

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 South Park, 4th Floor Large Conference Room
July 25, 2014
9:00 a.m. to 5:15 p.m.

1. Call To Order - Establish Quorum (00:07)

Board Members Present:

Dr. Mary Anne Guggenheim (Chair), Dr. Kris Spanjian, Mr. Charles Farmer, Dr. Anna Earl, Dr. Nathan Thomas, Ms. Tanja Brekke, Dr. Bruce Hayward, Ms. Carole Erickson, Ms. Patricia Bollinger, Dr. James Feist, Dr. Jim Upchurch, Mr. Dwight Thompson

Board Members Absent:

Prof. Ana Diaz, Mr. Ben Lindeman

Staff Members Present:

Mr. Ian Marquand - Executive Officer
Anne O'Leary, Esq. - Board Counsel
Ms. L'Joy Griebenow – Board Management
Dr. Harry Sibold – State Medical Director
Mr. Ken Threet – EMT Training Coordinator
Ms. LaVelle Potter – Compliance Officer
Mr. Adam de Yong – Acting Administrator, Business Standards Division

Guests Present (in person):

Mr. Michael Ramirez, Ms. Tamara Schmalz, Dr. Joseph Berdecia-Rodriguez, Ms. Barbara Dykema, Ms. Jean Branscum, Mr. Greg Van Horssen, Mr. Jim De Tienne, Mr. Bob Murphy, Ms. Linda Hanson

Guests Present (by telephone):

Dr. Richard Mendel, Ms. Kay Brown, Dr. Colbert Wang, Dr. Clay Boyd, Mr. Aaron Becker, Ms. Yanchun Xu

2. Approval and Tentative Modification of Agenda Order (2:23)

The Board reviewed the July 25, 2014 agenda.

MOTION: Dr. Spanjian moved to approve [the July 25, 2014] agenda; Ms. Erickson seconded the motion. Motion passed unanimously. (2:37)

3. Review and Approve Minutes

a. May 15-16, 2014 Open Session (2:54)

The Board reviewed the minutes from the May 15-16, 2014 Open Session. The following changes were made to the minutes: Dr. Farmer was changed to Mr. Farmer; Mr. Ramirez was not present, but Tamara Schmaltz was present; correct "day 16" to be "May 16".

MOTION: Dr. Feist moved to [approve the minutes of the May 15-16, 2014 open session as amended]; Ms. Brekke seconded the motion. Motion passed unanimously. (4:07)

b. May 16, 2014 Executive Session (4:28)

The Board reviewed the minutes from the May 16, 2014 Executive Session.

MOTION: Dr. Thomas moved to approve the [minutes of the May 16, 2014 executive session]; Dr. Hayward seconded the motion. Motion passed unanimously. (4:40)

4. Public Opportunity to Comment (4:58)

The Presiding Officer read the statement of public participation and opened the meeting for public comment. Ms. Branscum commented concerning MAR Notice 37-684 and rules proposed by DPHHS. She also invited the Board to participate in new MMA projects related to Prescription Drug Abuse. Ms. O'Leary commented on communication received from Dr. Amanda Blea regarding whether saline gel injections for tattoo removal are considered the practice of medicine.

5. Compliance Report

a. Screening Panel Report (13:14)

Dr. Earl reported that the screening panel heard 37 cases on July 24, 2014 of which 11 were dismissed with prejudice, 13 were dismissed without prejudice, 7 were tabled, and reasonable cause sufficient to initiate action were found in 6 cases.

b. Request for Motion on VA Records (14:02)

Mr. Marquand led the discussion.

MOTION: Ms. Brekke moved that the board authorize LaVelle Potter, Mike Fanning, Anne O'Leary and Ian Marquand to receive data from the Veterans Administration (VA) in the course of work for the board, [and] a letter shall be sent to the VA informing it of this decision; Ms. Bollinger seconded the motion. (14:48) Discussion ensued.

Motion was amended to then read:

MOTION: Ms. Brekke moved that the board authorize LaVelle Potter, Board Compliance Officer, Mike Fanning, Department Counsel for the board, Anne O'Leary, Board Counsel, and Ian Marquand, Executive Officer or their successors

to receive data from the Veterans Administration (VA) in the course of work for the board, [and] a letter shall be sent to the VA informing it of this decision; Ms. Bollinger seconded the motion. (16:11)

Motion passed unanimously. (17:03)

6. Board Action

a. Non-routine Applications (17:12)

i. Richard Mendel, PHYS

Dr. Mendel was present by telephone before the Board. Ms. O'Leary led the discussion.

MOTION: Dr. Upchurch moved that [Dr. Mendel's] application not come back to the board until MPAP is ready to make a report to the board regarding Dr. Richard Mendel. (39:58) The motion failed for want of a second.

Discussion ensued.

