

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 S. Park Ave, 4th Floor, Helena MT
May 14, 2015 1:13 p.m. to 4:43 p.m.
May 15, 2015 10:02 a.m. to 5:49 p.m.

Conference Call Information: Call Number: 1-877-820-7831 Passcode: 462794#

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:05)

Board Members Present In-Person

Dr. Bruce Hayward – Board President
Dr. Nathan Thomas – Vice President
Dr. James Feist - Secretary
Dr. James Upchurch
Ms. Pat Bollinger
Ms. Tanja Brekke
Ms. Katherine Tetrault
Mr. Charles Farmer
Dr. Kristin Spanjian
Dr. Mary Anne Guggenheim
Prof. Ana Diaz

Board Members Present By Phone

Ms. Carole Erickson

Board Members Absent

Mr. Dwight Thompson
Dr. Anna Earl

Staff Present

Mr. Ian Marquand – Executive Officer
Ms. Graden Hahn – Board Counsel
Mr. Scott Magill – Administrative Specialist

Public Present

Daniel Dunlap – Drug Enforcement Administration
Alisha Tuss – Drug Enforcement Administration
Dr. Harry Sibold
Ken Threet
Linda Grief
Kevin Maki
Mike Fanning
Marcie Bough
Cynthia Gustafson
Michael Ramirez – Montana Professional Assistance Program
Tamara Schmaltz – Montana Professional Assistance Program
Dr. William Gallea
Colleen White
Todd Younkin – Division Administrator
Dr. Kathryn Borgenicht
Dr. James Maganito
Amber Carpenter

Dr. Laurel Matthews
Dr. Anousheh Ashouri
Dr. Daryl MacCarter
Sherry Winchell

Public Present By Phone

Shane Copps
Joyce Dombrowski
Jean Branscum
Jim Sweet
Kathy Nelson
Dr. Bradley Goad
Dr. William Zachary
Dr. Nicole Stornelli
Shane Copps

2. Approval and Tentative Modification of Agenda Order (00:02:05)

- a. May 14-15, 2015 Agenda

Motion (00:01:58) Dr. James Upchurch moved to be flexible with the May 14-15, 2015 agenda going forward. Ms. Tanja Brekke seconded. The motion carried unanimously.

3. Review and Approve Minutes (00:02:21)

- a. March 20, 2015 Open Session (00:03:04)

Motion (00:02:54) Ms. Tanja Brekke moved to accept the March 20, 2015 open session minutes. Mr. Charles Farmer seconded. The motion carried unanimously.

- b. March 20, 2015 Executive Session (00:03:22)

Motion (00:03:31) Dr. Mary Anne Guggenheim moved to accept the March 20, 2015 executive session minutes. Ms. Pat Bollinger seconded. The motion carried unanimously.

4. Public Opportunity to Comment (00:03:49)

Presiding Officer Statement (please read in full):

“Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. Please note that a ‘public matter’ does not include contested cases or other adjudicative proceedings. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting.”

5. A Conversation with the Drug Enforcement Administration (00:04:43)

6. A Conversation with medical administrators about provider delegation and interaction (01:52:06)

7.

*****RECESSED AT 4:43 P.M. ON MAY 14, 2015 UNTIL MAY 15, 2015 AT 10:00 A.M.*****

At this point in the agenda, the Board will recess and gather for a non-working dinner at Benny’s Bistro. The Board will re-convene at 10:00 a.m. on Friday, May 15 following the conclusion of the Adjudication Panel meeting. If the Panel meeting goes past 10:00 a.m., the Board meeting will begin as soon as possible after the Panel’s work has concluded.

*****RECONVENED AT 10:02 AM ON MAY 15, 2015*****

8. Compliance Report—James Upchurch, M.D. (00:01:25) Day 2

- a. May Screening Panel Report
- b. April Screening Panel Report

9. Division Administrator's Report—Mr. Todd Younkin & Ms. Colleen White (00:02:42)

10. Board Action (00:39:49)

a. Licensee Administrative Action (00:40:52)

- i. Dr. James Maganito—extension of temporary Physician license (00:40:55)

Motion (00:51:03) Dr. Mary Anne Guggenheim moved to extend Dr. James Maganito's license for one year from May 15, 2015. Dr. Nathan Thomas seconded. The motion carried unanimously.

b. Professional Assistance Program Contract for FY 2016—Ms. Graden Hahn (04:34:12)

Motion (02:34:15) Ms. Tanja Brekke moved that the board approve funding the extension of the MPAP contract for the available remaining time on the contract based on the board's satisfaction with MPAP. Ms. Ana Diaz seconded. The motion carried unanimously.

c. Rulemaking (04:37:56)

- i. MAR 24-156-82 (Fees, ECP Transition, ACU Continuing Ed)—Respond to Comments, Action

Motion (04:39:19) Dr. Kristin Spanjian moved to direct legal counsel to respond to this commenter "thank you very much for your comment". Ms. Tanja Brekke seconded. The motion carried unanimously.

