

**BOARD OF MEDICAL EXAMINERS
FULL BOARD MEETING
HELENA, MT
NOVEMBER 18, 2011**

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 and Introductions

Members Present: Ms. Pat Bollinger, Dr. Dean Center, Dr. Mary Anne Guggenheim, Dr. James Upchurch, Ms. Carole Erickson, Ms. Tanja Brekke, Dr. Kristin Spanjian, Mr. Dwight Thompson, Ms. Kay Bills-Kazimi, Ms. Eileen Sheehy

Members Absent: Dr. Anna Earl, Dr. Nathan Thomas, Dr. Bruce Hayward, Mr. Ryan Burke

Staff Present: Ms. Anne O'Leary, Dr. Harry Sibold, Mr. Ian Marquand, Mr. Jack Kane, Mr. Ken Threet, Mr. Jerry Morse

Guests Present: Mr. Mike Ramirez, Dr. Maria Schnitzer, Ms. Cynthia Gustafson with the Board of Nursing, Ms. Jill Laslovich legal counsel for Dr. Maria Schnitzer, Dr. Hansen with Clark Fork Valley Hospital, Mr. Richard Flankey, Ms. Jean Branscum, Ms. Jane Hamman, Mr. Bradley Williams, Mr. Will McCarthy, Senator Jim Shockley, Ms. Kathryn Tucker with Compassion & Choices, Mr. Moe Wosepka and Ms. Rebecca Mastee with the Montana Catholic Conference, Mr. Jeff Laszloffy with the Montana Family Foundation, Mr. Ron Handlos PAC, Mr. Steve Caplan with Camp Make a Dream

ITEM # 2: Approval of Agenda

Motion: Dr. Dean Center made the motion to approve the November 18, 2011 agenda and Dr. Kristin Spanjian seconded. The motion passed unanimously.

ITEM # 3: Approval of Minutes

Motion: Dr. Dean Center made the motion to approve the October 7, 2011 minutes and Dr. Kristin Spanjian seconded. The motion passed unanimously.

Motion: Dr. Dean Center made the motion to approve the October 7, 2011 executive session minutes and Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.

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.

Ms. Pat Bollinger opened the meeting for public comment. There were no persons present to make comment.

ITEM # 5: Compliance Report

Ms. LaVelle Potter provided a written report to the Board. Dr Dean Center stated the morning screening panel meeting reviewed eight cases where one was tabled and the remainder were dismissed.

ITEM # 6: Licensee Administrative Action

Ms. Anne O'Leary stated this item should be conducted in (executive session).

- A. Dr. Michael E. LeFever – Petition for Reinstatement
- B. Mr. Merik Morgan – MPAP Follow-up Report

ITEM # 7: Non-routine Applications

- A. Dr. Maria Schnitzer

Dr. Schnitzer was present for the meeting in person and was before the Board as she had lost her hospital privileges at one point; she did not finish a residency program and had some long gaps in her practice history. The Board reviewed and discussed these issues and her future practice plans with Dr. Schnitzer.

MOTION: Dr. Kristin Spanjian made the motion to grant Dr. Schnitzer an active physician license. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.

- A. Dr. Claudette Zaremba

Dr. Zaremba was not present for the discussion of her application. Ms. Anne O'Leary stated Dr. Zaremba's application was before the Board as she did not complete a residency, she has worked locum tenans almost exclusively, withdrew an application in Colorado, has had some dependency problems in the past and has been disciplined by other states Boards.

MOTION: Dr. Dean Center made the motion that Dr. Zaremba consult with the MPAP program and enter into an agreement with them for their support or withdraw her application. Dr Kristin Spanjian seconded. The motion passed unanimously.

B. Mr. Richard Flankey EMT-F

Mr. Flankey was present for the meeting by phone and was before the Board as he had a criminal charge against him while working at the Missoula Correctional Center. The Board reviewed and discussed the charges and the license application with Mr. Flankey.

MOTION: Dr. Mary Anne Guggenheim made the motion to grant Mr. Flankey an active EMT license. Dr. Kristin Spanjian seconded. The motion passed unanimously.