MOTION: Dr. Upchurch moved to deny Dr. Richard Mendel's application unless Dr. Mendel withdraws his application by 5 p.m. August 1[, 2014]; Mr. Thompson seconded the motion. (51:00)

Discussion ensued.

Motion passed (7-4) with Ms. Bollinger, Dr. Earl, Dr. Spanjian and Mr. Farmer voting against the motion. (56:19)

ii. Joseph Berdecia-Rodriguez, PHYS (58:19)

Dr. Berdecia-Rodriguez was present before the Board. Ms. O'Leary led the discussion.

MOTION: Dr. Spanjian moved to grant to Dr. Joseph Berdecia-Rodriguez a full and unrestricted physician license in the State of Montana; Dr. Earl seconded the motion. Motion passed unanimously. (1:25:52)

iii. Colbert Wang, PHYS (1:27:20)

Dr. Wang was present by telephone before the Board. Ms. O'Leary led the discussion.

MOTION: Dr. Feist moved to [grant] to Dr. Colbert Wang a full and unrestricted physician license; Dr. Hayward seconded the motion. Motion passed unanimously. (1:32:26)

iv. Yanchun Xu, ACU (1:33:32)

Ms. Xu was present by telephone before the Board. Ms. O'Leary led the discussion.

MOTION: Ms. Brekke moved to grant a full and unrestricted acupuncturist license to Ms. [Yanchun] Xu; Ms. Bollinger seconded the motion. (1:35:33) Discussion ensued. Motion passed unanimously. (1:39:29)

v. Clay Boyd, PHYS (1:40:01)

Dr. Boyd was present by telephone before the Board. Ms. O'Leary led the discussion.

MOTION: Dr. Upchurch moved to [grant] to Dr. Clay Boyd a full and unrestricted physician license; Dr. Thomas seconded the motion. Motion passed unanimously. (1:43:43)

vi. Aaron Becker, EMT (1:45:28)

Mr. Becker was present by telephone before the Board. Ms. O'Leary led the discussion.

MOTION: Mr. Farmer moved to table [consideration of] Mr. Becker's application until Mr. Becker visits with MPAP and until [the Board] has received an evaluation from MPAP. (1:47:49) Discussion ensued.

(1:49:16) Ms. Brekke seconded the motion. Motion passed unanimously.

*****BREAK*** (1:51:20 – 1:55:18)**

b. Budget Report—Mr. Ian Marquand (1:56:00)

Mr. Marquand provided background. Dr. Guggenheim led the discussion. Mr. deYong was present to answer questions of the Board.

Dr. Guggenheim transitioned the Board meeting into executive session. (2:56:54)

7. Executive Session (working lunch)

Dr. Guggenheim returned the meeting back to open session. (2:58:12) A quorum was present.

6. Board Action

c. Correspondence and Reports (2:58:16)

- i. E-mail and Information from David Christianson, M.D. re: Marijuana (2:58:21)

Mr. Marquand led the discussion. For information only; no Board action was taken.

- ii. Request from Robert Murphy, PA-C re: 2006 Notice of Board Action (2:59:06)

Ms. O'Leary led the discussion. For information only; no Board action was taken.

- iii. Request from International Society of Hair Restoration Surgery re: Unlicensed Technicians and Hair Restoration (3:14:20)

Mr. Marquand led the discussion. For information only; no Board action was taken.

- iv. Invitation from Montana Emergency Medical Services Association (3:19:43)

Dr. Sibold led the discussion. For information only; no Board action was taken.

- v. Montana PDR Reports (3:26:44)

Dr. Hayward led the discussion. For information only; no Board action was taken.

- vi. FSMB Correspondence (3:27:58)

Mr. Marquand led the discussion. For information only; no Board action was taken.

8. Board Action (Continued)

a. Rulemaking

- i. Update on MAR 24-156-81 (3:30:17)

Mr. Marquand led the discussion. For information only; no Board action was taken.

- ii. Fee increases (3:31:03)

Mr. Marquand led the discussion. (See also Budget Report above.) For information only; no Board action was taken.

- iii. Request from MT Academy of PAs re: physician signature requirement in 24.156.1623 (Chart Review) (3:31:40)

Mr. Marquand provided background; Ms. Hanson led the discussion. For information only; the request was referred to the Laws and Rules Committee for further consideration.

b. Legislation (3:50:34)

- i. Recommendations re: Telemedicine, Resident Licensing statutes—
Ms. O’Leary led the discussion.

