

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
Skybridge 4 Room, Crowne Plaza Hotel, Billings MT
1:15 p.m. to 4:45 p.m. / 9:30 a.m. to 5:30 p.m.
MAY 16, 2013 / MAY 17, 2013

1. Call To Order - Establish Quorum (Minutes 1 - 00:17)

Board Members Present:

Dr. Kris Spanjian (Chair), Mr. Charles Farmer, Dr. Nathan Thomas, Ms. Tanja Brekke, Dr. Anna Earl, Dr. Mary Anne Guggenheim, Dr. Bruce Hayward, Ms. Patricia Bollinger, Mr. Dwight Thompson, Ms. Carole Erickson, Dr. Jim Upchurch, Mr. Don Sullivan, Ms. Ana Diaz

Board Members Absent:

None

Staff Members Present:

Mr. Ian Marquand - Executive Officer
Anne O'Leary, Esq. - Board Counsel
Ms. L'Joy Griebenow – Board Management
Dr. Harry Sibold – State Medical Director
Mr. Ken Threet – EMT Training Coordinator

Guests Present:

Dr. Hank Chaudry, Dr. Jon Thomas, Mr. Mike Ramirez, Dr. Paul Cook, Ms. Becky Zaharko, Dr. Vijay Agarwahl, Mr. Joseph Lowther, Mr. Jim DeTienne, Ms. Melissa Ryals (by telephone), Mr. Dean Christian (by telephone), Dr. Patricia Evans (by telephone), Ms. Mary Minobe (by telephone), Dr. Charles Kornblau (by telephone), Ms. Kay Brown (by telephone), Dr. Ronald Durning (by telephone), Dr. Gary Carr

2. Approval of Agenda Order (Minutes 1 - 2:57)

The Board presented an engraved gavel to Dr. Anna Earl in recognition and appreciation of her years of service as Board chair. **(Minutes 1 - 3:14)**

2. (continued) Approval of Agenda Order (Minutes 1 - 3:58)

The Board reviewed the May 16-17, 2013 Agenda.

MOTION: Dr. Guggenheim made a motion to approve the [May 16-17, 2013] agenda; Dr. Hayward seconded the motion. Motion passed unanimously. (4:33)

3. Review and Approve Minutes (Minutes 1 - 4:50)

a. March 15, 2013 (Open and Executive Sessions) (4:59)

The Board reviewed the March 15, 2013 meeting minutes.

MOTION: Dr. Guggenheim made a motion to approve the March 15, 2013 meeting minutes as presented; Dr. Upchurch seconded the motion. Motion passed unanimously. (5:35)

MOTION: Ms. Bollinger made a motion to approve the March 15, 2013 Executive Session minutes as presented; Dr. Thomas seconded the motion. Motion passed unanimously. (6:16)

b. April 26, 2013 (8:19)

The Board reviewed the April 26, 2013 meeting minutes.

MOTION: Ms. Bollinger made a motion to approve the [April 26, 2013 meeting] minutes as presented; Dr. Guggenheim seconded the motion. Motion passed unanimously. (8:33)

c. May 8, 2013 (8:52)

The board reviewed the May 8, 2013 meeting minutes.

MOTION: Dr. Earl made a motion to approve the May 8, 2013 meeting minutes as presented; Dr. Hayward seconded the motion. Motion passed unanimously. (9:18)

4. Public Opportunity to Comment (Minutes 1 - 9:43)

The Presiding Officer read the statement of public participation and opened the meeting for public comment. There was no public comment.

5. Special Presentations

a. Review of FSMB Annual Meeting (Minutes 1 - 10:21)

Dr. Kristin Spanjian, Dr. Nathan Thomas, and Mr. Dwight Thompson led the discussion. This was for information only; no Board action was taken.

******Break**** (48:30)**

b. Presentation by Federation of State Medical Boards (Minutes 1 – 49:25)

Dr. Hank Chaudry, FSMB Chief Executive Officer and Dr. Jon Thomas, FSMB President made a presentation about FSMB to the Board. Dr. Chaudry led the discussion. This was for information only; no Board action was taken.

c. Conversation with FSMB Leaders (Minutes 1 – 2:14:37)

Dr. Chaudry led the discussion. This was for information only; no Board action was taken.

