

**BOARD OF MEDICAL EXAMINERS  
FULL BOARD MEETING  
HELENA MT  
DATE: SEPTEMBER 17, 2010  
MINUTES**

**AMERICANS WITH DISABILITIES ACT:**

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

**ITEM # 1: Call to Order**

Pat Bollinger called the meeting to order and stated she would chair the Board meeting in the Chairperson Thompson's absence.

**Board Members Present:** Ms. Pat Bollinger, Dr. Dean Center, Dr. Kristin Spanjian, Dr. Mary Anne Guggenheim, Dr. Michael LaPan, Ms. Carole Erickson, Ms. Eileen Sheehy, Mr. Ryan Burke, Mr. Don Sullivan

**Board Members Absent:** Dr. Anna Earl, Dr. James Upchurch, Mr. Dwight Thompson

**DLI Staff Present:** Ms. Jean Branscum, Ms. Anne O'Leary, Ms. Lavelle Potter, Mr. Jerry Morse

**Guests Present:** Mr. Mike Ramirez, Mr. Brian Zins, Ms. Erin MacLean, Ms. Casey Blumenthal, Mr. Greg VanHorsen, Mr. Adam Reiss, Mr. Robert Allen, Mr. Jared Demers, Mr. Jeremiah Percy, Dr. Michael Geci-Black

**ITEM # 2: Approval of Minutes**

Dr. Mary Anne Guggenheim stated that on page 12, in the first sentence, the word "hyper-responsible" should read "responsible".

**MOTION: Dr. Michael LaPan made the motion to approve the July 23, 2010 minutes as amended and Dr. Kristin Spanjian seconded. The motion passed unanimously.**

**ITEM # 3: Approval of Agenda**

Ms. Pat Bollinger requested that agenda items eight and nine be switched as one of the guests on the agenda needs a later time slot.

**MOTION: Dr. Michael LaPan made the motion to approve the September 17, 2010 agenda as amended and Dr. Dean Center seconded. The motion passed unanimously.**

#### **ITEM # 4: Open Forum for Public Comments**

##### **PUBLIC COMMENT STATEMENT:**

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not on the agenda for this meeting. While the board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the board will determine the amount of time allotted for public comment.

Ms. Pat Bollinger opened the meeting for public comment. There was no public comment.

#### **ITEM # 5: Compliance Report**

The Board was provided a written compliance report by Ms. Lavelle Potter. There were no questions.

#### **ITEM # 6: Unlicensed Practice**

##### **A. Reza Rezai MD**

Dr. Rezai was not present for the meeting. A complaint was filed by a respiratory therapist alleging Dr. Rezai, who is not licensed in Montana, was providing portable home testing with support from Community Home Oxygen. The auto scored results are not in compliance with Medicare, Medicaid or AASM standards of scoring polysomnograms. Ms. Anne O'Leary stated the Board of Medical Examiners had not received a response from Dr. Rezai. If the allegations are correct, the physician would be required to be licensed in Montana. The Board found there was not enough information provided to make a decision at this time.

**MOTION: Dr. Dean Center made the motion to order an investigation on this matter for further information. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

#### **ITEM # 7: Non-Routine Licensure Application**

A. Dr. Aida Figueroa attended the meeting by phone. Dr. Figueroa's application was before the Board at the May 2010 meeting. At that time she was referred to the Montana Professional Assistance Program. Mr. Mike Ramirez stated he had not heard or received

any further information regarding completion of previously recommended evaluation through the Colorado Physician Health Program or any alternative completion of a similar multi-disciplinary assessment center. The Board discussed these issues and options with Dr. Figueroa. Dr. Figueroa requested that she be allowed to withdraw her application.

**MOTION: Dr. Michael LaPan made the motion to accept Dr. Figueroa's request to withdraw her application. Dr. Dean Center seconded. The motion passed unanimously.**

- B. Dr. Ahmad Hamzah attended the meeting by phone. His application was before the board due to suspension of privileges in the past and one malpractice settlement. The Board discussed these issues with Dr. Hamzah.