MOTION: Ms. Erickson moved to remove emeritus status, i.e., proposed new section 3, from the proposed new section 37-3-301 for the 2015 legislature; Dr. Feist seconded the motion. Motion passed unanimously. (4:08:07)

MOTION: Dr. Earl moved to accept the revised language of 37-3-307 for inclusion in the Board’s 2015 package of legislation. Ms. Brekke seconded the motion. Motion passed unanimously. (4:13:07)

*****BREAK*** (4:15:08 – 4:15:23)**

c. ECP Statewide Protocols (4:15:23)

- i. Proposed change to Chest Pain protocol—Dr. James Upchurch

MOTION: Ms. Brekke moved to refer this [Chest Pain protocol] to the Medical Direction committee; Ms. Bollinger seconded the motion. Motion passed unanimously. (4:21:28)

d. Scheduling of Next Meeting/Meeting Planning (4:22:02)

- i. September 19, 2014 Helena MT

Mr. Marquand led this discussion. This was for information only; no Board action was taken.

e. Approval of Travel (4:22:40)

- i. Exec. Officer to AIM Board/Combined Regional Meeting, Oct. 16-17, New Orleans LA

MOTION: Dr. Upchurch moved to authorize Mr. Marquand to travel to [the AIM Board/Combined Regional Meeting to be held in New Orleans, LA on October 16-17, 2014]; Dr. Spanjian seconded the motion. Motion passed unanimously. (4:24:46)

- ii. CPEP Annual “Learning Summit,” Nov. 6-7, Raleigh NC (4:25:15)

MOTION: Ms. Erickson moved, given budget restrictions, that the board forego sending a representative in 2014; Ms. Bollinger seconded the motion. Motion passed unanimously. (4:26:28)

- iii. National Association of State EMS Officials, October 6-10, Cleveland OH (4:27:31)

MOTION: Dr. Earl moved to approve Dr. Harry Sibold to attend the NASEMSO 2014 Annual Meeting [to be held in Cleveland, OH] in October; Ms. Erickson seconded the motion. (4:28:58) Discussion ensued. Motion passed unanimously. (4:29:39)

MOTION: Dr. Earl moved to approve Mr. Ken Threet to attend the NASEMSO 2014 Annual Meeting [to be held in Cleveland, OH] in October; Dr. Thomas seconded the motion. Motion passed unanimously. (4:38:29)

9. Information from Other State Agencies (4:39:13)

- a. EMS & Trauma Systems Section (DPHHS)

Mr. Jim DeTienne spoke with the Board.

MOTION: Ms. Erickson moved, relative to Item 1 [of Mr. DeTienne's report] - Improved Exchange of Program Information and Activities, that Mr. Jim DeTienne be added to receive a copy of the public board book; Dr. Spanjian seconded the motion. Motion passed unanimously. (5:43:12)

10. Medical Director and EMT Training Officer Reports

- a. Medical Director Report (5:47:41)

Dr. Harry Sibold led the discussion.

MOTION: Dr. Spanjian moved to accept the Medical Director Report as written; Ms. Brekke seconded the motion. Motion passed unanimously. (5:48:47)

- b. Training Officer Report (5:49:02)

MOTION: Ms. Erickson moved to accept the Training Officer Report with the notation that Dr. Sibold let Mr. Threet know travel to the national meeting was approved and request that he consolidate his travel whenever possible; Dr. Earl seconded the motion. Motion passed unanimously. (5:55:18)

- c. Report from REPLICA Conference on EMS Interstate Compact (5:56:10)

Dr. Sibold led the discussion. For information only; no Board action was taken.

11. Executive Officer Report—Mr. Ian Marquand

- a. Application Report (6:12:21)

Mr. Marquand led this discussion. This was for information only; no Board action was taken.

b. Update on Change Control Requests for Licensing/Renewals **(6:14:38)**

Mr. Marquand led this discussion. This was for information only; no Board action was taken.

c. Newsletter **(6:17:24)**

Mr. Marquand led this discussion. This was for information only; no Board action was taken.

d. BOME 125th Anniversary **(6:21:43)**

MOTION: Dr. Earl moved to endorse with enthusiasm having Ms. Erickson head up the presentation arrangements; Dr. Spanjian seconded the motion. (6:29:40) Discussion ensued. Motion passed unanimously. (6:31:50)

12. Legal Report (6:36:50)

Ms. O'Leary led the discussion. This was for information only; no Board action was taken.

13. Board Committee, National Committee and Other Reports

a. Medical Direction Committee **(6:37:42)**

Dr. Upchurch led the discussion. For information only; no Board action was taken.

b. Laws & Rules Committee **(6:38:51)**

Dr. Hayward led the discussion. For information only; no Board action was taken.

c. Outreach Committee/Board Liaison **(6:39:09)**

Ms. Erickson led the discussion. For information only; no Board action was taken.

d. Acupuncture Committee **(6:42:34)**

Ms. Brekke led the discussion. For information only; no Board action was taken.

e. Montana POLST Coalition Report **(6:44:50)**

Mr. Marquand and Dr. Sibold led the discussion. For information only; no Board action was taken.

14. Adjourn

MOTION: Ms. Brekke moved to adjourn the meeting; Mr. Farmer seconded the motion. Motion passed unanimously. (6:48:06)

The meeting adjourned at 5:15 p.m. **(6:48:23)**