****** The Board recessed until 9:30 a.m. on Friday, May 17, 2013. **** (3:07:36)**

**** The Board reconvened at 9:30 a.m., Friday, May 17, 2013 **(Minutes 2 - 00:00)**

Establish Quorum (Minutes 2 - 00:26)

6. Compliance Report (Minutes 2 – 2:33)

Dr. Guggenheim reported on the results from the morning screening panel meeting. The panel reviewed one case which was tabled pending further peer review. This was for information only; no Board action was taken.

7. Board Action

a. Licensee Administrative Action

i. Patricia Evans, M.D. **(Minutes 2 - 3:07)**

Ms. Minobe (CPEP) and Dr. Evans were present by telephone before the Board. Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Dr. Evans’ request.

MOTION: Mr. Thompson made a motion to extend Dr. Evans’ probationary physician license for 6 months; Dr. Earl seconded the motion. Motion passed unanimously. (Minutes 2 - 42:06)

ii. Jeremiah Kjensmo, EMT-B **(Minutes 2 – 44:03)**

Mr. Kjensmo was not present before the Board. Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Mr. Kjensmo’s application.

MOTION: Dr. Thomas made a motion to rescind the Board’s previous motion [of July 20, 2012] to grant to Mr. Kjensmo a probationary EMT-B license [with conditions]; Ms. Brekke seconded the motion. Motion passed unanimously. (44:49)

b. Non-routine Applications

i. Paul Cook, M.D. **(Minutes 2 - 45:34)**

Dr. Cook was present in person before the Board. Dr. Cook expressly declined an offer by the Board to enter executive session. Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Dr. Cook’s application. Dr. Cook provided an update.

MOTION: Dr. Guggenheim made a motion to grant a full and unrestricted physician license to Dr. Cook; Dr. Upchurch seconded the motion. Motion passed unanimously. (51:08)

ii. Raymond Rosario, M.D. **(Minutes 2 – 55:51)**

Dr. Rosario was not present before the Board. Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Dr. Rosario’s application.

MOTION: Ms. Erickson made a motion to table [consideration of Dr. Rosario's application] to request Dr. Rosario be physically present in person before the Board [at its July 2013 meeting]; Dr. Earl seconded the motion. (Minutes 2 - 59:15) Discussion ensued. Motion passed unanimously. (Minutes 2 – 1:01:32)

iii. Ronald Durning, M.D. **(Minutes 2 – 1:01:45)**

Dr. Durning was not present before the Board. Ms. O'Leary briefly reviewed the Board's involvement to date in connection with Dr. Durning's application.

MOTION: Dr. Upchurch made a motion to table Dr. Durning's application pending a [consultation with] Dr. Durning by Montana Professional Assistance Program (MPAP) [at which time] Dr. Durning's application will be further considered by the Board, and whether Dr. Durning will also be required to also appear in person before the Board at that time will be in the discretion of Mr. Mike Ramirez of MPAP; Dr. Thomas seconded the motion. (Minutes 2 – 1:03:33) Discussion ensued. Motion passed unanimously. (Minutes 2 – 1:06:50)

iv. Joseph Lowther, EMT-B **(Minutes 2 – 1:07:01)**

Mr. Lowther was present before the Board. Ms. O'Leary briefly reviewed the Board's involvement to date in connection with Mr. Lowther's application. The Board discussed Mr. Lowther's application with him.

MOTION: Mr. Farmer made a motion to grant a one year probationary EMT-B license to Mr. Lowther with lifetime monitoring by Montana Professional Assistance Program (MPAP); Ms. Diaz seconded the motion. (Minutes 1:14:51) Discussion ensued.