**MOTION: Dr. Kristin Spanjian made the motion to grant Dr. Hamzah an active physician license. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**

- C. Dr. Heine was present for the meeting. His application was before the board as he had a past history of controlled substance abuse and suspension of privileges due to this issue. Dr. Heine requested the discussion of his application be conducted during executive session. The Board went into executive session and discussed Dr. Heine's application for licensure.

Ms. Pat Bollinger called the Board meeting back into open session. The motion passed was:

**MOTION: Dr Dean Center made the motion to allow Dr. Heine to withdraw his application. Ms. Carole Erickson seconded. The motion passed unanimously.**

- D. Mr. Jeremiah Percy was present for the meeting. His application was before the Board as he had a past history of alcohol and controlled substance abuse. Due to this past history he has a two-year probationary license in Utah that will be lifted on September 30, 2010. Mr. Percy was referred to the Montana Professional Assistance Program. Mr. Mike Ramirez reported he had a discussion with Mr. Percy and would advocate for full licensure.

**MOTION: Dr. Michael LaPan made the motion to grant Mr. Percy an active EMT license. Dr. Mary Anne Guggenheim seconded the motion.**

**During discussion, Anne O'Leary requested the license be effective October 1, 2010, which is after the end date of the probationary license. Dr. LaPan agreed to amend the motion and Dr. Guggenheim seconded the amended motion.**

**The motion passed unanimously.**

- E. Russell Windsor was not present for the meeting. His application was previously before the Board at the July 2010 meeting as he had an "other than honorable" discharge from the military. At that time he was referred to the Montana Professional Assistance Program. Mr. Mike Ramirez had met with him and had requested additional information from the Armed Forces. Mr. Ramirez reported the additional information had not yet been provided. Mr. Ramirez stated he will continue to work with Mr. Windsor to develop a possible alternative means to reach an evaluation. Ms. Jean Branscum noted incomplete applications could be held for one year from the date of receipt of the application and then would be withdrawn.

**MOTION: Ms. Carole Erickson made the motion to table Mr. Windsor's application until additional information is received. Dr. Dean Center seconded. The motion passed unanimously.**

- F. Mr. Jared Demers was present for the meeting. His application was before the Board because of a history of criminal charges including driving under the influence. Mr. Demers was referred to the Montana Professional Assistance Program. Mr. Mike Ramirez reported he had met and consulted with Mr. Demers and would advocate for full licensure.

**MOTION: Dr. Dean Center made the motion to grant Mr. Demers an active EMT license. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**

- G. Mr. Christopher Scott attended the meeting by phone. His application was before the Board as he had voluntarily surrendered his Florida pool building license in lieu of paying multiple fines and restitution because of a complaint filed against him. The Board discussed the details of the application with Mr. Scott.

**MOTION: Dr. Mary Anne Guggenheim made the motion to grant Mr. Scott an active EMT license. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

- H. Dr. Kiva Shtull was not present for the meeting. Dr. Shtull was before the Board as he had a history of malpractice claims and investigations in Ohio. Dr. Shtull sent a letter of request to withdraw his application prior to the meeting since the job opportunity he was seeking was no longer available.

**MOTION: Dr. Michael LaPan made the motion to accept Dr. Shtull's request to withdraw his application. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

#### **ITEM # 8: Supervision Agreement**

- A. Ms. Melissa Wolfson, PAC, was present by telephone and Dr. Geci-Black was present in person. Ms. Wolfson's supervision agreement with Dr. Geci-Black was before the Board as there was a question on how much authority the physician could delegate to the physician assistant as part of the medical certification process for medical marijuana. Dr. Geci-Black stated the intent of the supervision agreement was to have Ms. Wolfson work cooperatively with him. She would not be making the judgment as to the qualifications of the patient for the use of medical cannabis, but would be helping perform the physical examinations and assessments, and then pass the findings to him for the final decision and evaluation for recommendation. She would assist in follow-up examinations to help provide continuity of care to his patients.

