

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 S. Park Ave, 4th Floor,
Helena MT
May 20, 2016
9:35 a.m. to 5:10 p.m.

Conference Call Information: Call Number: 1-877-820-7831 Passcode: 920988#

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:10)

Presiding Officer, Dr. Nathan Thomas, called the meeting to order in Open Session at 9:35 a.m. It was established that a quorum was present to begin the deliberations.

Members Present:

Pat Bollinger, MS, RD
Tanja Brekke, LAC
James Burkholder, MD
Ana Diaz, Ph.D. (on phone)
Anna Earl, MD
Carole Erickson, Public Member
Charles Farmer, AEMT
James Feist, MD
Bruce Hayward, DO
Kristin Spanjian, MD
Katherine Tetrault, PA (on phone)
Nathan Thomas, DPM
James Upchurch, MD

Staff Present:

Ian Marquand: Executive Officer
Graden Hahn: Board Counsel
Debra Tomaskie: Administrative Specialist

Guests Present:

Mr. Ken Threet
Dr. Harry Sibold
Mr. Todd Younkin
Dr. Jim Champa
Mr. Casey Brock
Ms. Marlee Hanson
Mr. Wayne Yankoff
Ms. Judith Notchick
Dr. Dharma Rose
Ms. Sara Townley (on phone)
Ms. Marcie Bough
Ms. Amber Gilbert (on phone)
Ms. Amanda Moffett-Frey (on phone)
Ms. Shannon Puckett (on phone)
Mr. Jim DeTienne
Mr. Ray Hanson
Mr. Steve Christiansen
Ms. Tamara Schmalz
Dr. Eric Thomas

Mr. John Phillips
Ms. Chastity Leroy
Ms. Tamara Hensen
Mr. Bryan Espinosa
Mr. Gary Snook
Ms. Kathleen Snook
Ms. Terry Anderson

2. Compliance Report - LaVelle Potter (00:00:13)

- a. April Screening Panel Report (00:00:17)
- b. May Screening Panel Report (00:00:40)

Board Member Tanja Brekke reported that the Screening Panel reviewed a total of 15 cases during their April 8, 2016 Panel meeting. The Panel determined the following: dismiss 5 cases with prejudice; dismiss 7 cases without prejudice; notice 1 case for reasonable cause findings; notice 1 case for summary suspension; and table 1 case.

Board Member Tanja Brekke further reported that the Screening Panel reviewed a total of 5 cases during their May 20, 2016 Panel meeting. The Panel determined the following: dismiss 1 case with prejudice; notice 2 cases for reasonable cause findings; table 2 cases.

3. Division Administrator's Report - Mr. Todd Younkin (00:25:17)

Mr. Todd Younkin was present and updated the Board on the happenings within the Bureau.

4. Public Comments Following May 19 Special Presentations (00:31:30)

(00:33:15) Mr. Casey Brock
(00:36:13) Ms. Marley Hanson
(01:13:50) Mr. Wayne Yankoff
(01:18:48) Mr. Gary Snook
(01:37:36) Ms. Terry Anderson
(01:50:17) Ms. Judith Notchick

5. Board Action

a. SB 76 and Administrative Suspensions (02:01:40)

- i. Board motion re: delegation of authority to issue administrative suspensions (02:01:41)

This matter will remain on the agenda as developments continue.

b. Rulemaking (02:04:30)

i. Review of Rules to be included in MAR 24-156-83 for Notice of Proposal (02:04:30)
(02:21:06) Board members will communicate, prior to the next meeting, any practice substance related or other rule concerns they may have to Board Counsel, Graden Hahn.

c. Legislation for 2017 (02:24:00)

i. REPLICA (Interstate EMS Compact—tabled from March 11)
Motion (02:24:26): Dr. Bruce Hayward moved to remove this item from Tabled. Dr. Hayward retracted his motion. The matter will remain on the agenda for future discussion.

- ii. DPHHS Community Paramedicine Legislation (02:26:00)

d. DPHHS Physician Referrals Required by MCA 50-46-303 (Medical Marijuana Act) (02:27:17)

This was an informational item.

e. Request for Exception to Statewide ECP Protocols (02:31:30)

i. Request from REACH/Summit (02:31:30)

ii. Request from Michael Rossi (Whitehall Ambulance/Beartooth EMS) (02:31:30)

Motion (02:31:36): Dr. James Feist moved to refer both requests to the Medical Direction Committee. Ms. Carole Erickson seconded. Motion carried.

f. Correspondence (02:35:25)

i. Montana PDR Reports (02:35:22)

ii. Invitation from Rocky Mountain Rural Trauma Symposium for sponsorship (02:35:25)

Motion (02:36:06): Ms. Tanja Brekke moved to support sponsorship. Dr. Bruce Hayward seconded. Motion carried.

g. Scheduling of Next Meeting/Meeting Planning (02:36:30)

i. July 15, 2016, Helena (02:36:33)

ii. Updates on other meeting dates and locations (02:36:35)

