

**Minutes of the Public Hearing to consider adoption and proposed rules numbered:
 §§ 20:62:01, 20:62:02, 20:62:03, 20:78 and 20:84.
 101 N Main Avenue, in the First Dakota National Bank building, Room 215, Sioux Falls, SD on
 September 8, 2016 at 9:00 a.m. (CDT)**

1. **Pierre - Public DDN site:** CAP A, 500 E. Capitol Ave., Room B12, Pierre, SD 57105
2. **Rapid City - Public DDN site:** Rapid City Dept. of Transportation (DOT), 2300 Eglin St., Rapid City, SD 57703
3. **Board Conference Room:** 101 N. Main Ave., Suite 215, Sioux Falls, SD 57104

Board of Medical and Osteopathic Examiners Members Present:		Absent:
Kevin Bjordahl, MD,	Laurie Landeen, MD (DDN Rapid City),	Brent Lindbloom, DO
Deb Bowman (DDN Pierre),	David Lust (DDN Rapid City),	
Walter Carlson, MD,	Jeffrey Murray, MD,	
Mary Carpenter, MD,	Elmo Rosario, MD.	

Board of Nursing Members Present:		Absent:
Darlene Bergeleen, RN	Nancy Nelson, RN	Betty Oldenkamp
Carla Borhardt, RN	Sharon Neuharth, LPN	Robin PetersonLund
Rebekah Craddock	Kristin Possehl, RN	
Deb Letcher, RN	Mary Schmidt, LPN	
June Larson, RN		

Board Staff Present:
 Gloria Damgaard, RN, MS; Margaret Hansen, PA-C; Tyler Klatt; Erin Matthies; Francie Miller, RN, MS;
 Stephanie Orth, RN, MS; Jane Phalen; Misty Rallis; Jill Vanderbush; Linda Young, RN, MS.

Counsel Present:
 William Golden, Board of Medicine Attorney; Kristine O’Connell, Board of Nursing Attorney; Steven Blair,
 SD Assistant Attorney General

Open Meeting:
 Other individuals were present in audience.

Attendees providing testimony:
 Mark East, South Dakota State Medical Association (SDSMA), Ste. 215, Sioux Falls; Tim Engle, Attorney to
 the SDSMA, Public DDN site, Pierre, Abigail Gramlick-Mueller, CNP, Nurse Practitioner Association of
 South Dakota (NPASD).

9:00 AM Public Hearing on Proposed Administrative Rules
 The Joint Board of Medical and Osteopathic Examiners and the Board of Nursing scheduled public
 meeting on the administrative rules was called to order on September 8, 2016 at 9:00 AM (CDT).
 Presiding Officer, N Nelson, appointed S Blair to preside over the meeting. S Blair explained the
 proceedings including statutory requirements.

T Klatt introduced the following proposed rules for Nurse Practitioners and Nurse Midwives, and style and
 form changes from the Legislative Research Council (LRC), for Article 20:62; Chapter 20:62:01; Sections:
 20:62:01:02: Annual Meetings. T Klatt verified statutory requirements were met. G Damgaard presented
 changes and responded to board member questions.

MOTION: K Bjordahl moved approval of amendments to Article 20:62; Chapter 20:62:01; Sections:
 20:62:01:02 as presented. Seconded by K Possehl.

Board of Medical and Osteopathic Examiners:			
K Bjordahl	Yes	B Lindbloom	Absent
D Bowman	Yes	D Lust	Yes
W Carlson	Yes	J Murray	Yes
M Carpenter	Yes	E Rosario	Yes
L Landeen	Yes		

8 Yes; Motion Carried

Board of Nursing:

D Bergeleen	Yes	S Neuharth	Yes
C Borchardt	Yes	B Oldenkamp	Absent
R Craddock	Yes	R PetersonLund	Absent
J Larson	Yes	K Possehl	Yes
D Letcher	Yes	M Schmidt	Yes
N Nelson	Yes		

9 Yes; Motion Carried

T Klatt introduced the following proposed rules for Nurse Practitioners and Nurse Midwives, and style and form changes from the Legislative Research Council (LRC), for Article 20:62; Chapter 20:62:02; Sections: 20:62:02:02: Application for licensure; 20:62:02:04: Examination; 20:62:02:06: Renewal of license; 20:62:02:07: Reinstatement of lapsed licenses; 20:62:02:09: Reactivation of inactive license.

Public written comments were received from the LRC regarding style and form, the South Dakota State Medical Association (SDSMA); the Nurse Practitioner Association of South Dakota (NPASD); The South Dakota Nurses Association (SDNA); and Nancy Fahrenwald, Ph.D., RN, APHN-BC, FAAN in individual capacity.

T Klatt verified statutory requirements were met. Gloria Damgaard provided an explanation of the intent of the proposed changes. Tim Engle, on behalf of the South Dakota State Medical Association (SDSMA), appeared and provided oral testimony via the DDN site in Pierre. Mr. Mark East, of the SDSMA appeared in person at the meeting to provide oral testimony.

MOTION: K Possehl moved approval of amendments to Article 20:62; Chapter 20:62:02; Sections: 20:62:02:02, 20:62:02:04; 20:62:02:06; 20:62:02:07; and 20:62:02:09, with LRC style and form suggestions. Seconded by J Murray.