- ii. Recommendations from Laws & Rules Committee for MAR 24-156-83 (04:40:00)

Motion (04:42:16) Ms. Tanja Brekke moved to adopt the rules in total as presented. Ms. Pat Bollinger seconded. The motion carried unanimously.

d. Legislation for 2015 (04:43:43)

- i. Interstate Medical Licensure Compact update—Mr. Ian Marquand (04:43:52)

- ii. Board recommendations to Gov. Bullock re: appointees to Compact Commission (04:44:37)

Motion (04:46:40) Ms. Carole Erickson moved that it is essential that the Board nominate Mr. Ian Marquand to the compact commission and to also nominate Dr. James Feist to the compact commission. Dr. Kristin Spanjian seconded. The motion carried unanimously.

- iii. Report on other legislation passed by 2015 Montana Legislature—Mr. Ian Marquand (04:58:44)

e. Correspondence (05:02:19)

- i. Requests for waiver of late renewal fees (05:02:24)

Motion (05:06:16) Dr. Kristin Spanjian moved that Ian Marquand convey the proposal of moving the renewal card mailing date back from 45 days prior to 60 days prior to license expiration date to the licensing bureau. Ms. Tanja Brekke seconded. The motion carried unanimously.

- ii. Request from Mary Drake, M.D. re: medical acupuncture (05:07:43)

- iii. Montana PDR Reports (05:11:38)

- iv. Rule notice from Board of Physical Therapy Examiners re: proposed dry needling rules (05:15:31)

Motion (05:31:02) Dr. Kristin Spanjian moved to have the Board support a response to these proposed rules and have Ms. Tanja Brekke and her designees craft a response to these rules changes. Ms. Ana Diaz seconded. The motion carried unanimously.

- v. Comment from Dr. Bill Gallea re: residency requirements for Physician licensing (00:53:20)

Motion (01:19:00) Dr. James Upchurch moved to table the conversation regarding residency

applicants until the July meeting and research missing information on the topic. Dr. James Feist seconded. The motion carried unanimously.

f. Scheduling of Next Meeting/Meeting Planning (05:33:56)

- i. July 17, 2015, Helena
- ii. Updates on other meeting dates and locations

g. Approval of Travel (01:23:51)

- i. AIM Certified Medical Board Investigator training, August 12-14, Portland OR (01:23:50)

Motion (01:35:33) Dr. Mary Anne Guggenheim moved to send up to three investigators to attend the AIM Certified Medical Board Investigator training in Portland, Oregon. Dr. James Feist seconded. The motion carried unanimously.

11. Board Committee, National Committee and Other Reports (03:34:24)

- a. Medical Direction Committee—Dr. James Upchurch (05:34:35)
 - i. Recommendations re: ECP examinations (05:34:46)

Motion (03:39:07) Mr. Charles Farmer moved to approve the ECP exam. Dr. James Feist seconded. The motion carried unanimously.

- b. Laws & Rules Committee—Ms. Tanja Brekke (05:40:26)
- c. Outreach Committee/Board Liaison—Ms. Carole Erickson (05:40:45)
- d. Acupuncture Committee—Ms. Tanja Brekke (05:40:34)
- e. Montana POLST Coalition Report—Dr. Kathryn Borgenicht (01:36:07)
- f. Report on FSMB Annual Meeting—Dr. Bruce Hayward (05:45:10)
- g. FSMB Reports (05:48:21)

12. Medical Director and EMT Training Officer Reports (05:49:43)

- a. Medical Director Report—Dr. Harry Sibold (05:50:05)
- b. Training Officer Report—Mr. Ken Threet (05:57:50)
 - i. Request for permission to hold informational meeting on new ECP exams (05:58:00)

Motion (05:58:35) Dr. James Feist moved to accept Ken Threet's recommendation in the report to have the extra training sessions for the new testing procedures. Ms. Tanja Brekke seconded. The motion carried unanimously.

