

**BOARD OF MEDICAL EXAMINERS
FULL BOARD MEETING
301 SOUTH PARK AVENUE, EXECUTIVE DIRECTOR'S OFFICE
HELENA MT
DATE: FEBRUARY 16, 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

Dr. Anna Earl called the meeting to order at 5:35 PM. Roll call was taken and a quorum was present.

Members Present: Ms. Pat Bollinger, Dr. Anna Earl, Mr. Ryan Burke, Dr. Mary Anne Guggenheim, Dr. Nathan Thomas, Dr. James Upchurch, Kay Bills-Kazimi, Dr. Bruce Hayward, Ms. Eileen Sheehy, and Mr. Dwight Thompson

Members Absent: Ms. Carole Erickson, Dr. Dean Center and Dr. Kristin Spanjian

Staff Present: Ms. Jean Branscum and Ms. Anne O'Leary

Guests Present: No guests were present

ITEM #2: Approval of Agenda

The Board approved the February 16, 2011 agenda.

MOTION: Ms. Pat Bollinger made a motion to approve the February 16, 2011 agenda. Dr. Bruce Hayward seconded the motion. The motion passed unanimously.

ITEM #3: Approval of Minutes

The Board reviewed the February 4, 2011 minutes.

MOTION: Dr. Bruce Hayward made a motion to approve the February 4, 2011 minutes. Mr. Ryan Burke seconded the motion. 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.

Dr. Earl opened the meeting for public comment. There was no public comment.

ITEM #5: Legislative Update

a. HB 539

"AN ACT AUTHORIZING PHYSICIANS, NATUROPATHIC PHYSICIANS, AND ALTERNATIVE MEDICAL PROVIDERS TO PROVIDE CARE UTILIZING IMMUNOTHERAPY TREATMENTS AND ASSOCIATED MEDICATIONS."

Ms. Jean Branscum reported that HB 539 was heard in committee today, February 16. The bill had moved quickly through the legislative process this week with the House referring the bill to committee on Monday, February 14. Dr. Mary Anne Guggenheim provided background information on the bill. The Board discussed that lack of definitions for terms used in the bill, concern that unlicensed individuals would be allowed to practice medicine, and that immunotherapy may be an unapproved treatment.

After discussion of possible action steps to take at this point in the legislative process, it was agreed to oppose the bill.

MOTION: Dr. Mary Anne Guggenheim moved to oppose the bill and take steps allowed and approved. Dr. Jim Upchurch seconded the motion. The motion passed unanimously.

b. HB 429

"AN ACT REVISING THE MEDICAL MARIJUANA ACT TO ESTABLISH PROCEDURES FOR OBTAINING APPROVAL FOR THE MEDICAL USE OF MARIJUANA; REQUIRING A PHYSICIAN'S AFFIDAVIT AND A COURT ORDER FOR THE MEDICAL USE OF MARIJUANA; ELIMINATING THE ISSUANCE OF REGISTRY IDENTIFICATION CARDS BY THE STATE; PROHIBITING THE USE OF ELECTRONIC MEANS TO CONDUCT EXAMS; ALLOWING BLOOD TESTS FOR INDIVIDUALS SUSPECTED OF DRIVING UNDER THE INFLUENCE; REVISING DEFINITIONS; EXPANDING THE LIMITATIONS ON MEDICAL USE..."

Ms. Jean Branscum reported that the Committee Secretary had contacted the Board Office to work on an amendment that would address points of consideration expressed during the hearing. Board Counsel, Ms. Anne O'Leary, worked with the Committee Secretary to draft an amendment on Monday, February 14, and the amendment was added to the bill during executive action on Tuesday, February 15, and the amended bill was passed in committee. Ms. Branscum noted an amendment to add a definition of treating physician was not pursued as the full Board had not discussed that definition and she was informed the bill sponsors were not receptive about defining the term

further. The Board members discussed the topic of amending the bill at a later point to add this definition.

MOTION: Dr. Mary Anne Guggenheim moved to monitor the bill and continue to be available as an informational witness. Dr. Bruce Hayward seconded the motion. The motion passed unanimously.

c. HB 525

"AN ACT PROVIDING FOR SYSTEMATIC REVIEW OF PROFESSIONAL AND 5 OCCUPATIONAL LICENSING BOARDS TO DETERMINE IF THE BOARD REMAINS NECESSARY FOR A 6 PUBLIC PURPOSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Ms. Jean Branscum provided a brief summary of the bill and the intent for the legislature to do a review of licensing boards to determine ongoing value.

d. HB 544

"AN ACT REQUIRING PREABORTION SCREENING AND COUNSELING; PROVIDING DEFINITIONS; PROVIDING PENALTIES; AND PROVIDING CIVIL REMEDIES FOR VIOLATIONS."

Ms. Anne O'Leary reviewed for the Board the sections of the bill. The Board discussed concerns on having a standard of care defined in law for a currently legal medical procedure, and over the possibility that legal action could be filed against physicians who perform this procedure but fail to document the extensive laundry list of requirements listed in this bill. Discussion included that this was unnecessary regulation and could open the door to the legislature regulating how physicians administer other medical procedures. The Board is in a good position to regulate standard of care as it can change over time. Board members noted the opposition was unrelated to the topic of abortion.

MOTION: Ms. Eileen Sheehy moved to oppose the bill. Ms. Pat Bollinger seconded the motion. The motion passed unanimously.

B. Legislative Tracking Report

Ms. Jean Branscum provided an updated legislative tracking report.

ITEM #6: Adjournment

MOTION: Ms. Pat Bollinger made a motion to adjourn the meeting. Dr. Bruce Hayward seconded the motion. The motion passed unanimously. The meeting was adjourned at 6:10 PM.