

FULL BOARD MEETING MINUTES
of the
MONTANA BOARD OF MEDICAL EXAMINERS
301 S. Park Ave, 4th Floor Conference Room, Helena MT
11:15 a.m. – 6:20 p.m.
Friday, January 25, 2013

1. Call To Order - Establish Quorum (00:26)

Members Present: Dr. Kristin Spanjian (Presiding Officer), Dr. Dean Center (by telephone), Ms. Pat Bollinger, Dr. Anna Earl, Ms. Tanja Brekke, Mr. Charles Farmer, Dr. Mary Anne Guggenheim, Dr. Bruce Hayward, Dr. Nathan Thomas, Mr. Dwight Thompson, Dr. James Upchurch (by telephone), Mr. Don Sullivan

Members Absent: Ms. Carole Erickson, Ms. Eileen Sheehy

Staff Present: Mr. Ian Marquand, Ms. L'Joy Griebenow, Anne O'Leary, Esq., Dr. Harry Sibold, Mr. Ken Threet, Ms. LaVelle Potter

Guests Present: Mr. Michael Ramirez, Dr. Joost Gazendam, Ms. Linda Benzel, Dr. James Armstrong, Dr. David Dean, Dr. Susan Maier, Dr. Michael Chase, Dr. Keith Hopkins, Dr. Vincent Pons, Ms. Jean Branscum

2. Approval and Tentative Modification of Agenda Order (02:29)

The Board reviewed the January 25, 2013 Agenda.

MOTION: Ms. Brekke made a motion to approve the January 25, 2013 agenda; Dr. Thomas seconded the motion. Motion passed unanimously. (02:51)

3. Review and Approve Minutes (03:09)

The Board reviewed the December 11, 2012 Full Board Meeting Minutes.

MOTION: Dr. Guggenheim made a motion to approve both sets [executive and open sessions] of the December 11, 2012 meeting minutes; Dr. Earl seconded the motion. Motion passed unanimously. (03:22)

4. Public Opportunity to Comment (03:57)

The Presiding Officer read the statement of public participation and opened the meeting for public comment. Mr. Marquand read an e-mail from Dr. Paul Cook providing an update to the Board; there was no other public comment.

5. Compliance Report (06:48)

Ms. LaVelle Potter reported on the results from the morning screening panel meeting. The panel reviewed 4 cases of which 3 cases were dismissed without prejudice, and 1 case was tabled. No action was taken by the Board. For information purposes only; no board action taken.

6. Department Update (8:08)

Mr. Jack Kane provided an update to the Board with respect to the progress of the Department's bill. For information purposes only; no board action taken.

7. Board Action

a. Board-Generated Complaint Delegation Policy (16:38)

Ms. LaVelle Potter provided an update to the Board regarding potential changes to the Board's Delegation of Board Generated Complaints list needed to match newly adopted rules on licensees' obligation to report. Ms. Potter requested that the Board approve adding an eleventh condition under which Board staff might initiate a complaint against a licensee, namely when "staff receives information about an NPDB report regarding a malpractice settlement, restriction or denial of privileges, etc. that a licensee fails to report to the Board within the 90-day rule".

MOTION: Ms. Brekke made a motion to accept [the addition of condition] number 11 [to the Board's Delegation of Board Generated Complaints list]; Dr. Hayward seconded the motion. Motion passed unanimously. (18:19)

b. Non-routine Applications

i. Joost Gazendam, M.D. (Specialized License) (20:17)

Dr. Gazendam was present in person before the Board. Ms. O'Leary briefly reviewed the Board's involvement to-date in connection with Dr. Gazendam's application for a specialized license. The Board discussed Dr. Gazendam's application with him.

MOTION: Dr. Earl made a motion to grant to Dr. Gazendam a specialized license to practice orthopedic, general, and pediatric trauma surgery; Dr. Thomas seconded the motion. Motion passed unanimously. (35:58)

ii. Jagjit Mangat, M.D. (Tabled from November 2012) (38:33)

This was informational only; the Board took no action at this time.

iii. Michael Chase, D.O. (38:51)

Dr. Chase was present in person before the Board. The Board discussed Dr. Chase's application with him.