Board of Medical and Osteopathic Examiners:

K Bjordahl	Yes	B Lindbloom	Absent
D Bowman	Yes	D Lust	Yes
W Carlson	Yes	J Murray	Yes
M Carpenter	Yes	E Rosario	Yes
L Landeen	Yes		

8 Yes; Motion Carried

Board of Nursing:

D Bergeleen	Yes	S Neuharth	Yes
C Borchardt	Yes	B Oldenkamp	Absent
R Craddock	Yes	R PetersonLund	Absent
J Larson	Yes	K Possehl	Yes
D Letcher	Yes	M Schmidt	Yes
N Nelson	Yes		

9 Yes; Motion Carried

T Klatt introduced the following proposed rules for Nurse Practitioners and Midwives, and style and form changes from the LRC, on Article 20:62; Chapter 20:62:03; Sections: 20:62:03:03: Collaboration with a licensed physician or physicians; 20:62:03:04: Direct personal contact; 20:62:03:05: Collaboration – Separate practice location. T Klatt verified statutory requirements were met.

Written testimony was received from Nancy Fahrenwald, Ph.D., RN, APHN-BC, FAAN in individual capacity, and Carrie Clausen Hansen, MSN, RN-BC, SDNA. Gloria Damgaard provided an explanation of the intent of the proposed rule changes and responded to Board members questions. A Gramlick-Mueller, NPASD, appeared in person to provide oral testimony in support of the proposed amendments. Tim Engle, on behalf of the SDSMA, appeared and provided oral testimony via the DDN site in Pierre, in opposition to the rules. Mark East, of the SDSMA, appeared in person at the meeting to provide oral testimony in opposition to the rules.

MOTION: K Possehl moved approval of amendments to Article 20:62; Chapter 20:62:03; Sections: 20:62:03:03; 20:62:03:04; 20:62:03:05 as presented. Seconded by W Carlson.

Board of Medical and Osteopathic Examiners:

K Bjordahl	Yes	B Lindbloom	Absent
D Bowman	Yes	D Lust	Yes
W Carlson	Yes	J Murray	Yes
M Carpenter	No	E Rosario	Yes
L Landeen	Yes		

7 Yes; Motion Carried

Board of Nursing:

D Bergeleen	Yes	S Neuharth	Yes
C Borchardt	Yes	B Oldenkamp	Absent
R Craddock	Yes	R PetersonLund	Absent
J Larson	Yes	K Possehl	Yes
D Letcher	Yes	M Schmidt	Yes
N Nelson	Yes		

9 Yes; Motion Carried

T Klatt introduced the following proposed rules for Medical Assistants: Article 20:78; Chapter 20:78:03; Sections 01,02,03,04,05,06,07,08,09,10: Application Procedures; Article 20:78; Chapter 20:78:04; 01,02,03,04,05,06: Complaint Procedures Contested; Article 20:78; Chapter 20:78:05; Sections 01,02,03,04,05,06,07,08: Contested Case Hearing Procedures.

There were no style and form changes recommended by LRC. T Klatt verified statutory requirements were met. T Klatt responded to board member questions.

Written testimony received from Mindy Mulheron, National Center for Competency Testing. No oral testimony was presented.

MOTION: R Craddock moved to adopt amendments to Article 20:84; Chapter 20:84:01; 20:84:02; 20:84:03; 20:84:04; 20:84:05; Article 20:78; Chapter 20:78:03; Sections 01,02,03,04,05,06,07,08,09,10; Article 20:78; Chapter 20:78:04; 01,02,03,04,05,06; and Article 20:78; Chapter 20:78:05; Sections 01,02,03,04,05,06,07,08. Seconded by E Rosario.

Board of Medical and Osteopathic Examiners:

K Bjordahl	Yes	B Lindbloom	Absent
D Bowman	Yes	D Lust	Yes
W Carlson	Yes	J Murray	Yes
M Carpenter	Yes	E Rosario	Yes
L Landeen	Yes		

8 Yes; Motion Carried

Board of Nursing:

D Bergeleen	Yes	S Neuharth	Yes
C Borchardt	Yes	B Oldenkamp	Absent
R Craddock	Yes	R PetersonLund	Absent
J Larson	Yes	K Possehl	Yes
D Letcher	Yes	M Schmidt	Yes
N Nelson	Yes		

9 Yes; Motion Carried

T Klatt introduced the following proposed rules with style and form changes from LRC for Medical Assistants for Article 20:84; Chapter 20:84:01; Definitions; 20:84:02: Contents of Application; 20:84:03: Qualifications of Applicants; 20:84:04: Approval of Schools; and 20:84:05: Renewal of Registration. T Klatt verified statutory requirements were met.

Written testimony received from Mindy Mulheron, National Center for Competency Testing. No oral testimony was presented.

MOTION: J Murray moved to amend the proposed rules to A, adopt LRC's style and form suggestions, and B, adopt the proposed changes to Article 20:84; Chapter 20:84:01; 20:84:02; 20:84:03; 20:84:04; 20:84:05; Article 20:78; Chapter 20:78:03; Sections 01,02,03,04,05,06,07,08,09,10; Article 20:78; Chapter 20:78:04; 01,02,03,04,05,06; and Article 20:78; Chapter 20:78:05; Sections 01,02,03,04,05,06,07,08. Seconded by J Larson.

Board of Medical and Osteopathic Examiners:

K Bjordahl	Yes	B Lindbloom	Absent
D Bowman	Yes	D Lust	Yes
W Carlson	Yes	J Murray	Yes
M Carpenter	Yes	E Rosario	Yes
L Landeen	Yes		

8 Yes; Motion Carried

Board of Nursing:

D Bergeleen	Yes	S Neuharth	Yes
C Borchardt	Yes	B Oldenkamp	Absent
R Craddock	Yes	R PetersonLund	Absent
J Larson	Yes	K Possehl	Yes
D Letcher	Yes	M Schmidt	Yes
N Nelson	Yes		

9 Yes; Motion Carried

S Blair adjourned the Public Hearing.