Other Full Board meeting dates were previously set as follows:

September 16, 2016

November 4, 2016

h. Approval of Travel (00:23:37)

i. Interstate Medical Licensure Compact Commission Meeting, June 24, Salt Lake City, UT (Ian Marquand, Dr. James Feist) (01:59:00)

Motion (01:59:06): Dr. Anna Earl moved to approve travel for Executive Officer, Ian Marquand and Dr. James Feist to attend the Interstate Medical Licensure Compact Commission Meeting, June 24, 2016 at Salt Lake City, Utah. Ms. Tanja Brekke seconded. Motion carried.

ii. Administrators in Medicine Executive Director Workshop, Minneapolis MN, Oct. 25-27 (Ian Marquand) (01:59:22)

Motion (01:59:55): Dr. Bruce Hayward moved to approve travel for Executive Officer, Ian Marquand to attend the Administrators in Medicine Executive Director Workshop, October 25-27, 2016 at Minneapolis, Minnesota. Ms. Carole Erickson seconded. Motion carried.

iii. NREMT examination supervision training, Cheyenne WY, Sept. 9-10 (Ken Threet, Harry Sibold) (00:23:57)

Motion (00:24:08): Dr. James Upchurch moved to approve travel for Mr. Ken Threet and Dr. Harry Sibold to attend the NREMT examination supervision training, September 9-10, 2016 at Cheyenne, Wyoming. Ms. Tanja Brekke seconded. Motion carried.

iv. NASEMSO meeting, Albuquerque NM, Sept. 19-22 (Harry Sibold, Ken Threet) (00:24:32)

Motion (00:24:48): Dr. Bruce Hayward moved to approve travel for Dr. Harry Sibold and Mr. Ken Threet to attend the NASEMSO meeting, September 19-22, 2016 at Albuquerque, New Mexico. Dr. Kristin Spanjian seconded. Motion carried.

6. Board Committee, National Committee and Other Reports (04:21:28)

a. Medical Direction Committee—Dr. James Upchurch (04:21:30)

b. Laws & Rules Committee—Ms. Tanja Brekke (04:22:27)

c. Outreach Committee/Board Liaison—Ms. Carole Erickson (04:23:34)

d. Acupuncture Committee—Ms. Tanja Brekke (04:26:40)

e. Montana POLST Coalition Report—Dr. Kathryn Borgenicht (04:28:16)

f. Report on FSMB Annual Meeting—Dr. Nathan Thomas (04:32:12)

g. FSMB Reports (04:37:40)

7. Medical Director and EMT Training Officer Reports (00:01:26)

a. Medical Director Report—Dr. Harry Sibold (00:01:28)

Dr. Sibold presented the report.

- b. Training Officer Report—Mr. Ken Threet (00:11:00)

Mr. Threet presented the report.

Motion (00:16:45): Dr. Bruce Hayward moved to accept the 3rd test pilot program to account for licensure of EMT's. Ms. Tanja Brekke seconded. Motion carried.

8. Executive Officer Report - Mr. Ian Marquand (04:37:50)

- a. Dwight Thompson Letter of Resignation (04:37:58)
- b. Application Report Inc. Renewals (04:39:56)

- c. ECP Continuing Education Audit (04:42:07)

Motion (04:43.18): Dr. Kristin Spanjian moved to audit 5% for each of the four categories of ECP license type. Ms. Tanja Brekke seconded. Motion carried.

- d. Budget Report (04:46:25)

(04:48:00) The Board inquired if the Department could look into improvements with the phone system, minutes and recording system.

- e. Report from Administrators in Medicine Annual Meeting (04:51:08)

(05:09:00): The Board asked Executive Officer, Ian Marquand and Board Counsel, Graden Hahn, to research the potential of emeritus or retired status.

- f. Newsletter (05:04:40)

- g. Consumers Union Report on Medical Board Websites (05:04:50)

9. Legal Report (05:11:21)

10. Working Lunch (Executive Session) (02:37:20)

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.

Adjourn Open Session (00:00): Presiding Officer, Dr. Nathan Thomas, adjourned the open session meeting at 12:15 p.m. to convene in Executive Session.

- a. MPAP Report—Mr. Mike Ramirez & Ms. Tamara Schmalz (Discussed in Executive Session)

Reconvene Open Session (02:40:02): Presiding Officer, Dr. Nathan Thomas, reconvened the open session meeting at 2:08 p.m. Dr. Thomas reported that the Board received an update from Ms. Tamara Schmalz of MPAP and considered two license applications, both of which were tabled.

11. Board Action (Continued)

- a. **Non-routine Applications (02:40:20)**

- i. Laura Wood, EMT (tabled) (03:16:48)

Application will time out in June. No action taken.

