

**BOARD OF MEDICAL EXAMINERS
LAWS AND RULES COMMITTEE
HELENA, MONTANA
DATE: MAY 14, 2010**

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. Arthur Fink called the meeting to order and took role.

Members Present: Dr. Arthur Fink, Dr. Mary Anne Guggenheim, Ms. Carole Erickson, Dr. Michael LaPan

Staff Present: Ms. Jean Branscum, Ms. Anne O'Leary, Ms. Helena Lee, Mr. Jerry Morse

Guests Present: Mr. Ron Handlos, Mr. Randy Spear, Mr. Greg Gould, Ms. Kelli Lala, Mr. Don Sullivan, Ms. Tanja Brekke, Ms. Mary Bertognolli, Ms. Casey Blumenthal, Ms. Erin MacLean, Ms. Kally Wilson

ITEM # 2: Review and Approval of Agenda

MOTION: Dr. Michael LaPan made the motion to approve the May 14, 2010 agenda and Ms. Carole Erickson seconded. The motion passed unanimously.

ITEM # 3: Approval of Minutes of February 5th Meeting

MOTION: Dr. Michael LaPan made the motion to approve the February 5, 2010 minutes and Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.

ITEM # 4: Open Forum: Public Comment

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 committee on any topic that is not on the agenda for this meeting. While the committee cannot take action on the issues presented, the committee will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chair of the committee will determine the amount of time allotted for public comment.

Mr. Ron Handlos addressed the committee and stated that he along with other Physicians and Physician Assistants are looking at developing a post graduate emergency care continuing education module that would be offered to newly graduated Physician Assistants to help meet the requirements of some of the new proposed rules if they are approved and any practicing Physician Assistants that wish to attend. They are working toward finding funding for the program and it may be in conjunction with or endorsed by the University of Washington and the University of Utah.

ITEM # 5: Acupuncture Subcommittee Report

Dr. Mary Anne Guggenheim stated the subcommittee was proposing revisions to the administrative rules related to the practice of acupuncture. She noted subcommittee members were all in agreement with the intent of the changes. Ms. Anne O'Leary provided an overview of the suggested changes. The subcommittee recommended a change in the definitions to state the National Commission for the Certification of Acupuncture and Oriental Medicine is the organization known before 1997 as the National Commission. There were no new changes under continuing education. Under accreditation and standards it reads "the Board shall appoint a continuing education review committee which shall assist the Board in approving courses, papers, workshops and other activities designed to meet continuing education requirements for licensed Acupuncturists." These and other language and grammar changes suggested to clean up the new rules were discussed.

MOTION: Ms. Carole Erickson made the motion to recommend to the full board the approval of the Acupuncturist rules with the proposed changes. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.

ITEM # 7: Physician Assistant Rules Workgroup Report

Ms. Anne O'Leary stated the proposed rule changes before the committee were drafted to meet the concerns of the Board and to address comments received during the public comment period. The proposed changes were drafted by a workgroup created at the full board meeting. Representatives from the Montana Medical Association and Montana Hospital Association had volunteered to be part of the workgroup. The committee discussed the changes and options of implementing them into Board processes and procedures.

MOTION: Dr. Mary Anne Guggenheim made the motion to take the proposed rules with the discussed changes to the full Board for review and approval. Ms. Carole Erickson seconded. The motion passed unanimously.

MOTION: Ms. Carole Erickson made the motion to accept the chart review rules as proposed and take them to the full Board

for review and approval. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.

ITEM # 8: Inactive Physician Subcommittee Report

Dr. Mary Anne Guggenheim provided a summary of the subcommittee discussions and the subcommittee decision to get further clarification from the Board on the intent of the initial proposed change in terms of types of licensure, changing licensure status and, in particular, what is meant by the active practice of medicine. She noted there was possible confusion on what type of license is required for a physician to write prescriptions. The committee directed Board staff to query other states on licensure types and the other items discussed.

MOTION: Dr Mary Anne Guggenheim made the motion to end the discussions and not move forward with any rules changes until they can be discussed in more detail at the next full Board meeting. Dr. Michael LaPan seconded. The motion passed unanimously.

ITEM # 9: Recommendations to Board

No additional recommendations were made by the committee members.

ITEM #10: Upcoming work projects
Administrative rules
Position papers

This agenda item was not discussed.

Adjourn

MOTION: Dr. Michael LaPan made the motion to adjourn the meeting and Ms. Carole Erickson seconded. The motion passed unanimously.