Mr. Farmer's motion was amended to add: **“and, upon receipt of a [favorable] report by the Board from Mr. Mike Ramirez of MPAP the probationary license will automatically convert to an unrestricted EMT-B license to Mr. Lowther”**; Ms. Diaz as motion seconder accepted the amendment. **Motion passed unanimously. (Minutes 2 – 1:16:07)**

v. Eugene Rezvin, M.D. **(Minutes 2 – 1:17:31)**

Dr. Rezvin was not present before the Board. Ms. O'Leary briefly reviewed the Board's involvement to date in connection with Dr. Rezvin's application.

MOTION: Dr. Thomas made a motion to grant a full and unrestricted physician license to Dr. Rezvin; Ms. Bollinger seconded the motion. Motion passed unanimously. (Minutes 2 – 1:20:01)

vi. Dean Christian, EMT-B **(Minutes 2 – 1:20:39)**

Mr. Christian was present by telephone before the Board. Ms. O'Leary briefly reviewed the Board's involvement to date in connection with Mr. Christian's application.

MOTION: Dr. Upchurch made a motion to grant an unrestricted EMT-B license to Mr. Christian [after staff receives favorable] MPAP advocacy; Mr. Farmer seconded the motion. (Minutes 2 – 1:31:51) Discussion ensued. Motion passed unanimously. (Minutes 2 – 1:34:07)

vii. Vijay Agarwal, M.D. **(Minutes 2 – 1:34:58)**

Dr. Agarwal was present by telephone before the Board. Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Dr. Agarwal’s application.

MOTION: Dr. Earl made a motion to grant a full and unrestricted physician license to Dr. Agarwal; Dr. Guggenheim seconded the motion. Motion passed unanimously. (Minutes 2 – 1:45:19)

****Break**** **(1:47:03)**

iii. Ronald Durning, M.D. **(Minutes 2 – 1:48:10)**

Dr. Durning joined the meeting by telephone call. He was advised of the Board’s decision (see above) with respect to his application.

viii. Charles Kornblau, M.D. **(Minutes 2 - 1:49:17)**

Dr. Kornblau was present by telephone before the Board. Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Dr. Kornblau’s application. Dr. Kornblau expressly declined an offer by the Board to enter executive session. The Board discussed Dr. Kornblau’s application with him.

MOTION: Dr. Upchurch made a motion to grant a full and unrestricted physician license after [either Dr. Kornblau’s] successful completion of internal medicine boards by March 7, 2014 (when Dr. Kornblau’s application expires) OR satisfactory Center for Personalized Education for Physicians (CPEP) assessment examination results reported [by CPEP] to Board staff by March 7, 2014; Dr. Earl seconded the motion. (Minutes 2 – 2:09:33) Discussion ensued. Motion passed unanimously. (Minutes 2 – 2:16:18)

ix. Brook Brouha, M.D. **(Minutes 2 – 2:19:26)**

Dr. Brouha was not present before the Board. Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Dr. Brouha’s application.

MOTION: Dr. Hayward made a motion to grant a full and unrestricted physician license to Dr. Brouha; Dr. Thomas seconded the motion. Motion passed unanimously. (Minutes 2 – 2:20:55)

- x. Melissa Ryals, EMT-B **(Minutes 2 – 2:21:20)**

Ms. Ryals was present by telephone before the Board. Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Ms. Ryals’ application.

MOTION: Dr. Upchurch made a motion to grant a full and unrestricted EMT-B license to Ms. Ryals; Dr. Hayward seconded the motion. Motion passed unanimously. (Minutes 2 – 2:24:18)

- xi. Paul Ginkel, M.D. **(Minutes 2 – 2:24:52)**

[The Chair determined at this time that the rights of privacy for Dr. Ginkel exceeded the public’s right to know, and as such moved the Board’s consideration of Dr. Ginkel’s application into executive session.]

Dr. Kris Spanjian transitioned the Board meeting into executive session. **(Minutes 2 – 2:28:39)**

8. Working Lunch (Executive Session) (Minutes 2 - 2:29:02)

Dr. Kris Spanjian returned the meeting back to open session. **(Minutes 3 – 00:19)** A quorum was present.

7. Board Action

b. Non-routine Applications (continued)

- xi. Paul Ginkel, M.D. **(Minutes 3 – 00:59)**

The Board Chair summarized the results from the executive session in connection with this application: The Board tabled Dr. Ginkel’s application with various conditions.