The Board discussed the laws and rules regulating medical marijuana and reviewed correspondence from Jeff Buska, Division Administrator at the Department of Public Health and Human Services. Mr. Buska noted the current law calls for an assessment by the physician. Further, he noted that legislation had been introduced in 2007 and 2009 sessions allowing PAs to do certifications and this legislation did not pass out of committee. He recommended that PAs not be part of the certification process. The Board concurred with DPPHS that Ms. Wolfson should not be delegated duties that relate to the certification for medical marijuana. It was noted this appeared contrary to how PAs are typically delegated duties, and the Medical Marijuana Act was likely to be amended in the upcoming session which may bring additional clarity.

Dr. Geci-Black was questioned on if Ms. Wolfson would be utilized in providing other type of care to patients. Dr. Geci-Black indicated that Ms. Wolfson would be used in other areas of his practice.

**MOTION: Dr. Kristin Spanjian made the motion to approve the supervision agreement as written with the knowledge**

**and understanding that if Dr. Geci-Black violates the legislative intent he may be subject to disciplinary action. Dr. Michael LaPan seconded. The motion passed unanimously.**

#### **ITEM #9: Ratification**

- A. Jason Shaffer, EMT-B
- B. Dr. Aldo A. Battiste Jr.

Ms. Anne O'Leary stated Mr. Shaffer and Dr. Battiste had entered into stipulations for probationary licenses and would need Board ratification on the signed final orders.

**MOTION: Dr. Kristin Spanjian made the motion to ratify the final order signed by Mr. Shaffer. Dr. Dean Center seconded. The motion passed unanimously.**

**MOTION: Dr. Kristin Spanjian made the motion to ratify the final order signed by Dr. Battiste. Dr. Dean Center seconded. The motion passed unanimously.**

#### **ITEM # 10: MPAP Report**

Ms. Pat Bollinger called the meeting into executive session. Mr. Mike Ramirez presented the MPAP report to the Board.

Ms. Pat Bollinger called the Board meeting back into open session.

#### **ITEM # 11: Administrative Rules**

- A. MAR Rule Notice 24-156-74 Hearing Report

Ms. Anne O'Leary stated the hearing on the adoption of rules related to qualification criteria for evaluation and treatment providers was held on July 20.

Prior to the review of the hearing report, Ms. O'Leary noted that a representative from the Montana Medical Association wanted the opportunity to provide additional comment on the proposed rule. Ms. Erin MacLean, speaking on the behalf of MMA stated the Association wanted to clarify their belief the Board is doing a disservice to physicians if it approves the proposed rule as it will require physicians to be treated out-of-state. She noted treatment should be utilized on an individual basis not simply because a program does or does not treat physicians and meets the requirements of the rule. Sending physicians out-of-state is expensive and does not go towards the purpose of the program

which is to rehabilitate them as quickly as possible and send them back to contribute to the community. The Association is in opposition of the new rule.

Ms. Anne O'Leary stated the public comment period had ended for this proposal and thanked the Association for its comments. Dr. Michael LaPan stated the process should involve the completeness, the thoroughness and the purposefulness of rehabilitating physicians and not the speed of the recovery. Dr. Mary Anne Guggenheim stated the out-of-state referrals are not primarily for treatment, but to provide diagnostic evaluation and recommendations for treatment which is a long after care process done in the state. The Board agreed if there was a program in Montana capable of performing the evaluation and treatment they would not hesitate to use them.

