

**BOARD OF MEDICAL EXAMINERS
LAWS & RULES COMMITTEE
ROOMB-07
HELENA, MONTANA
DATE: Thursday, Sept. 20, 2012
TIME: 3:30 p.m.
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. Guggenheim called the meeting to order at 3:33 p.m. Roll call was taken and a quorum was present.

Members present: Dr. Mary Anne Guggenheim (Chair), Dr. Bruce Hayward, Dr. Nathan Thomas, Ms. Pat Bollinger, Ms. Carole Erickson

Members absent: None

Staff present: Mr. Ian Marquand, Ms. Anne O'Leary, Esq., Ms. Becky Zaharko, Ms. L'Joy Griebenow

Others present: Mr. Matt Kuntz from NAMI Montana.

ITEM #2. Approval of Agenda:

The Committee reviewed the September 20, 2012 agenda.

MOTION: Ms. Carole Erickson moved to approve the agenda as presented. Ms. Pat Bollinger seconded the motion. Motion carried unanimously.

ITEM #3: Approval of Minutes of February 16, 2012 Minutes and May 3, 2012 Minutes

The Committee reviewed the February 16, 2012 meeting minutes.

MOTION: Ms. Pat Bollinger moved to approve the minutes from February 16, 2012 as presented. Ms. Carole Erickson seconded the motion. Motion carried unanimously.

The Committee reviewed the May 3, 2012 meeting minutes.

MOTION: Dr. Bruce Hayward moved to approve the minutes from May 3, 2012 as presented. Ms. Pat Bollinger seconded the motion. Motion carried unanimously.

ITEM #4: 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 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. Guggenheim opened the meeting for public comment.

Mr. Matt Kuntz, Executive Director for National Alliance on Mental Illness (NAMI) of Montana, approached the Committee asking them to redesign the rules so a physician can obtain their license without going through the physician assistance program. He stated it is odd that a master's level clinician would approve or disapprove a psychiatrist and that some of the decisions would be arbitrary and capricious.

Dr. Guggenheim asked Mr. Kuntz if he has read the audit that was completed by the Board regarding the Physician Assistance program three years ago. Ms. Bollinger asked Mr. Kuntz to place his request in writing. Ms. O'Leary also stated that Mr. Kuntz's request would need to be presented to the full board and then assigned to the Laws and Rules Committee.

No other public comments.

ITEM #5 Expedited Physician Licensing Rules

Ms. Anne O'Leary, Esq. presented to the Committee rules from multiple states regarding expedited licensing of physicians. The following changes were discussed in the draft rules.

Subsection 1: No changes.

Subsection 2: Add before sentence one, what the application should contain but not be limited to. Ms. Anne O'Leary Esq. will add some word changes to the section.

Subsection 3: Change sentence one to say the active clinical practice of medicine.

Subsection 4: Clarify somewhere that the minimum of 5 years does not include residency or clinical fellowship activities.

Subsection 5: (a) an application from that is approved by the department or accepted by the department

(e) change provide proof to provide verification

(f) change provide proof to provide evidence. Have Mr. Ian Marquand provide information from licensing if they have any suggestions in doing this.

(i) remove

(j) remove

Subsection 6: Change to subsection 7

Subsection 7: Change to subsection 6 (b) except violations resulting in a fine of less than \$100

Subsection 8: No changes.

MOTION: Ms. Pat Bollinger moved to have Ms. Anne O’Leary Esq. make the revisions to the draft rules on expedited physician licensing based on the comments from the Committee. Dr. Bruce Hayward seconded the motion. Motion carried unanimously.

ITEM #6: Adjourn

Dr. Mary Anne Guggenheim adjourned the Laws and Rules Committee at 5:00 p.m. on Thursday, September 20, 2012.