13. Executive Officer Report—Mr. Ian Marquand (05:59:23)

- a. Application Report (05:59:23)
- b. Budget Report (05:59:43)
- c. Report from Administrators in Medicine Annual Meeting (06:05:01)
- d. Newsletter (04:09:55)

14. Legal Report (06:10:34)

*****BEGIN EXECUTIVE SESSION*****

15. Working Lunch (Executive Session) (00:00:00)

2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions. (3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

- a. MPAP Report—Mr. Mike Ramirez
- b. Unlicensed Practice
 - i. 2015-MED-UNLIC-106 (continued from March 20, 2015) (00:26:50)

*****END EXECUTIVE SESSION**

One unlicensed complaint dismissed without prejudice.

16. Board Action

a. Non-routine Applications

i. Laurel Matthews, PHYS (02:11:45)

(00:10:15) Dr. Upchurch recuses himself from the discussion and vote.

Motion: (02:59:41) Dr. Mary Anne Guggenheim moved to table the application for Dr. Laurel Matthews pending an interaction with and an evaluation from MPAP. Once the evaluation is received by the Board, her application can then be reconsidered and that if no information is received, the application process will time out. Dr. James Feist seconded. The motion carried.

ii. Anousheh Ashouri, PHYS (02:04:35) Day 2

Motion: (02:07:02) Dr. Mary Anne Guggenheim moved to grant Dr. Anousheh Ashouri a full and unrestricted license based on the three letters of recommendation. Dr. Kristin Spanjian seconded. The motion carried unanimously.

iii. Bradley Goad, PHYS (03:15:53) PHONE

Motion (01:14:00) Dr. James Feist moved to offer a full and unrestricted license to Dr. Bradley Goad. Ms. Pat Bollinger seconded. The motion carried unanimously.

iv. Daryl MacCarter, PHYS (03:16:48) IN-PERSON

Motion (03:23:08) Dr. Kristin Spanjian moved to grant Dr. Daryl MacCarter a full and unrestricted license. Ms. Ana Diaz seconded. The motion carried unanimously.

v. Adam Rasmussen, EMT (03:23:40)

Motion (03:25:17) Dr. James Upchurch moved to grant a full and unrestricted license for Adam Rasmussen. Ms. Tanja Brekke seconded. The motion carried unanimously.

vi. William Zachary, PHYS (03:27:21) PHONE

Motion (03:40:55) Ms. Carole Erickson moved to grant Dr. William Zachary a full and unrestricted license pending a favorable report from MPAP. Dr. Nathan Thomas seconded. The motion carried unanimously.

vii. Cory Ryan, EMT (03:46:45)

Motion (04:01:33) Dr. Kristin Spanjian moved to grant a full and unrestricted license to Cory Ryan. Ms. Tanja Brekke seconded. The motion carried unanimously.

viii. Sherry Winchell, NUTR (04:03:25) IN-PERSON

Motion (04:08:12) Ms. Pat Bollinger moved to grant full licensure to Sherry Winchell. Ms. Tanja Brekke seconded. The motion carried unanimously.

ix. Nicole Stornelli, PHYS (04:09:32)

Motion (04:17:08) Dr. Mary Anne Guggenheim moved to issue a full and unrestricted license to Dr. Stornelli pending her satisfactory completion of residency and that Dr. Stornelli make contact with MPAP for one year and to have applicant and MPAP report to the Board after one year when Dr. Stornelli's relationship ends with MPAP. Ms. Tanja Brekke seconded. The motion carried unanimously.

x. Shane Copps, EMT (04:21:57) PHONE

Motion (04:28:31) Dr. James Feist moved to offer Shane Copps an unrestricted EMT license with the contingency of one year of MPAP monitoring. Ms. Ana Diaz seconded. The motion carried

unanimously.

xi. Information on FSMB-identified Physician assessment/remediation programs (04:30:30)

17. Information from Other State Agencies (06:15:49)

a. Jim DeTienne, DPHHS EMS/Trauma Section

18. Adjourn (06:16:19)

Motion (06:16:22) Dr. Kristin Spanjian moved to adjourn. Ms. Tanja Brekke seconded. The motion carried unanimously.