Ms. Anne O'Leary presented the hearing report and the Board reviewed each comments and proposed response. Ms. O'Leary noted there were four written responses and two oral responses. There was no revision to the response to the first comment. A spelling error was noted under the response for comment two, replacing "of" with "or." The Board requested two additions to the response to the third comment. The first paragraph should be modified to include "In the December, 2009 New England Journal of Medicine Career Center highlighted the FSPHP as the resource for state physician health programs." The second paragraph should include "The MPAP audit statistics support the use of these guidelines for treatment and evaluation. And it is the Board's responsibility to ensure that the public is protected against the unsafe practice of medicine. High standards are essential to ensure this safety and these FSPHP national standards, and if they are not adhered to, it may mean that lesser standards are applied in Montana. These are objective standards that are fair and reasonable and the Board looks forward to having a program in Montana." The Board requested the first paragraph of the response to the fifth comment be modified to include "Nothing in the new rule states that only physicians can participate in a qualified program. Multi-disciplinary programs are accepted under the new rule. However, programs that treat medical professionals have different qualities than programs that treat others because physicians particularly have defensive, coping mechanisms to circumvent treatment and evaluation. Multi-disciplinary programs that do not treat medical professionals have favorable outcomes in approximately twenty to twenty-five percent of cases while programs that treat medical professionals and adhere to the national guidelines have eighty to ninety percent favorable outcomes". A modification to answer six included the addition of "For physicians with financial hardships, MPAP can and has offered

scholarships on a case-by-case basis. While the Board recognizes that treatment and evaluation is expensive, it is far costlier to lose a physician to addiction, suicide or the end of a career caused by harm to a patient."

**MOTION: Dr. Mary Anne Guggenheim made the motion to accept the hearing report with the suggested additions. Mr. Ryan Burke seconded the motion. The motion passed unanimously.**

**MOTION: Dr. Mary Anne Guggenheim made the motion to adopt "New Rule 1 qualification criteria for evaluation and treatment providers" as proposed. Dr. Kristin Spanjian seconded the motion. The motion passed unanimously.**

#### B. Disruptive Physician Behavior

Ms. Jean Branscum reported that Mr. Mike Ramirez had requested the Board look at adopting administrative rules or making a statutory change on the topic of disruptive physician behavior. Ms. Branscum had prior discussion with Mr. Mike Fanning, the prosecuting attorney for the Board, concerning this issue and it was brought to her attention that there was a current position paper that indicated the Board was going to look at adopting rules on this issue in 2001. This work has not been completed.

Mr. Mike Ramirez, M.S., CRC, with the Montana Professional Assistance Program, stated the guideline protocol for addressing disruptive physician behavior had existed since 2001, following two cases, one of which went to the Montana Supreme Court. Mr. Ramirez provided a hospital protocol that was developed from the work of several physicians and professional assistance programs in both the United States and Canada.

He noted Joint Commission hospitals are required to have internal policy and procedures to address the problem, which include codes of conduct and values and mission statements. Mr. Ramirez had been working with some of the hospitals to address these issues, clarifying the definition of terms and language that disruptive behavior constitutes unprofessional conduct. Ms. Jean Branscum stated if the Board wanted to move forward with this issue she could approach administration for possible legislation to address this issue or look at fitting it into administrative rules. Ms. Branscum and Mr. Ramirez could also query their counterparts in other states to look at language addressing this issue.

Ms. Erin MacLean of the Montana Medical Association agreed that this issue should be addressed and MMA would like to participate in

the upcoming discussions if the issue was referred to the Laws and Rules Committee.

The Board discussed the information presented and agreed that for the immediate short term duration the Board would continue to refer these instances to the Montana Professional Assistance Program and work to help enlarge their program with personnel having expertise in this arena. The Board would also obtain more information before addressing any long term changes and alternatives.