- ii. James Champa, Physician (tabled) (03:16:58)

No further information has been received to date. No action taken.

iii. Philip Fisher, Physician (tabled) (03:17:12)

No further information has been received to date. No action taken.

iv. Theresa Garcia, Physician (tabled) (03:17:13)

No further information has been received to date. No action taken.

v. Joseph Sanchez, Acupuncturist (03:17:40)

Motion (03:18:40): Ms. Tanja Brekke moved to approve Joseph Sanchez for Acupuncturist licensure. Dr. James Burkholder seconded. Motion carried.

vi. Martin Schreeder, Physician (03:19:38)

Motion (03:21:12) Dr. James Feist moved to table the application to obtain further information from MPAP. The motion died due to the lack of a second.

Motion (03:21:36): Dr. James Burkholder moved to ask him if he wants to withdraw his application. If no response is received within 2 weeks then deny licensure. Dr. Anna Earl seconded. After further discussion as to whether the Board wants to deny the application at this time, Dr. Earl withdrew her second. The motion died due to the lack of a second.

Motion (03:24:00): Dr. Anna Earl Earl moved to deny the application of Dr. Martin Schreeder based on his license summary suspension in Louisiana and failure to comply with PHP for unprofessional conduct. Dr. Bruce Hayward seconded. Motion carried.

vii. Dharma Rose, Physician (Executive Session)

viii. John Phillips, EMT (02:40:32)

Mr. Phillips was present during the deliberations and waived his right to privacy.

Motion (02:46:00): Dr. James Feist moved to issue John Phillips a license with a one-year probation with further conditions that he continue to work with MPAP. Mr. Charles Farmer seconded. Dr. Feist amended his motion to issue a full unrestricted license at the end of one year pending receipt of a favorable recommendation from MPAP. Motion carried.

ix. Foster Cline, Physician (02:53:11)

Applicant has requested that the Board postpone consideration of his application until the July 2016 meeting so he is able to attend. No action taken.

x. Eric Thomas, Physician (02:53:30)

Dr. Thomas was present during the deliberations

Motion (03:11:56): Dr. Bruce Hayward moved to table the application of Dr. Eric Thomas and reassess after a favorable recommendation is received from MPAP in regard to prescribing and record keeping. After further discussion, Dr. Hayward amended his motion to table pending successful completion of CPEP or equivalent prescribing and record keeping courses. Motion died due to lack of a second.

Motion (03:13:35): Dr. Bruce Hayward moved to grant a full unrestricted license to Dr. Eric Thomas pending evidence of successful completion of CPEP prescribing and record keeping courses. Ms. Tanja Brekke seconded. After further discussion, Dr. Hayward amended his motion to grant a full unrestricted license to Dr. Eric Thomas pending evidence of successful completion of CPEP or equivalent prescribing and record keeping courses. Ms. Brekke seconded the amendment. Motion carried.

xi. Bryan Espinosa, Physician Assistant (Executive Session)

b. Board Review of Clinical Pharmacist Practitioner Applications (03:29:58)

Board of Pharmacy Executive Officer, Marcie Bough, was present during the deliberations and gave a summary of each application.

i. Amber Gilbert (03:37:50)

Ms. Gilbert was present, by phone, during the deliberations.

Motion (03:40:30): Ms. Tanja Brekke moved to approve Amber Gilbert for the Clinical Pharmacist Practitioner endorsement. Dr. James Upchurch seconded. Motion carried.

ii. Amanda Moffett-Frey (03:41:28)

Ms. Moffett-Frey was present, by phone, during the deliberations.

Motion (03:46:30): Dr. Kristin Spanjian moved to approve Amanda Moffett-Frey for the Clinical Pharmacist Practitioner endorsement. Ms. Tanja Brekke seconded. Motion carried.

iii. Shannon Puckett (03:47:14)

Ms. Puckett was present, by phone, during the deliberations.

Motion (03:51:00): Ms. Carole Erickson moved to approve Shannon Puckett for the Clinical Pharmacist Practitioner endorsement. Dr. James Burkholder seconded. Motion carried.

iv. Sarah Townley (03:51:32)

Ms. Townley was present, by phone, during the deliberations.

Motion (03:53:00): Dr. James Feist moved to approve Sarah Townley for the Clinical Pharmacist Practitioner certification. Dr. Kristin Spanjian seconded. Motion carried.

12. Information from Other State Agencies (03:54:15)

a. Jim DeTienne, DPHHS EMS/Trauma Section (03:54:15)

Mr. DeTienne was present during deliberations.

Motion (03:57:10): Dr. James Feist moved to approve sending a letter of support to DPHHS in favor of their CDC prescription drug prevention grant application. Ms. Pat Bollinger seconded. Motion carried.

13. Adjourn (05:31:20)

Motion (05:31:25): Dr. Kristin Spanjian moved to adjourn the Board of Medical Examiners Full Board meeting at 5:10 p.m. Dr. James Burkholder seconded. Motion carried.