8. Working Lunch - Executive Session [Additional Results]

The Board Chair summarized the results from the executive session in connection with the Montana Professional Assistance Program (MPAP) Report: The Board accepted the MPAP Report from Mr. Ramirez. **(Minutes 3 – 1:14)**

7. Board Action

c. Stipulations (Minutes 3 – 1:22)

d. Ratification of Stipulations to Grant Conditional Licensure (Minutes 3 – 1:22)

e. Correspondence (Minutes 3 – 1:22)

- i. MPAP Letter re: Funding **(Minutes 3 – 1:33)**

Mr. Mike Ramirez led the discussion.

MOTION: Dr. Earl made a motion that a letter be sent to the Department of Labor & Industry supporting the MPAP program both in idea and financing. (Minutes 3 – 8:04) Discussion ensued.

MOTION: Dr. Earl made a motion supporting the request of MPAP to extend its contract with an increased projected budget amount with additional monies to support the 2009 MPAP performance audit's recommendation of the addition of another FTE Master level clinician so that MPAP can continue to support the work of the Board; Ms. Brekke seconded the motion. Motion passed unanimously. (Minutes 3 – 9:54)

- ii. E-mail from Ron Barron re: Podiatry Preceptorships (Minutes 3 – 11:27)

Dr. Thomas led the discussion.

MOTION: Ms. Brekke made a motion to send a letter thanking Dr. Barron for his correspondence, requesting more information as to the preceptorship [to which he referred], that the Board will not guarantee a license on that alone, and that it will lead to the Board reviewing its rules as to podiatry postgraduate training; Dr. Hayward seconded the motion. Motion passed unanimously. (Minutes 3 – 24:24)

MOTION: Ms. Brekke made a motion to direct the Laws & Rules Committee to develop preceptorship guidelines in rules; Dr. Hayward seconded the motion. Motion passed unanimously. (Minutes 3 – 26:10)

- iii. E-mail from Dan Muniak re: PA Supervision of Medical Assistants (Minutes 3 – 27:07)

Mr. Thompson led the discussion.

MOTION: Mr. Thompson made a motion to direct a response to Mr. Muniak stating the current rules; Dr. Thomas seconded the motion. (Minutes 3 – 44:22) Discussion ensued. Motion passed unanimously. (Minutes 3 - 45:04)

- iv. E-mail from Kayli Christophel re: PA Prescribing Time Limits (Minutes 3 – 45:19)

Mr. Marquand led the discussion.

MOTION: Mr. Thompson made a motion to direct a response to Ms. Christophel expressing the rules that physician assistant needs to follow her [supervising] physician's recommendation and leadership; Ms. Brekke seconded the motion. (Minutes 3 – 50:22). Discussion ensued. Motion passed unanimously. (Minutes 3 – 52:01)

- v. E-mail from Dept. of Justice re: POLST grants (Minutes 3 – 52:21)

Mr. Marquand led the discussion.

MOTION: Ms. Erickson made a motion to respond to Joan [Eliel] thanking her for her interest in pursuing funding under the Board of Medical Examiners, however since there is already a vehicle set up with the Department of Justice, it is [the Board's] recommendation that [POLST] continue to work with that; Ms. Bollinger seconded the motion. Motion passed unanimously. (Minutes 3 – 58:18)

9. Board Action (continued)

a. Board Policy Regarding Out-of-State EMT Licensees Responding to Emergencies in Montana (Minutes 3 – 59:04)

Mr. Marquand led the discussion. Dr. Upchurch led the discussion regarding interstate compact.

MOTION: Dr. Guggenheim made a motion to rescind the [Board's September 21, 2012 EMS] motion; Ms. Bollinger seconded the motion. Motion passed unanimously. (Minutes 3 – 1:28:51)

b. Review of Probationary Licenses for Physician Re-entry (Minutes 3 – 1:29:55)

Dr. Upchurch led the discussion.