MOTION: Dr. Hayward made a motion to grant a full and unrestricted physician license to Dr. Chase; Dr. Earl seconded the motion. Motion passed unanimously. (46:38)

iv. Edward Raines, M.D. (47:27)

Dr. Raines was present by telephone before the Board. The Board discussed Dr. Raines' application with him.

MOTION: Dr. Guggenheim made a motion to grant a full and unrestricted physician license to Dr. Raines; Dr. Earl seconded the motion. Motion passed unanimously. (1:02:19)

v. **Philip Vitelli, D.O. (1:03:34)**

This was informational only; the Board took no action at this time.

vi. **Kenneth Pierce, D.O. (1:03:39)**

This was informational only; the Board took no action at this time.

vii. **David Dean, M.D. (1:03:45)**

Dr. Dean was present in person before the Board. The Board discussed Dr. Dean's application with him.

MOTION: Dr. Earl made a motion to grant a full and unrestricted physician license to Dr. Dean; Dr. Hayward seconded the motion. Motion passed unanimously. (1:08:54)

viii. **Keith Hopkins, M.D. (1:09:24)**

Dr. Hopkins was present in person before the Board. The Board discussed Dr. Hopkins' application with him.

MOTION: Dr. Hayward made a motion to grant a full and unrestricted physician license to Dr. Hopkins; Ms. Bollinger seconded the motion. Motion passed unanimously. (1:18:57)

ix. **Marshall Hubsher, M.D. (1:20:17)**

Dr. Hubsher was present by telephone before the Board. The Board discussed Dr. Hubsher's application with him.

MOTION: Dr. Upchurch made a motion to offer to Dr. Hubsher the opportunity to withdraw his application in writing within 10 business days from today's meeting and if Board staff fails to have his [written] withdrawal in hand by February 8 [2013], to deny Dr. Hubsher's application for a physician license; Dr. Center seconded the motion. Motion passed unanimously. (1:30:08)

xi. **Susan Maier, M.D. (Re-visited) (1:33:01)**

Dr. Maier was present in person before the Board. The Board discussed Dr. Maier's situation with her.

MOTION: Dr. Guggenheim made a motion

1. **to grant a 1-year probationary physician license to Dr. Maier to enable Dr. Maier to either**
 - a) **complete the CPEP program or**
 - b) **complete the CPEP educational recommendations via a preceptorship – the probationary license [in this case] to begin upon receipt by Board [staff] of written acknowledgement by each preceptor of the role [and responsibilities] of preceptor – and Dr. Maier moving**

- toward completing Part II of Pediatric Board certification,
and
2. to direct Dr. Maier to return to the Board before the end of the probationary license either to have the 1-year probationary license extended or be granted a full and unrestricted license; Dr. Earl seconded the motion. Motion passed unanimously. (2:00:54)

xii. **Allen Mendez, M.D. (2:04:20)**

This was informational only; the Board took no action at this time.

Dr. Kris Spanjian transitioned the Board meeting into executive session. (2:05:59)

Dr. Kris Spanjian returned the meeting back to open session. (2:06:39) Roll call was taken and a quorum was present.

Members Present: Dr. Kristin Spanjian (Presiding Officer), Ms. Pat Bollinger, Ms. Tanja Brekke, Mr. Charles Farmer, Dr. Mary Anne Guggenheim, Dr. Anna Earl, Dr. Bruce Hayward, Mr. Don Sullivan, Dr. Nathan Thomas, Mr. Dwight Thompson, and Dr. James Upchurch (by telephone)

Members Absent: Dr. Dean Center, Ms. Carole Erickson, Ms. Eileen Sheehy

x. **Vincent Pons, M.D. (Re-visited) (2:07:47)**

Dr. Pons was present in person before the Board. The Board discussed Dr. Pons' application with him.

Dr. Pons withdrew his application for a physician license from consideration. (2:41:04)

xii. **Allen Mendez, M.D. (2:44:14)**

Dr. Mendez was present by telephone before the Board. The Board discussed Dr. Mendez's application with him.

MOTION: Dr. Guggenheim made a motion to grant a full and unrestricted physician license to Dr. Mendez with the condition of a one-year contract with MPAP; Dr. Thomas seconded the motion. Motion passed unanimously. (2:55:34)

v. **Philip Vitelli, D.O. (2:56:52)**

Dr. Vitelli was present by telephone before the Board. The Board discussed Dr. Vitelli's application with him.

