important information. Jane Glanzer responded to a question on whether issues for midlevel Schedule II prescriptive authority have arisen in other states; she referred to a study conducted in Kentucky which found no concerns. Should the Boards agree to pursue the modification of prescriptive authority, change to SDCL 36-9A-12(2) and 36-9A-13(4) would be required.

Margaret Hansen and Gloria Damgaard were directed by the Boards to draft language proposing that the South Dakota Department of Health support the modification as an Agency Bill. **A Motion was made and accepted to amend SDCL 36-9A-12(2) and 36-9A-13(4) to allow Schedule II drugs to be prescribed by certain midlevel healthcare providers for no more than 30 days; the Motion passed in a unanimous voice vote.**

It was further noted that, in case the bill does become law, preparations should begin now for implementation, especially regarding education and training of the involved healthcare providers.

REPORT ON PROCEDURES COMPLETED FOR PREVIOUSLY APPROVED MODIFICATIONS: This report was submitted as an informational piece, noting procedures that have been completed by Gretchen Scott, CNP and Carol Dugan, CNP following previously approved modifications.

INDIAN HEALTH SERVICE AND FEDERAL FACILITY PRACTICE: Linda Young presented based on handouts and a draft Position Statement regarding a request for a statement similar to that recently adopted for PAs; the statement allows CNPs and CNMs to practice in a federal facility with collaboration from a physician licensed in a state other than South Dakota, providing that the physician meets criteria for exemption from licensure in South Dakota. Clarification was provided that South Dakota licensure for physicians would still be a requirement outside of federal facilities. **A Motion was made and seconded that the following Position Statement:**

**Whereas:** A federal exemption exists for physicians, CNPs and CNMs who are licensed in another state and who are employed by the US government and performing official duties in this state;

**Whereas:** A SD license is required for practice in SD outside of federal facilities;

**Whereas:** Exemptions to licensure for physicians, CNPs, and CNMs are addressed in statutes SDCL 36-4-10 and SDCL 36-9A-3;

**Whereas:** Federal facilities in SD employ physicians in accordance with the federal exemption and may not have SD licensed physicians employed;

**Whereas:** The procedure of the Joint Boards has been to require CNPs and CNMs licensed in SD and working in federal facilities to obtain collaborative agreements with SD licensed physicians only;

**Whereas:** SDCL 36-9A-17 requires collaboration with a physician licensed under Chapter 36-4;

**Therefore, be it resolved that:** A physician licensed in another state working in a federal facility meeting the requirements of SDCL 36-4-10 qualifies as a physician who meets the requirements for collaboration in accordance with SDCL 36-9A-15, 17;

**be approved; the Motion passed in a unanimous voice vote.**

LAY MIDWIFE UPDATE: A letter written by Gloria Damgaard dated August 16, 2005, notifying Linda Lapp, lay midwife, to cease and desist unlawful, unlicensed nursing practice in South Dakota was distributed to Board members. Grant County States Attorney's office has been notified.

ELECTION OF 2005-2006 JOINT BOARD OFFICERS:

**A Motion was made and seconded to elect June Larson as Presiding Officer and Dr. Brent Lindbloom as Secretary of the Boards; the Motion passed in a unanimous voice vote.**

THE BOARDS MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARDS MOVED INTO OPEN SESSION

**A Motion to accept the Voluntary Surrender of nursing license by Mitch Jenner, RN, CNP was made and seconded; the Motion passed in a unanimous voice vote.**

NEXT JOINT BOARD MEETING will be held in September 2006, the specific date to be determined; Margaret Hansen and Gloria Damgaard will confer regarding dates convenient to both Boards.

ADJOURNMENT: There being no further business, the Joint Board Meeting adjourned at 10:06 a.m.



June Larson, RN, President