

**BOARD OF MEDICAL EXAMINERS
FULL BOARD MEETING
(CONFERENCE CALL)
4th FLOOR LARGE CONFERENCE ROOM
301 S. PARK AVENUE, HELENA, MONTANA
DATE: DECEMBER 7, 2011
TIME: 5:15 PM – 6:00 PM
MINUTES**

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 to Order

Dr. Anna Earl called the meeting to order at 5:17 p.m. Roll call was taken and a quorum was present.

Members Present: Dr. Anna Earl (Chair), Dr. Dean Center, Dr. Kris Spanjian, Dr. Bruce Hayward, Dr. Nathan Thomas, Ms. Pat Bollinger, Ms. Carole Erickson, Dr. Mary Anne Guggenheim, Mr. Dwight Thompson, Ms. Kay Bills-Kazimi, Mr. Brian Burke

Members Absent: Ms. Tanja Brekke, Ms. Eileen Sheehy, Dr. James Upchurch

Staff Present: Ms. Maggie Connor, Mr. Ian Marquand, Ms. L'Joy Griebenow, Ms. Linda Grief, Ms. Melissa Billman, Anne O'Leary, Esq.

Guests Present: Dr. Richard Blevins, Dr. Craig Treptow, Mr. Bradley Williams, Sen. Jim Shockley, Ms. Kathryn Tucker, Ms. Rebecca Mastee, Rep. Dick Barrett

ITEM # 2: Review of Agenda

Motion: Ms. Erickson made a motion to approve the December 7, 2011 agenda; Ms. Bollinger seconded the motion. Motion passed.

ITEM # 3: Approval of November 18, 2011 Meeting Minutes

The Board reviewed the November 18, 2011 meeting minutes. Ms. Bollinger proposed the Minutes as presented be amended.

Motion: Dr. Hayward made a motion to approve the November 18, 2011 minutes as amended; Dr. Guggenheim seconded the motion. Motion passed.

Motion: Ms. Bollinger made a motion to approve the November 18, 2011 executive session minutes; Ms. Erickson seconded the motion. Motion passed.

ITEM # 4: 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 board will determine the amount of time allotted for public comment.

Dr. Earl opened the floor to public comment.

- a) Mr. Bradley Williams objected to the wording of a Board member's statement with respect to the *Baxter* case, as expressed in the minutes of October 7, 2011 meeting, which minutes were adopted by the Board in the November 18, 2011 meeting.
- b) Sen. Jim Shockley expressed that the Board, as part of the executive branch of government, has no authority to address whether physicians may assist with dying and that the Board was strictly limited by existing statutes to discipline of any licensed professional that commits a crime.
- c) Ms. Kathryn Tucker – noted that though *Baxter* holds that there are no grounds for criminal prosecution in Montana, the Board of Medical Examiners is instead being asked to provide guidance to physicians who provide aid in dying within the guidelines of *Baxter* as to whether they would be exposing themselves to disciplinary action.
- d) Rep. Dick Barrett affirmed Ms. Tucker's comments.

ITEM # 5: Resignation of Mr. Dallas Seaber from the Joint Subcommittee of PT-MED Dry Needling

The Board considered the resignation of Mr. Dallas Seaber.

Motion: Dr. Guggenheim made a motion to accept Mr. Seaber's resignation from the Joint Physical Therapy/Board of Medical Examiners Dry Needling Subcommittee; Ms. Bollinger seconded the motion. Motion passed.

Ms. Brekke (*in absentia*) recommended Ms. Sara Marie as a possible replacement for the seat vacated by Mr. Seaber. Ms. O'Leary reminded the Board of the duties of Board and committee members, and of the resignation of a Physical Therapy member of the committee because of her involvement with the Physical Therapy Association. Because of Ms. Marie's similar involvement with the Montana Association of Acupuncture and Oriental Medicine, Dr. Guggenheim volunteered to replace Mr. Seaber on the Dry Needling Subcommittee.

Motion: Ms. Erickson made a motion to nominate Dr. Guggenheim to replace Mr. Seaber on the PT MED Dry Needling Subcommittee; Ms. Bollinger seconded the motion. Motion passed.

ITEM # 6: Other Business

Dr. Earl opened the floor to any further business.

The Board briefly discussed the Maintenance of Licensure survey sponsored by the Montana Medical Association and administered by Survey Monkey. Mr. Marquand offered to contact the Montana Medical Association to determine whether a section for public comments can be added to the survey; if it cannot be, he will request a statement be placed in the survey directing all public comments be forwarded to him. This offer was accepted by the Board.

Adjourn:

MOTION: Ms. Bollinger made a motion to adjourn the meeting; Ms. Erickson seconded the motion. Motion passed.

The meeting adjourned at 5:56 p.m.