

FULL BOARD MEETING AGENDA
of the
BOARD OF MEDICAL EXAMINERS
301 S. Park Ave, 4th Floor, Helena MT
January 15, 2016 – 11:16 a.m. to 6:11 p.m.

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:01)

Dr. Nathan, President, called the meeting to order at 11:26 a.m.

Board Members Present:

Ms. Pat Bollinger
Ms. Tanja Brekke
Dr. Anna Earl
Ms. Carole Erickson
Mr. Charles Farmer
Dr. James Feist
Dr. Mary Anne Guggenheim
Dr. Bruce Hayward
Dr. Kristin Spanjian
Ms. Katherine Tetrault-via conference call
Dr. Nathan Thomas, President
Dr. James Upchurch-via conference call

Board Members Absent:

Professor Ana Diaz
Mr. Dwight Thompson

Staff Present:

Mr. Ian Marquand, Executive Officer
Ms. Graden Hahn, Board Counsel
Ms. Barb McAlmond, Administrative Specialist
Mr. Todd Younkin, Division Administrator
Mr. Ken Threet, ECP Training Coordinator
Dr. Harry Sibold, Statewide Medical Director-via conference call

Others Present:

Ms. Janet Smith-via conference call
Mr. Ed Lesofski
Ms. Olivia Tooley
Mr. Michael Ramirez
Ms. Tamara Schmalz
Dr. Craig Cox
Dr. Mark Jeffrey Slepín
Dr. Teresa Garcia
Dr. Philip Fisher
Ms. Kelly Stimpson-via conference call
Dr. Federico Seifarth-via conference call

2. Approval and Tentative Modification of Agenda Order (00:02:33)

a. January 15, 2016 Agenda

Motion: (00:03:12) Dr. Hayward moved to approve the January 15, 2016 agenda with the understanding of possible adjustments. Ms. Brekke seconded. The motion carried.

3. Review and Approve Minutes (00:03:34)

a. November 20, 2015 Open Session (00:03:39)

Motion: (00:03:56) Dr. Spanjian moved to approve the November 2, 2015 Open

Session minutes as presented. Ms. Brekke seconded. The motion carried.

b. November 20, 2015 Executive Session (00:04:13)

Motion: (00:04:51) Ms. Erickson moved to approve the November 20, 2015 Executive Session minutes with corrections. Dr. Hayward seconded. The motion carried.

4. Public Opportunity to Comment (00:05:17)

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.”

No public comment noted.

5. Compliance Report (00:06:17) No Board action required.

- a. December 2015 Screening Panel Report (00:43:44)
- b. January 2016 Screening Panel Report

6. Division Administrator’s Report—Mr. Todd Younkin (03:28:51)

- a. Update on License Renewal Notifications

7. Board Action

- a. **SB 76 and Administrative Suspensions—Ms. Graden Hahn & Ms. Colleen White**
 - i. Board motion re: delegation of authority to issue administrative suspensions (03:48:00)

- b. **Rulemaking (00:46:12)** No Board action required.
 - i. Update on committee consideration of rules for MAR 24-156-83

- c. **Request for Exception to Statewide ECP Protocols (03:48:37)**
 - i. Glacier County EMS
Motion: (03:49:19) Mr. Farmer moved to refer this to the Medical Direction Committee. Dr. Feist seconded. The motion carried.

- d. **Interstate Medical Licensure Compact (03:50:02)** No Board action required.
 - i. Update on Compact development & Compact Commission activities—Mr. Ian Marquand & James Feist, M.D.
 - ii. Update on Board/BSD activities related to the Compact—Mr. Ian Marquand

- e. **Legislation (00:07:04)**
 - i. Presentation re: proposed citizen initiative on Community Veteran EMTs—Mr. Ed Lesofski (00:07:11) No Board action required.

-(00:45:10) Dr. Thomas recessed the Full Board meeting to go into Executive Session meeting 12:15 p.m.

- ii. Timeline for BSD and Board 2017 legislative requests -No Board action required.