**MOTION: Dr. Dean Center made the motion to refer the issue of disruptive physicians to the Law and Rules Committee to review current rules, possible development of modifications to rule language or development of new rules. Dr. Michael LaPan seconded. The motion passed unanimously.**

**MOTION: Dr. Dean Center made the motion to continue discussion on the potential need for long term programmatic changes or modifications and to refer this to the Physician/Hospital Committee to bring comments and recommendations back to the Board for review. Dr. Michael LaPan seconded. The motion passed unanimously.**

#### **ITEM # 12: Cornea Scraping – Board of Optometry**

Ms. Jean Branscum reported the Board had reviewed a request at the May meeting from the program manager of the Board of Optometry. The request was to determine if corneal scraping was considered surgery. Based on the Board's review, the request was referred to the Board of Optometrists. Staff was asked to report back to the Board on the findings.

Ms. Branscum reported the issue was discussed by the Board of Optometrists and there was a belief that a coding error had possibly occurred. The Board had directed their board counsel to write a letter to Ms. Steyaert of the Montana Medicaid program. A letter had not yet been written.

The Board agreed that additional follow-up was not needed.

#### **ITEM # 13: Committee & Sub Committee Reports**

##### **A. Outreach Committee**

Ms. Carole Erickson reported the Outreach Committee met on September 10, 2010 to review the outcome of the Board survey and noted that the Outreach Committee was on track with goals

and tasks assigned to the committee. Based on the task assigned to the Board to serve as a resource to the Montana Legislature, the committee agreed that there was value in meeting with legislators to educate them on the role of the Board. The Board discussed several options to provide legislators with information.

Ms. Erickson noted a questionnaire from the Federation of State Medical Boards requesting a short history of the Montana Board was sent to Board members to for their input. She reported that articles for the MMA newsletter were being submitted and thanked Dr. Kristin Spanjian and Dr. Dean Center for their continued work in drafting these articles. Ms. Jean Branscum had given a presentation to the Montana Academy of Physician Assistants at their conference in Kalispell in August and issued a Board eNewsletter to licensees in September. Ms. Linda Ashworth updated the Physician Assistant web site on the "frequently asked questions" page.

Ms. Erickson presented a news release for Board consideration that Ms. Jean Branscum had drafted to promote the Montana Health Corps. Ms. Branscum noted she had contacted Dr. Sirr who provided a quote to possibly include in the release.

**MOTION: Ms. Carole Erickson made the motion to send the news release as drafted with the removal of the quote by Dr. Sirr. Dr. Dean Center seconded. The motion passed unanimously.**

The Board directed Ms. Jean Branscum to develop a template for relaying board positions on legislative bills and distributing Board member contact information during the upcoming legislative session.

B. Strategic Planning Committee

Ms. Jean Branscum stated the committee has not met since the last meeting and there was nothing to report at this time.

C. Laws and Rules Committee

1. Inactive Physician Subcommittee

Dr. Mary Anne Guggenheim stated that the issue of inactive/active physicians was before the committee in April and at that time it was decided to bring the issue before the full board for more discussion. The movement from active to inactive and vice versa is confusing to licensees. The Board discussed the function of the "inactive retired" status. After further discussion the board decided to remove the term "inactive retired" from rule.

**MOTION: Dr. Dean Center made the motion to remove the “inactive retired” license status from the physician rules. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

The Board discussed physicians maintaining an inactive Montana physician license for the purpose of maintaining a license when practicing in other states with the intention of returning to Montana in the future to practice. The Board discussed options of reentry requirements for reactivating an inactive license.

**MOTION: Dr. Dean Center made the motion to draft new rules stating that if a licensee has held an inactive license for more than two years, the licensee will be required to provide proof that they have been actively practicing medicine or otherwise demonstrate they are competent to practice medicine, before the license is moved to an active status. Dr. Michael LaPan seconded. The motion passed unanimously.**

The Board directed staff to draft language clarifying there are a variety of ways to practice medicine such as consultation, administrative activities and education.

The Board discussed the issue that physicians holding an inactive license status may have the perception they are still able to write prescriptions when not actively practicing. The Board agreed that writing prescriptions is practicing medicine and would require a physician to hold an active license.

