

**BOARD OF MEDICAL EXAMINERS  
LAWS AND RULES COMMITTEE  
(CONFERENCE CALL)  
4<sup>th</sup> FLOOR CONFERENCE ROOM  
301 SOUTH PARK AVE  
HELENA, MONTANA  
DATE: NOVEMBER 10, 2010  
TIME 2:00 P.M. – 3:30 P.M.  
AGENDA**

**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.

**Members Present:** Ms. Carole Erickson, Dr. Mary Anne Guggenheim, Ms. Pat Bollinger

**Members Absent:** None

**Staff Present:** Ms. Jean Branscum, Ms. Linda Ashworth

**Guests Present:** Mike Ramirez, MPAP; Erin MacLean, Montana Medical Association; Linda Edquest, Active Interim Director of the Montana Medical Association

**ITEM 1: Call to Order**

Ms. Jean Branscum, Executive Director of the Board of Medical Examiners, called the meeting to order and took role.

**ITEM 2: Election of Committee Chair**

Ms. Branscum noted that Dr. Michael LaPan's term as a member of the Board of Medical Examiners had expired leaving the committee without a chair. She asked for nominations for the position of chair.

**MOTION:** Ms. Carole Erickson made the motion to nominate Dr. Mary Anne Guggenheim as chair of the Laws and Rules Committee. Ms. Pat Bollinger seconded the motion. The motion passed unanimously

**ITEM 3: Review and Approval of Agenda**

**MOTION:** Ms. Pat Bollinger made the motion to accept the agenda as proposed. Ms. Carole Erickson seconded the motion. The motion passed unanimously.

**ITEM 4: Approval of Minutes of May 14, 2010 Meeting**

**MOTION: Ms. Carole Erickson made a motion to approve the May 14, 2010 minutes. Dr. Mary Ann Guggenheim seconded the motion. The motion passed unanimously**

**ITEM 5: Open Forum: Public Comment**

Dr. Guggenheim opened the meeting for public comment. There was no public comment.

**PUBLIC COMMENT STATEMENT:**

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

**ITEM 6: Disruptive/Distressed Physician Rules**

Mr. Mike Ramirez joined the committee by telephone. Ms. Jean Branscum reported that this issue had been presented at the September board meeting and at that time Mike Ramirez and the MPAP Board had requested the Board of Medical Examiners look at adopting administrative rules or statutory change on the topic of disruptive physician behavior. It was also noted that Mr. Mike Fanning, Prosecuting Attorney for the Board, had concerns regarding a position paper written in 2001 indicating the Board was going to look at adopting rules on this issue and that these rules might be helpful in the arena of distressed physicians. The Board had moved at the September 17, 2010 meeting that this issue would be brought before the Laws and Rules Committee for discussion.

Ms. Branscum provided input from Mr. Ramirez's and her counterparts in other states, stating that most professional assistant programs focus on substance abuse or mental health issues and none identified the issue of the disruptive physician. She asked the committee members for direction on what should be done in regards to the disruptive physician. Ms. Erin MacLean offered MMA as a source for peer assistance. She stated that the MMA Executive Committee will discuss how MMA can be more supportive and then provide more information to Mr. Ramirez and Ms. Branscum.

The committee recommended a small group be formed to review revisions to the position paper and possibly changes to rule. Jean Branscum, Mike Fanning and Anne O'Leary will meet to discuss additions to the position paper and rules and will then meet with the group, formed by Carole Erickson to discuss the options. A short summary will then be emailed to the committee prior to the January meeting for the committee members' input.

**ITEM 7: Resident Licensure Rules**

At the July 23, 2010 full board meeting the Board had directed Ms. Anne O'Leary and Ms. Branscum to draft administrative rules addressing licensure of residents and bring them to the Laws and Rules Committee for review. Ms. Anne O'Leary provided an overview of the suggested changes to meet the directives of the Board.

Rules changes would clarify the license requirements for the Montana Family Residency Program in Billings, residents on rural rotations and foreign medical graduates.

The committee discussed the changes and options of implementing them into rules governing resident licensure. Ms. O'Leary will email all the discussed changes to the committee members for review.

#### **ITEM 8: Inactive Retired Rules**

The issue of "inactive retired" status was before the committee in April and was presented to the full board in September for further discussion. At that time the Board decided to remove the term "inactive retired" from rule. The committee discussed the status of the "inactive retired" physician once this term was removed from rule. It was determined that the physician could either go inactive by paying the additional inactive fee or go to expired status. A letter will be sent out to those licensees affected by this change.

#### **ITEM 9: Recommendations to Board**

At this time no recommendations will be made to the full board at the November meeting, but will continue moving forward to the January meeting.

#### **ITEM 10: Upcoming work projects: Rules and Position Papers**

Once another member has been appointed to the committee to fill Dr. LaPan's position, the committee members will develop a work plan to review position papers.

#### **Adjourn**