

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 S. Park Ave, 4th Floor, Helena MT
8:30 a.m. to 3:15 p.m.
September 18, 2015

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:07)

Board Members Present:

Dr. Bruce Hayward (Chair), Mr. Charles Farmer, Dr. Kris Spanjian, Ms. Tanja Brekke, Ms. Patricia Bollinger, Dr. James Feist, Prof. Ana Diaz, Ms. Carole Erickson, Dr. Mary Anne Guggenheim, Dr. Nathan Thomas, and Ms. Katherine Tetrault

Board Members Absent:

Dr. Anna Earl, Dr. Jim Upchurch, and Mr. Dwight Thompson

Board Staff Present:

Mr. Ian Marquand, Executive Officer
Mr. Gene Allison, Board Counsel (substituting for Ms. Graden Hahn)
Mr. Todd Younkin, Business Standards Division Administrator
Ms. L'Joy Griebenow, Board Management
Ms. LaVelle Potter, Compliance Officer
Mr. Ken Threet, EMT Training Coordinator
Dr. Harry Sibold, State EMS Medical Director

Guests Present:

Ms. Tamara Schmalz (by telephone), Mr. Jim DeTienne, Dr. Booker Evans, Ms. Laura Wood, Mr. Tim Stavnes, Dr. Crystal Twynham (by telephone), Dr. John Harris (by telephone), Ms. Jean Branscum, Ms. Kaye Bills-Kazimi, Mr. Jon Campbell, Ms. Casey Blumenthal, Mr. Frederick Stout, Mr. Bob Vanden Heuvel, Ms. Linda Richards, Ms. Kay Brown (by telephone)

2. Approval and Tentative Modification of Agenda Order (2:16)

- a. September 18, 2015 Agenda

MOTION: Ms. Erickson moved to adopt the September 18, 2015 agenda; Ms. Brekke seconded the motion. Motion passed unanimously. (2:25)

3. Review and Approve Minutes

- a. July 17, 2015 Open Session (2:40)

MOTION: Dr. Feist moved to approve the July 17, 2015 Minutes as amended; Dr. Thomas seconded the motion. Motion passed unanimously. (3:49)

- b. July 17, 2015 Executive Session (4:04)

MOTION: Dr. Spanjian moved to approve the July 17, 2015 Executive Session Minutes as presented; Ms. Brekke seconded the motion. Motion passed unanimously. (4:13)

- c. August 17, 2015 Open Session (4:24)

MOTION: Ms. Bollinger moved to approve the August 17, 2015 Minutes as presented; Mr. Farmer seconded the motion. Motion passed unanimously. (4:39)

4. Public Opportunity to Comment (5:00)

The Presiding Officer read the statement of public participation and opened the meeting for public comment. Ms. Branscum commented that the MMA is now offering a medical opioid initiative "Know your Dose" including continuing education training. There was no additional public comment.

5. Compliance Report (7:49)

- a. August Screening Panel Report
- b. September Screening Panel Report

Ms. LaVelle Potter provided the reports. During the August 23rd screening panel, 12 cases were considered: 4 cases were dismissed with prejudice; 5 cases were dismissed without prejudice, and 3 cases were tabled. During the September 18th screening panel, 2 cases were considered: and both complaints were dismissed without prejudice. This was for information purposes only; no Board action was taken.

6. Division Administrator's Report—Mr. Todd Younkin (10:08)

This was for information purposes only; no Board action was taken.

7. Board Action

a. Rulemaking (24:09)

- i. Recommendations from Laws & Rules Committee for MAR 24-156-83 (24:54)

MOTION: Dr. Spanjian moved to amend the language of [ARM 24.156.1623] to add “of” in ARM 24.156.1622 section 4(c) and changing the proposed language of ARM 24.156.1623 section (2) to read “...After 12 months, further chart review will be at the discretion of the physician assistant and their supervising physician to be determined in a collaborative agreement...” (40:33) Discussion ensued. Ms. Brekke seconded the motion. (41:46) Further discussion ensued.