**MOTION: Dr. Dean Center made the motion to include in rule that a licensee with an inactive license status cannot write prescriptions or otherwise practice medicine. Ms. Carole Erickson seconded. The motion passed unanimously.**

D. Allied Health Committee

Dr. Mary Anne Guggenheim stated the committee had not met since the last meeting and there was nothing to report.

E. Physician/Hospital Provider Committee

Dr. Kristin Spanjian stated the committee had not met since the last meeting and there was nothing to report.

F. Medical Director Subcommittee

Ms. Jean Branscum stated Mr. Dwight Thompson, Mr. Ken Threet, and Mr. John Bleicher, provided a presentation with a question and answer session at the Rocky Mountain Rural Trauma Symposium on September 16. She noted her attendance at the session and that the Board was well represented by the professional presentation given by Mr. Thompson and Mr. Threet.

#### **ITEM #14: Legislative Reports**

##### **A. Children, Families, Health & Human Services Interim Committee**

###### **1. Draft Bill – LCMM01**

Ms. Jean Branscum provided a draft copy and updated the Board on the proposed bill for the upcoming legislative session addressing the revision of the Medical Marijuana Act. Ms. Branscum and Dr. Mary Anne Guggenheim have been attending and monitoring the committee sessions and providing information as needed.

###### **2. Correspondence to Commissioner Kelly**

Ms. Jean Branscum provided a correspondence letter written to Department of Labor and Industry Commissioner Keith Kelly thanking Department personnel for participating in discussions and providing information, and requesting ongoing participation. She noted the letter was generated by the committee over their frustration that some state agencies were not attending committee meetings. The Board of Medical Examiners was noted as an exception during the committee meeting.

##### **B. Senate Economic Affairs Committee**

###### **1. Draft Bill-LCmihp**

Ms. Jean Branscum provided a draft copy and updated the Board on the proposed bill for the upcoming legislative session addressing the revision of laws related to medical assistance programs. Dr. Mary Anne Guggenheim attended meetings to provide information on the Board's professional assistance program. Mr. Mike Fanning and Ms. Anjeanette Lindle of the department also attended. The bill is generally putting into statute what the Board follows currently in terms of procedures, and brings some consistency to the program procedures for all Boards with professional assistance programs.

##### **C. Montana Medical Association**

Ms. Erin MacLean, JD, provided an overview of legislative items discussed by Montana Medical Association (MMA). She provided a policy on medical marijuana that the MMA Board of Trustees passed

at their annual meeting noting it will be shared with the legislative committee for informational purposes. Ms. MacLean also discussed other draft legislative bills that may impact their association and the Board and stated that MMA would monitor these bills in conjunction with the Board if needed. The Board thanked Ms. MacLean and Mr. Brian Zins for their comments and continued communication.

#### **ITEM # 15: Board Communications**

- A. Board for Critical Care Transport Paramedic Certification (BCCTPC)  
– Paramedic Training

**MOTION: Dr. Michael LaPan made the motion to table this item until the November 19, 2010 meeting. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**

- B. Board of Nursing – RN/EMT Dual Role

Ms. Pat Bollinger stated the letter provided was a follow-up from the Board of Nursing addressing dual licensure. She stated the letter was informational only and no action was needed at this time.

- C. Montana Nurses' Association Newsletter Article (Informational)

Ms. Pat Bollinger stated the article was provided as an informational document with no action needed.

- D. Annual Montana Pain Initiative Conference (Informational)

Ms. Pat Bollinger directed the Board to the agenda for the upcoming annual Pain Initiative meeting to be held in Billings. Ms. Jean Branscum stated the Montana Pain Initiative Advisory Council was expected to meet at the same and she planned to attend the meeting via conference call.

- E. Request for Physician Assistant Presentation for Rocky MT College Graduates

Ms. Pat Bollinger stated Ms. Jean Branscum received a letter from Ms. Kelli Lala with the Montana Academy of Physician Assistants thanking her for her presentation at their last conference in August. Ms. Lala stated in her letter that a similar presentation would be very beneficial to the physician assistant graduates at Rocky Mountain College in Billings. Ms. Lala also suggested physician assistants coming into the state to practice should pass a

jurisprudence exam and a similar exam could be developed for the Supervising Physician.