- f. **Correspondence (00:48:07)** No Board action required.
 - i. MPDR Reports (00:48:15)
 - ii. FSMB Correspondence (00:52:12)
 - iii. Invitation from Montana Pain Initiative (00:54:46)

g. Scheduling of Next Meeting / Meeting Planning (03:57:06)

- i. March 11, 2016
- ii. May 19 & 20, 2016- Mr. Marquand will contact FSMB and MMA for a visit/presentation. Aging physicians, burnout, treatment of chronic pain, and other countries and

their narcotic approach will be possible discussion items.

h. Approval of Travel (03:58:49)

- i. National Association of Locum Tenens Organizations / National Association of Physician Recruiters, March 3, Kissimmee FL (Ian Marquand representing Interstate Medical Licensure Compact Commission)
Motion: (03:59:24) Dr. Guggenheim moved to approve Mr. Marquand to attend the National Association of Locum Tenens Organizations/National Association of Physician Recruiters, March 3, 2016. Ms. Brekke seconded. The motion carried.
- ii. Interstate Medical Licensure Compact Commission meeting, March 31-April 1, Minneapolis/St. Paul MN (Ian Marquand, Dr. James Feist) (03:59:53)
Motion: (04:00:00) Dr. Spanjian moved to approve Mr. Marquand and Dr. Feist to attend the Interstate Medical Licensure Compact Commission meeting, March 31-April 1, 2016. Ms. Brekke seconded. The motion carried.
- iii. Administrators in Medicine Board Meeting & Annual Meeting, April 26-27, 2016, San Diego CA (Ian Marquand) (04:00:22)
Motion: (04:00:36) Ms. Brekke moved to approve Mr. Marquand to attend the Administrators in Medicine Board Meeting and Annual meeting, April 26-27, 2016. Ms. Bollinger seconded. The motion carried.
- iv. Federation of State Medical Boards Annual Meeting, April 28-30, 2016 San Diego CA (Board must select delegate and/or other attendees) (04:00:53)
Motion: (04:01:04) Dr. Hayward moved to approve Mr. Marquand and Dr. Thomas to attend the Federation of State Medical Boards Annual Meeting, April 28-30, 2016. Ms. Brekke seconded. The motion carried.

Working Lunch (Executive Session) - (00:45:10) Dr. Hayward recessed the Full Board meeting to go into Executive Session meeting 12:15 p.m.

8. MCA 2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions.

(00:45:16)(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/Ms. Tamara Schmalz

(00:46:12) Dr. Thomas reconvened the Open Session meeting.

9. Board Action (Continued) (01:04:58)

a. Non-routine Applications

- i. William Zachary, Physician (01:05:07) Previously tabled.
Dr. Zachary's application timed out November 25, 2015. No further action required.
- ii. Booker Evans, Physician (01:06:39) Previously tabled.
Dr. Evans asked that his application be removed from the table. No further action required.
- iii. Laura Wood, EMT (01:08:43) Previously tabled.
No new information has been received. Ms. Wood's application will remain tabled. No further action required.
- iv. Craig Cox, Physician (01:09:33)
Discussion in open meeting until (01:38:24) Dr. Thomas deemed this application

should be heard in Executive Session

(01:38:46) Dr. Thomas resumed discussion in open session

Motion: (01:39:40) Dr. Earl moved to grant Dr. Cox a full and unrestricted Montana license pending an evaluation by an MPAP approved program and an endorsement by MPAP following such evaluation. Dr. Guggenheim seconded. The motion carried.

v. Mark Jeffrey Slepín, Physician **(01:44:03)**

Motion: (02:04:32) Dr. Feist moved to grant Dr. Slepín a full and unrestricted license pending receipt of confirmation that Dr. Slepín has met the requirements of ARM 24.156.603 and ARM 24.156.618. The CONCERT Exam is approved by this Board under the authority of Subsection (f) of ARM 24.156.618. Dr. Guggenheim seconded. The motion carried.

vi. James Champa, Physician **(02:11:50)** –via conference call

Motion: (02:18:434) Dr. Guggenheim moved to table Dr. Champa's application pending receipt from Dr. Champa of his successful completion of one of the reentry options required in ARM 24.156.603 and ARM 24.156.618. Ms. Brekke seconded. The motion carried.

vii. Katrina Lewis, Physician **(02:08:18)**

Motion: (02:10:07) Dr. Guggenheim moved to grant Dr. Lewis a full and unrestricted license. Dr. Spanjian seconded. The motion carried.

viii. Mark Lehman, EMR **(02:20:32)**

Motion: (02:25:00) Dr. Guggenheim moved to grant Mr. Lehman a full and unrestricted license pending receipt of verification from his probation officer that Mr. Lehman has been in no trouble in the last 6 years and will be off of probation in October, 2016. Dr. Feist seconded. The motion carried.

