

**BOARD OF MEDICAL EXAMINERS  
FLU PROTOCOL DISCUSSION  
(CONFERENCE CALL)  
HELENA, MONTANA  
DATE: OCTOBER 23, 2009**

**MINUTES**

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**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 Meeting to Order**

**MEMBERS PRESENT:** Dr. Kristin Spanjian, Ms. Pat Bollinger, Dr. Anna Earl, Mr. Ryan Burke, Dr. James Upchurch, Ms. Linda Cetrone Levy, Dr. Mary Anne Guggenheim, Ms. Kay Bills-Kazimi, Mr. Dwight Thompson, Dr. Dean Center

**MEMBERS ABSENT:** Ms. Carole Erickson, Dr. Michael LaPan, Dr. Arthur Fink

**STAFF PRESENT:** Ms. Jean Branscum, Mr. Ken Threet, Ms. Anne O'Leary, Mr. Jerry Morse

**GUESTS PRESENT:** Mr. Jim Murphy, DPHHS

**ITEM #2: Review of Agenda**

**MOTION:** Ms. Pat Bollinger made the motion to approve the agenda and Dr. Kristin Spanjian seconded. The motion passed unanimously.

**ITEM #3: 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 committee will determine the amount of time allotted for public comment.

**ITEM #4: EMT Flu Pandemic Protocol Comments and Discussion**

Dr. James Upchurch opened the discussion by stating that comments received were all in support of the flu protocol except St. Peter's Hospital in Helena who stated that they were not in support or against the proposed protocol. There were six return letters with comment. Ms. Jean Branscum stated that letters were sent to over sixty hospitals requesting comment on the protocol. Dr. Anna Earl stated that she had

several comments from local EMS services and medical directors; due to training levels that differ and skills maintenance restrictions they may not support the idea of leaving patients at home. Mr. Dwight Thompson stated that his hospital administrators and the chief of staff had positive comments and supported the protocol. Dr. Upchurch explained that the protocol may or may not be used and the scores may be changed as needed by the local medical director and other local authorities. He also stated the medical director would make the decision on whether or not the protocol will be used by the EMTs on that service. Dr. Kristin Spanjian suggested adding obesity to the comorbidities section of the protocol with a score of one. Ms. Pat Bollinger suggested that the phrase "patient assessment as normal" be changed to read "patient assessment as usual". The Board agreed and directed staff to draft a cover letter for Dr. Upchurch's signature explaining the details of the protocol and send it along with the protocol to all medical directors and hospital administrators; also insert the flu protocol into the existing pre hospital protocols.

**MOTION: Dr. Anna Earl made the motion to adopt the protocol with the suggested amendments. Dr Kristin Spanjian seconded. The motion passed unanimously.**

#### **ITEM # 5: Emergency Declaration by Public Health Officials**

Mr. Jim Murphy with the Department of Public Health and Human Services was invited to the meeting to provide clarification of the requirements in declaring a local or state emergency. Mr. Murphy explained that a public health emergency was declared in April of this year at the national level and has been renewed which opened up and made available funding for the study, manufacture and distribution of the flu vaccine. Jim directed the Board to 10-3-103, MCA, which included definitions. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or artificial cause. This definition includes "outbreak of disease". "Emergency" means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize. "Political subdivision" means any county, city, town, or other legally constituted unit of local government in this state. "Principal executive officer" means the mayor, presiding officer of the county commissioners, or other chief executive officer of a political subdivision. Mr. Murphy stated that in Montana the Governor can declare an emergency while working with Disaster and Emergency services. He also stated that according to 10-3-402, MCA, a local health officer or the Department of Health can request a local emergency declaration, however, a local emergency proclamation or disaster declaration may be issued only by the principal executive officer of a political subdivision.

#### **ITEM #6: EMT Flu Immunization Endorsement**

Ms. Jean Branscum opened the discussion explaining that the endorsement was being proposed by the Board to allow EMT-Basics to assist with flu immunization in the occurrence of a flu pandemic. The

Board intended the endorsement would only be used when a local public health emergency was declared and would be adopted by emergency rule in an effort to have tool in place for current flu season. Ms. Branscum had discussion with department administrators about the Board's intent to adopt an emergency rule and reported the department did not have the expertise in the health arena to find that an imminent peril to the public health, safety, or welfare existed to require emergency rules be adopted. She explained emergency rules are implemented only when such high benchmarks are met, and the Department did confer with the Department of Public Health and Human Service and these benchmarks have not been met at this time. The Board discussed other options of implementing the endorsement as Mr. Murphy stated that he has heard from county public health facilities that they are short staffed and could use more help with immunizations at this time.

**MOTION: Dr. Kristin Spanjian made the motion to add the components of the proposed immunization endorsement to the current medication endorsement and bring the draft back to the November Board meeting. Dr. Anna Earl seconded. The motion passed unanimously.**

**Adjourn: Dr. Kristin Spanjian made the motion to adjourn the meeting and Dr. Anna Earl seconded. The motion passed unanimously.**