For information purposes; no Board action was taken.

c. Legislation (Minutes 3 – 1:37:11)

i. Review of 2013 legislation

Mr. Marquand led the discussion.

For information purposes; no Board action was taken.

d. Rulemaking

i. Amendment to Rule 24.156.2751(3)(a) – EMT Endorsement for Epinephrine (Minutes 3 – 1:39:57)

Dr. Sibold led the discussion.

MOTION: Dr. Upchurch made a motion to table this matter indefinitely; Dr. Guggenheim seconded the motion. Motion passed unanimously. (Minutes 3 – 1:44:17)

ii. Physician Reactivation and Re-entry, including 24.156.603; 24.156.615; 24.156.617; 24.156.618 (Minutes 3 – 1:44:43)

Dr. Guggenheim led the discussion.

MOTION: Dr. Guggenheim made a motion that the Board endorse the suggested rule changes and direct Ms. O'Leary to move the rules package forward; Dr. Hayward seconded the

motion. (Minutes 3 – 1:48:46) Discussion ensued. **Motion passed unanimously. (Minutes 3 – 1:49:53)**

e. Scheduling of Next Meeting (Minutes 3 – 1:50:19)

- i. July 19, 2013, Helena MT

For information purposes; no Board action was taken.

f. Committee and Panel Appointments (Minutes 3 – 1:50:59)

Dr. Thomas was appointed to chair the Laws & Rules Committee.
Ms. Diaz was appointed to the adjudication panel.

For information purposes; no Board action was taken.

g. Approval of Travel (Minutes 3 – 1:54:41)

- i. NASEMSO meeting, Sept. 16-20, Nashville TN

MOTION: Dr. Guggenheim made a motion to authorize Dr. Sibold and Mr. Threet to attend the NASEMSO meeting in Nashville, Tennessee on September 16-20, 2013; Ms. Erickson seconded the motion. Motion passed unanimously. (Minutes 3 – 1:56:44)

- ii. Mobile Integrated Healthcare Summit, Sept. 11, Las Vegas NV **(Minutes 3 – 1:57:37)**

MOTION: Ms. Erickson made a motion to authorize Dr. Sibold to attend the Mobile Integrated Healthcare Summit meeting in Las Vegas, Nevada on September 10-11, 2013; Dr. Earl seconded the motion. Motion passed unanimously. (Minutes 3 – 2:02:54)

h. Approval of Event Sponsorship (Minutes 3 – 2:03:19)

- i. Rocky Mountain Rural Trauma Symposium, Sept. 12-13, Great Falls MT

MOTION: Ms. Brekke made a motion that the Board sponsor at the platinum [level] for the Rocky Mountain Rural Trauma Symposium [in Great Falls, Montana on September 12-13, 2013]; Ms. Diaz seconded the motion. Motion passed unanimously. (Minutes 3 – 2:06:40)

i. Review of Board Advisories (Minutes 3 – 2:07:04)

Dr. Spanjian led the discussion.

MOTION: Ms. Diaz made a motion to remove [Board] Advisory 10: Statement on Physician Authority to Delegate Tasks and Responsibilities from the Board's list of advisories; Dr. Hayward

seconded the motion. Motion passed unanimously. (Minutes 3 – 2:16:30)

Board members volunteered to review and revise as appropriate the advisories as follows:

- | | |
|-----------------------|---|
| 1 – Dr. Thomas | 11 – Ms. Brekke |
| 2 – Dr. Spanjian | 12 – Ms. Bollinger |
| 3 – Mary Anne | 13 – Dr. Earl (with Mr. Marquand coordinating with the Boards of Nursing and Board of Pharmacy) |
| 4 – No longer exists | 14 – Dr. Upchurch |
| 5 – Dr. Upchurch | 15 – Ms. Diaz |
| 6 – Ms. Brekke | 16 – Not assigned |
| 7 – Dr. Hayward | 17 – Mr. Thompson |
| 8 – Dr. Earl | 18 – Dr. Upchurch |
| 9 – Dr. Upchurch | 19 - Ms. Diaz and Dr. Guggenheim |
| 10 – No longer exists | 20 - Not assigned |

10. Committee & Special Project Reports

a. Medical Direction Committee (Minutes 3 – 2:37:11)

Dr. Upchurch led the discussion.