Dr. Spanjian and Ms. Brekke accepted friendly amendments (42:34) and (49:14) so that the motion then read:

MOTION: Dr. Spanjian moved to amend the proposed language offered to add an “of” in ARM 24.156.1622 section 4(c) to now read “...(c) determines the appropriate level of supervision (direct, on-site, or general), based on the physician assistant’s education, training, and experience; and...” and to change the proposed language amendment in ARM 24.156.1623 section (2) to now read “...After 12 months further chart review shall occur. The amount of chart review shall be at the discretion of the physician assistant and their supervising physician to determine in the duties and delegations agreement.” Ms. Brekke seconded the motion.

Dr. Spanjian called the question. **The motion passed unanimously. (55:54)**

MOTION: Dr. Guggenheim moved to approve for further processing [the changes] to ARM 24.156.1622 and 24.156.1623 as presented [in] the Board book and amended at [today’s] meeting; Ms. Brekke seconded the motion. Motion passed unanimously. (1:01:20)

b. Interstate Medical Licensure Compact (1:02:11)

- i. Update on Compact development & Compact Commission activities
Mr. Marquand led the discussion. This was for information purposes only; no Board action was taken.
- ii. Request for approval of travel to IMLC Compact Commission meeting, Oct. 27-28, Chicago IL

MOTION: Ms. Erickson moved to approve travel for Mr. Marquand and Dr. Feist to attend the IMLC Compact Commission meeting October 27-28 in Chicago, IL; Dr. Spanjian seconded the motion. Motion passed unanimously. (1:15:08)

c. Correspondence

- i. Board letter to Montana Congressional delegation re: Telemedicine for Medicare Act (1:15:33)

MOTION: Dr. Guggenheim moved to send the letters as presented with the minor

grammatical change noted; Professor Diaz seconded the motion. Motion passed unanimously. (1:25:45)

- ii. **FSMB request for Board liaison (1:26:07)**
Mr. Marquand led the discussion. This was for information purposes only; no Board action was taken.

- iii. **Letter from Board of RCP re: policies on licensee use of medical marijuana (1:29:10)**

Board thanked the RCP Board for their concern.

- iv. **Request from Kalispell Fire Dept. for exception to state ECP protocols (1:35:24)**

MOTION: Dr. Spanjian moved to forward the request from Kalispell Fire Department for exception to state ECP protocols to the Medical Direction Committee for review and recommendation; Ms. Brekke seconded the motion. Motion passed unanimously. (1:37:24)

- v. **Request from Patrick Alduenda for exception to state ECP protocols (1:40:23)**

MOTION: Ms. Brekke moved to forward the request from Patrick Alduenda for exception to the state ECP protocols to the Medical Direction Committee for review and recommendation; Professor Diaz seconded the motion. Motion passed unanimously. (1:40:59)

- vi. **MPDR Reports (1:41:19)**
This was for information purposes only; no Board action was taken.

- vii. **Letter from Dr. John Harris re hospitals and records (1:43:28)**
Mr. Marquand led the discussion. Dr. Harris was present before the Board by telephone.

MOTION: Dr. Feist moved to encourage the Executive Officer to refer [Dr. Harris'] letter and [today's] comments re access to medical records for screening panels to the MMA & MHA to [work together] to clarify the issue of protecting patients when an employed doctor leaves employment, and to go to DPHHS thereafter (2:03:32) Discussion ensued. Professor Diaz seconded the motion. (2:05:00) Discussion ensued. Motion passed unanimously. (2:06:05)

d. Scheduling of Next Meeting/Meeting Planning (2:07:48)

- i. November 20, 2015, Helena

e. Approval of Travel (2:08:59)

- i. FSMB Board Attorney Workshop, Nov. 12-13, Las Vegas

MOTION: Dr. Guggenheim moved to authorize Mike Fanning to attend the FSMB Board Attorney Workshop November 12-13, 2015 in Las Vegas, NV; Dr. Spanjian seconded the motion. Motion passed unanimously. (2:10:01)

****** BREAK**** (2:10:35 - 2:10:53)**

8. Board Committee, National Committee and Other Reports

- a. Medical Direction Committee—Dr. James Upchurch **(2:10:53)**
- b. Laws & Rules Committee—Ms. Tanja Brekke **(2:11:49)**
- c. Outreach Committee/Board Liaison—Ms. Carole Erickson **(2:21:32)**
- d. Acupuncture Committee—Ms. Tanja Brekke **(2:25:11)**
- e. Montana POLST Coalition Report **(2:25:50)**
- f. FSMB Report **(2:26:06)**

9. Medical Director and EMT Training Officer Reports

- a. Medical Director Report **(2:27:09)**
Dr. Sibold led the discussion. This was for information purposes only; no Board action was taken.