ITEM # 8: License Ratification

A. Dr. Patricia Evans

Dr. Evans was granted a probationary license at the October 2011 meeting and the final orders require ratification from the Board.

MOTION: Dr. Dean Center made the motion to ratify the final orders regarding Dr. Evans' licensure stipulations. Mr. Dwight Thompson seconded. The motion passed unanimously.

ITEM # 9: Administrative Rules

A. Occasional Case Exemption

Ms. Anne O'Leary stated she had received a phone call from Mr. Will McCarthy, who is the CEO of the camp's board of directors, requesting confirmation that physicians from St. Jude's Hospital could work at the camp as volunteers without a Montana license. Ms. O'Leary suggested an occasional case exemption would best suit the situation and wanted the Board's opinion.

MOTION: Dr. James Upchurch made the motion that occasional case exemptions may be granted to volunteer physicians coming into Camp Mak-a-Dream. Dr. Kristin Spanjian seconded. The motion passed unanimously.

ITEM # 10: Dry Needling Committee Report

Ms. Tanja Brekke stated the committee met on November 7, 2011 where a mission statement was drafted and the committee is committed to seeking resolution of therapeutic use of solid needles in the licensed practice of Acupuncture and Physical Therapy in the state of Montana. The committee consists of four members appointed by the Board, three of which are Acupuncturists, and four members appointed by the Physical Therapy Board all of which are physical therapists. The

three acupuncturists and three of the physical therapists are voting members. Future meetings have been set for November 29, December 13 and January 4 for further discussion regarding current statutes and rules.

ITEM # 11: Committee & Sub Committee Reports

A. Physician / Hospital Committee

1. Physician Assisted Death

Dr. Kristin Spanjian stated the committee met to discuss the issue and heard testimony from several individuals both for and against physician-assisted death. Mr. Ian Marquand reported that due to other commitments, Anne O'Leary was unable to provide a written opinion on the *Baxter* decision. The committee will be drafting a statement for the Board to review and discuss at a future meeting. The next committee meeting will be in the first week of December.

2. Maintenance of Licensure Survey

Dr. Kristin Spanjian stated a survey that the Board looked at previously has been sent to Ms. Jean Branscum with the Montana Medical Association to be distributed with their next mailing around the first part of 2012. Physicians will be asked to complete the survey regarding maintenance of licensure. The comments will be compiled for the committee to review at a later date. The survey has been edited since the Board looked at it the first time and Mr. Ian Marquand will distribute the edited copy to Board members to review.

B. Medical Director Sub Committee

Dr. James Upchurch stated the subcommittee will be meeting on December 5, 2011 to discuss proposed changes to the current EMT rules that will align with the new educational guidelines and licensure levels. The subcommittee will report the outcome of that meeting at the January 2012 full board meeting.

ITEM # 12: Working Lunch, MPAP Report (Executive Session)

Mr. Mike Ramirez presented the report to the Board during executive session.

ITEM # 13: Board Communications

A. Letter from Board of Radiologic Technologists Regarding 2013 Legislation Statutory Change

Mr. Ian Marquand stated the Board of Radiologic Technologists has requested any comments and input from this board regarding the statutory changes it is proposing and the possible impact on licensees of this board. The Board suggested the Board of Radiologic Technologists contact Ms. Jean Branscum with the Montana Medical Association and request this issue be put in their next newsletter for more comment.

B. Letter from American Dietetic Association Regarding Collaboration between Licensing Boards & Ethics Committee

Mr. Ian Marquand stated this is a request from the American Dietetic Association asking that any action taken against a licensed nutritionist in Montana be reported to the ethics committee. Board staff will report any action against a licensed nutritionist to the ethics committee as requested. A letter to the American Dietetic Association so advising them will also inform them of the "Licensee Lookup" system currently available.

C. Letter from Board of Pharmacy on New Rules for Written Prescriptions

Mr. Ron Klein with the Board of Pharmacy stated these rules went into effect last summer. Mr. Klein summarized the rules for the Board and asked if there were any comments or questions. The Board was provided with a copy of the rules.