**MOTION: Dr. Dean Center made the motion to send a Board representative to the Rocky Mountain College in Billings to provide a presentation in conjunction with the Montana Academy of Physician Assistants. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

The Board agreed to take no action on the issue of a jurisprudence exam.

#### **ITEM #16: Strategic Planning Survey**

Ms. Jean Branscum provided results of the survey that captured Board member opinions on Board priorities, Board committees, and the performance of the Board overall and Board staff. The Board discussed the results of the survey and whether or not all of the committees were still needed. Ms. Branscum noted the Allied Health Committee had not met since its formation.

**MOTION: Dr. Mary Anne Guggenheim made the motion to disband the Allied Health Committee and have the officers of the Board assume the responsibility of the Strategic Positioning Committee. Ad-hoc committees will be appointed as necessary. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

#### **ITEM #17: Licensure Process**

Ms. Jean Branscum presented a department process document regarding licensing an applicant prior to receipt of license verifications. This would allow a license to be issued as long as all other qualifying criteria had been met, there were no adverse, disciplinary or disqualifying information known to the Board/department or noted on the application, and the licensee had requested verification from other jurisdictions. Ms. Branscum noted that while this process allows for a license to be issued earlier, the requirement to provide needed verifications from other states must still be met within a specified timeframe. She also noted Board staff would first attempt to do a preliminary verification by searching other states' online verification sites.

**MOTION: Dr. Kristin Spanjian made the motion to approve the idea of approving applications if the only outstanding issue was license verification from other states, and staff have retrieved online verifications. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**

## ITEM # 18: Office Staff Reports

### A. Executive Director Report- Ms. Jean Branscum

#### 1) Budget Report

The budget report was provided to the Board and Ms. Branscum asked if there were any questions or discussion. The Board had no comments.

#### 2) MMA Annual Meeting Report

Ms. Jean Branscum provided the written report that was distributed at the Montana Medical Association Annual Meeting.

#### 3) FSMB Communication

##### a) Board Participation Report

##### b) Journal Article Request

Ms. Jean Branscum stated the materials provided were informational only and required no action by the Board. Dr. Dean Center noted he was working on a journal article for an FSMB publication addressing medical marijuana.

#### 4) State Medical Director Update

Ms. Jean Branscum stated the position had been classified. She reported the salary range was about one-half of what was expected, so she had met with Human Resource and Department management staff on available options. Ms. Branscum stated the Board could either go out for contract for the position, or advertise at the suggested salary and, based on number of qualified applicants, later approach the department management on need for a pay exception. Ms. Branscum asked the Board for comments and direction to move forward on this item.

**MOTION: Dr. Mary Anne Guggenheim made the motion to advertise the State Medical Director position at the band seven classification and bring the application results back to the November meeting. Ms. Carole Erickson seconded. The motion passed unanimously.**

#### 5) EMT Report

The EMT report was provided to the Board for review. The Board had no comments.

### B. Legal Report

Ms. Anne O'Leary stated she had nothing to report at this time.

C. Program Manager Report – Jerry Morse

1. POLST

The Board agreed to table this item until the November, 2010 meeting.

2. License Application Report

The application report was provided to the Board for review. The Board had no comments.

**ITEM #19: Adjourn**

**MOTION: Dr. Dean Center made the motion to adjourn the meeting and Ms. Eileen Sheehy seconded. The motion passed unanimously.**

**2010 Meeting Dates:**

November 19, 2010

**2011 Tentative Meeting Dates:**

January 21, 2011  
March 18, 2011  
May 19 and 20, 2011  
July 15, 2011  
September 16, 2011  
November 18, 2011

**MOTION: Ms. Carole Erickson made the motion to approve the 2011 meeting dates and Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**