MOTION: Ms. Brekke made a motion to send a letter to the Respiratory Care Board incorporating the Medical Direction Committee’s recommendation; Dr. Earl seconded the motion. Motion passed unanimously. (Minutes 3 – 2:49:48)

MOTION: Dr. Upchurch made a motion to Missoula County regarding emergency medical dispatch not being practice of medicine but there should be involvement of the local EMS medical director; Dr. Hayward seconded the motion. Motion passed unanimously. (Minutes 3 – 2:50:27)

MOTION: Dr. Upchurch made a motion that the TXA Protocol be placed on the July [2013] Board agenda; Dr. Earl seconded the motion. (Minutes 3 – 2:51:03) Discussion ensued. Motion passed unanimously. (Minutes 3 – 2:51:58)

b. Laws & Rules Committee (Minutes 3 – 2:54:25)

Dr. Guggenheim led the discussion. For information purposes only; no Board action was taken.

c. Board Liaison (Minutes 3 – 2:54:31)

Ms. Erickson led the discussion. For information purposes only; no Board action was taken.

d. Physician Workforce Data Collection Subcommittee (Minutes 3 – 2:56:12)

Ms. Erickson led the discussion. For information purposes only; no Board action was taken.

c. Outreach Committee (Minutes 3 – 2:57:04)

Ms. Erickson led the discussion. For information purposes only; no Board action was taken.

d. Physician Workforce Data Collection Subcommittee (Minutes 3 – 3:00:11)

Ms. Erickson led the discussion. For information purposes only; no Board action was taken.

e. Acupuncture Committee (Minutes 3 – 3:01:57)

Ms. Brekke led the discussion. For information purposes only; no Board action was taken.

f. Concussion Project (Jointly with Board of Athletic Trainers) (Minutes 3 – 3:04:47)

Dr. Sibold led the discussion. For information purposes only; no Board action was taken.

11. EMT Training Report & Medical Director Report

b. Medical Director Report (Minutes 3 – 3:05:51)

Dr. Sibold led the discussion.

MOTION: Dr. Upchurch made a motion to accept the Medical Director Report; Ms. Erickson seconded the motion. Motion passed unanimously. (Minutes 3 – 3:06:19)

a. EMT Training Report (Minutes 3 - 3:06:33)

Mr. Threet led the discussion.

MOTION: Dr. Hayward made a motion to authorize Mr. Threet to use the EMR examination [provided by the Commission of Emergency Services Foundation] as a pilot; Ms. Brekke seconded the motion. (Minutes 3 – 3:08:22)

MOTION: Dr. Upchurch made a motion to accept [the EMT Training] Report; Dr. Thomas seconded the motion. Motion passed unanimously. (Minutes 3 – 3:08:50)

12. Executive Officer Report

a. Budget Report (Minutes 3 – 3:09:08)

Mr. Marquand led the discussion. For information purposes only; no Board action was taken.

b. Application Report (Minutes 3 – 3:12:56)

Mr. Marquand led the discussion. For information purposes only; no Board action was taken.

c. Report from MT Prescription Drug Registry (Minutes 3 – 3:13:11)

Mr. Marquand led the discussion. For information purposes only; no Board action was taken.

d. New Board Member Manual (Minutes 3 – 3:17:49)

Mr. Marquand led the discussion. For information purposes only; no Board action was taken.

e. Updated Delegation of Licensing Authority (Minutes 3 – 3:20:40)

Mr. Marquand led the discussion. For information purposes only; no Board action was taken.

13. Legal Report (Minutes 3 – 3:25:48)

Ms. O'Leary led the discussion. For information purposes only; no Board action was taken.

14. Adjourn

MOTION: Mr. Thompson made a motion to adjourn; Ms. Brekke seconded the motion. Motion passed unanimously. (Minutes 3 – 3:27:18)

The meeting was adjourned. (Minutes 3 – 3:27:44)