D. Prescription Drug Registry Update

Mr. Ron Klein with the Board of Pharmacy stated the program will be coming in the first quarter of 2012. The advisory committee has met twice to review proposed rules regarding this item which were approved by the Board of Pharmacy on October 25, 2011. The rules are now being reviewed by legal staff and the final approval will hopefully occur at the January 13, 2012 meeting. This is a work in progress and Mr. Klein will keep the Board informed of future actions.

ITEM # 14: Physician Assistant Post Graduation Rural Emergency Medicine Training Program

Mr. Ron Handlos presented a draft curriculum and course outline for the program and stated the program will be accepting the first two students in January of 2012. The program will not accept any more than eight students at a time. The program is six-months in length and consists of one-thousand hours of practice. The program is in conjunction with several locations throughout Montana and the University of Washington. Dr. Greg Moore is the Medical Director for the program. All students will be required to be licensed in Montana to participate in the course as it involves practice. The Board had discussion with Mr. Handlos on the future plans of the program. Mr. Handlos requested a statement of support of the program.

MOTION: Dr. Kristin Spanjian made the motion to send Mr. Handlos and the University of Washington a statement congratulating them for their efforts and that the Board supports the program. Dr. Dean Center seconded. The motion passed unanimously.

ITEM #15: EMT

Dr. Harry Sibold thanked the Board for their support in his transition to the position of Board of Medical Examiners State Medical Director. Dr. Sibold attended the last Emergency Care Committee and gave a short presentation introducing himself. He looks forward to working with the physician medical directors in the state and the EMT's.

Mr. Ken Threet provided the EMT report to the Board in writing and asked if there were any questions for him. Ms. Pat Bollinger asked Mr. Threet about EMT course approval and post course documentation. Mr. Threet explained the process to the Board.

Dr. James Upchurch stated there has been some discussion about Community Paramedicine in the past and it is his perspective that this will be a change in role only in this state and not a change in scope of practice. Dr. Sibold stated that some of the things being presented to him regarding this program may require a change in the scope of practice. This item will be discussed further at future subcommittee and Board meetings as the program is still a work in progress.

MOTION: Dr. James Upchurch made the motion to seek legislation to add Dr. Sibold to the Emergency Care Committee. Dr. Dean Center seconded. The motion passed unanimously.

ITEM # 16: Legal Report

Ms. Anne O'Leary thanked the Board for allowing her and Mr. Mike Fanning to attend the annual Federation of State Medical Boards' conference and updated them on some of the federation's future plans.

ITEM # 17: Department Update

Mr. Jack Kane presented the Board an update on HB525 and stated the interim committee was reviewing all boards and he has heard no negative comments. He also explained the new division data base is still set to go live in January of 2012.

ITEM # 18: Executive Director Report

Mr. Ian Marquand

A. Budget report

Mr. Marquand presented the budget report to the Board and asked if they would prefer a different format for the report. The format of the budget report will be discussed further at the January 2012 meeting.

B. Application Report

Mr. Marquand presented the report to the Board. The Board had no questions regarding the report.

C. Program Manager Position Update

Mr. Marquand stated the new Program Manager Ms. L'Joy Griebenow will start working with the Board on Monday November 21, 2011.

ITEM # 19: Nominations and Election of Board Officers

Ms. Pat Bollinger called for elections of officers.

MOTION: Dr. James Upchurch made the motion to nominate Dr. Anna Earl for president. Dr. Mary Anne Guggenheim seconded. There were no other nominations. The motion passed unanimously.

MOTION: Ms. Carole Erickson made the motion to nominate Dr. Kristin Spanjian for vice president. Dr. James Upchurch seconded. There were no other nominations. The motion passed unanimously.

MOTION: Mary Anne Guggenheim made the motion to nominate Dr. Dean Center for secretary. Ms. Carole Erickson seconded. There were no other nominations. The motion passed unanimously.

Adjourn:

MOTION: Ms. Tanja Brekke made the motion to adjourn the meeting. Dr. Kristin Spanjian seconded. The motion passed unanimously.

Next meeting: January 20, 2012