- b. Training Officer Report (2:28:20)
Mr. Threet led the discussion.

MOTION: Ms. Brekke moved the Board to endorse Dr. Sibold to represent the Board at the [National Association of State EMS Officials] meetings; Professor Diaz seconded the motion. Motion passed unanimously. (2:36:47)

MOTION: Ms. Erickson moved to direct that a communication be sent to Administrator Todd Younkin and to Bureau Chief Maggie Connor to solicit official designation and representation by the Medical Director and EMT Training Coordinator in areas of ECP Training, ECP Licensure and Medical Direction before the National Association of State EMS Officials; Mr. Farmer seconded the motion. Discussion ensued. Motion passed unanimously. (2:54:50)

10. Executive Officer Report—Mr. Ian Marquand

- a. Application Report (2:56:47)

MOTION: Dr. Feist moved to direct the Audit Unit to do an informal audit of 10% of renewing nutritionists for CDR registration and report back; Ms. Bollinger seconded the motion. Motion passed unanimously. (3:10:30)

- b. Budget Report (3:15:02)
- c. Procedure for license applications by medical residents prior to graduation (3:18:20)
- d. Update on EAIC, Acupuncture and Dry Needling (3:26:58)
- e. Newsletter (3:31:17)

11. Legal Report (3:31:46)

Mr. Allison led the discussion. This was for information purposes only; no Board action was taken.

Chairman Dr. Hayward transitioned the meeting into Executive Session. (3:32:15)

12. EXECUTIVE SESSION

Chairman Dr. Hayward returned the meeting to open session. (3:33:04) He summarized the action of the Board during Executive Session, namely the Board heard and discussed the MPAP report and that the Board took no action.

13. Board Action (Continued)

a. Non-routine Applications (3:33:23)

- i. Booker Evans, Physician (3:33:30 and 3:34:17)

Dr. Evans was present in person before the Board. Mr. Marquand led the discussion. Dr. Evans waived his right to privacy. (3:34:17)

MOTION: Dr. Spanjian moved to table Dr. Evans' application until the [November 2015] Board meeting; Dr. Thomas seconded the motion. (3:55:04) Discussion ensued. Motion passed unanimously. (3:56:49)

- ii. Laura Wood, EMT (3:33:30 and 3:57:08)

Ms. Wood was present in person before the Board. Mr. Marquand led the discussion. Ms. Wood waived her right to privacy. (3:57:18)

MOTION: Dr. Guggenheim moved to table the application of Ms. Wood until the November Board meeting, and in the interim the Board awaits clear recommendations from the MPAP program after they have had a chance to look at the whole picture to provide their recommendation of a suitable MPAP contract that would satisfy the dual major responsibilities of [the Board of public protection while encouraging applicant success]; Dr. Spanjian seconded the motion. Motion passed unanimously. (4:31:32)

- iii. Crystal Twynham, Physician (3:33:30 and 4:34:30)

Ms. Twynham was present before the Board by telephone. Mr. Marquand led the discussion. Dr.

Twynham waived her right to privacy. (4:34:47)

MOTION: Dr. Guggenheim moved to grant to Dr. Lumi/Twynham/Schlosser a full and unrestricted PHYS license upon receipt of proof of a signed MPAP agreement; Dr. Feist seconded the motion. Motion passed unanimously. (4:50:12)

14. Information from Other State Agencies (4:52:06)

a. Jim DeTienne, DPHHS EMS/Trauma Section

Mr. DeTienne led the discussion. This was for information purposes only; no Board action was taken.

15. Adjourn

MOTION: Dr. Feist moved to adjourn the meeting; Ms. Erickson seconded the motion. Motion passed unanimously. (5:39:29)

The meeting was adjourned at 3:15 p.m. (5:39:39)