ix. Philip Fisher, Physician (02:29:19)

Motion: (02:55:10) Dr. Guggenheim moved to table Dr. Fisher's application pending two areas of verification and review by the Board:

- 1) Documentation of the West Virginia Board of Osteopathic Medicine's action against Dr. Fisher's license will be reviewed by the Department's Investigations Unit or other appropriate Department staff. The result of that review will be shared with the Board when available.
- 2) The Board must receive documentation from CPEP or a similar program following an assessment of Dr. Fisher's skills that he is safe to practice. Once information has been received on both items, the application will be brought to the Board for a decision. Ms. Brekke seconded. The motion carried.

x. Theresa Garcia, Physician - Executive Session

xi. Federico Seifarth, Physician **(03:04:45)**

Motion: (03:10:19) Dr. Guggenheim moved to grant Dr. Seifarth a full and unrestricted license. Ms. Erickson seconded. The motion carried.

(03:16:33) Mr. Marquand led a discussion regarding the Board granting Mr. Marquand and Ms. Hahn the authority to evaluate applications that possibly would not need Board approval.

Motion: (03:19:09) Dr. Spanjian moved to allow the discretion of the Board staff to approve applications that are lengthier than the 7 years for the completion of the USMLE Complex, assuming that applicant has passed each segment of the USMLE on the first try and there are no other issues with the application. Dr. Hayward seconded. The motion carried.

- 10. Information from Other State Agencies (03:20:53)** No Board action required.
- a. Report from DPHHS EMS & Trauma Section—Mr. James DeTienne
 - March agenda item-REPLICA
- 11. Medical Director and EMT Training Officer Reports (04:01:54)** No Board action required.
- a. Medical Director Report—Dr. Harry Sibold **(04:02:03)**
Motion 02:52) Dr. Spanjian moved to accept the Medical Director Report. Ms. Brekke seconded. The motion carried.
 - b. Training Officer Report—Mr. Ken Threet **(04:03:09)**
Motion: (04:03:23) Ms. Erickson moved to accept the Training Officer Report. Dr. Hayward seconded. The motion carried.
- 12. Executive Officer Report—Mr. Ian Marquand (04:03:42)** No Board action required.
- a. Application Report
 - b. Budget Report
 - c. Executive Officer Activities
 - d. Newsletter
- 13. Legal Report—Ms. Graden Hahn (04:05:43)** No Board action required.
- 14. Board Committee, National Committee and Other Reports (04:12:41)**
- a. Medical Direction Committee—Dr. James Upchurch **(04:12:46)**
 - i. Board approval of Patrick Alduenda, PA-C, as new committee member
Motion: (04:14:20) Dr. Spanjian moved to appoint Mr. Alduenda to the Medical Direction Committee. Dr. Earl seconded. The motion carried.
 - ii. Committee Report on Community Volunteer EMT initiative
 - iii. Committee Report on Community Paramedicine
 - b. Laws & Rules Committee—Ms. Tanja Brekke **(04:16:19)** Next meeting is February 25, 2016 at 9:00 a.m.
 - c. Outreach Committee/Board Liaison—Ms. Carole Erickson **(04:20:46)** Ms. Erickson asked that a discussion item be placed on the May Full Board Meeting agenda to discuss a process of getting public comment from Adjudication Panel to the Full Board.
 - d. Acupuncture Committee—Ms. Tanja Brekke **(04:21:54)** No Board action required.
 - e. Montana POLST Coalition Report **(04:22:42)** No Board action required.
 - f. FSMB Reports **(04:23:11)** No Board action required.
- 15. Committee and Panel Assignments for Remainder of Calendar 2016 (04:23:56)**
- Ms. Erickson will replace Dr. Thomas on the Laws and Rules Committee
 Ms. Brekke will be on Screening Panel for February 26, 2016 Screening Panel meeting.
- 16. Adjourn (04:30:31)** Ms. Brekke moved to adjourn the meeting at 6:10 p.m. Dr. Spanjian seconded. The motion carried.

The Department of Labor & 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.

New agenda items may be added up to “three business days” before the meeting. For the most accurate agenda, please consult the web site at www.medicalboard.mt.gov. The board may reorder the agenda at the beginning of the meeting.