MOTION: Dr. Earl made a motion to grant a full and unrestricted physician license to Dr. Vitelli; Mr. Thompson seconded the motion. (3:00:34)
Discussion ensued. **Motion passed unanimously. (3:02:39)**

vi. **Kenneth Pierce, D.O. (3:03:30)**

This was informational only; the Board took no action at this time.

ii. **Jagjit Mangat, M.D. (Tabled from November 2012) (3:03:59)**

Dr. Mangat was not present before the Board when the Board took up his application.

[The Board also checked for him at each of the following additional times: **(38:33)**, **(47:35)**, **(1:03:23)**, and **(3:03:16)**.]

MOTION: Ms. Bollinger made a motion to remove Dr. Mangat's application from the table and bring it to the floor for discussion; Dr. Hayward seconded the motion. Motion passed unanimously. (3:05:24)

Discussion ensued.

MOTION: Dr. Guggenheim made a motion to table Dr. Mangat's application to the Board's March [2013] meeting and request that Dr. Mangat be present before the Board either in person or by telephone; Dr. Earl seconded the motion. Motion passed unanimously. (3:13:13)

vi. **Kenneth Pierce, D.O. (3:13:57)**

Dr. Pierce was present by telephone before the Board. The Board discussed Dr. Pierce's application with him.

MOTION: Dr. Earl made a motion to grant a full and unrestricted physician license to Dr. Pierce; Dr. Hayward seconded the motion. Motion passed; there was one vote against by Dr. Guggenheim. (3:26:35)

c. **Stipulation (3:28:23)**

i. **Timothy Coe—Review Stipulation and Approve Final Order**

MOTION: Ms. Brekke made a motion to approve the final stipulation entered into with Timothy Coe; Ms. Bollinger seconded the motion. Motion passed unanimously. (3:29:17)

***** **BREAK ***** (3:29:41 – 3:29:55)**

d. **Correspondence**

i. **Response to Kalispell Regional Medical Center re: Hyperbaric Oxygen and Podiatry (From Laws & Rules Committee) (3:30:04)**

MOTION: Ms. Bollinger made a motion to direct staff to incorporate the changes suggested by the Board [during today's discussions] into the letter [directed to Dr. Eddy] to go out under [Dr. Spanjian's] signature; Ms. Brekke seconded the motion. Motion passed unanimously. (3:35:49)

- ii. Response to N.A.M.I. Montana re: Professional Assistance Program Rules (From Laws & Rules Committee) (3:36:38)

MOTION: Dr. Hayward made a motion to accept the letter [from the Board directed to Mr. Kuntz] with the minor changes discussed today; Ms. Brekke seconded the motion. Motion passed unanimously. (3:41:48)

f. Legislation (3:42:31)

- i. **Bills being monitored by BSD and BOME staff (3:43:06)**

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

- ii. **Bills being proposed by Montana Medical Association (4:34:21)**

Ms. Jean Branscum led the discussion. The MMA was seeking the Board's endorsement of six pieces of proposed legislation.

MOTION: Dr. Earl made a motion for the Board to endorse [i.e., be proponents of] the concept proposed in LC 1813; Ms. Brekke seconded the motion. Motion passed unanimously. (4:52:10)

g. Rulemaking (4:57:56)

- iii. Physician Licensure by Expedited Process (Rule 24.156.603 APPLICATIONS FOR LICENSURE; proposed rule amendment from Laws & Rules Committee)

MOTION: Dr. Earl made a motion to accept the proposed amendment to Rule 24.156.603 including the changes discussed today, and to direct staff to move the proposed rule amendment along the rulemaking process to the next step (noticing the proposal); Dr. Hayward seconded the motion. Motion passed unanimously. (5:25:02)

h. Approval of Travel (5:26:17)

- i. Mansfield Conference, "The Future of Health Care in America"—March 19-21, Missoula MT

MOTION: Ms. Brekke made a motion to authorize Mr. Marquand to attend the Mansfield Conference "The Future of health Care in American", March 19-21, 2013 in Missoula, Montana; Ms. Bollinger seconded the motion. Motion passed unanimously. (5:27:21)

- ii. FSMB Annual Meeting / AIM Annual Meeting—April 17-20, Boston MA

MOTION: Mr. Thompson made a motion to authorize Dr. Spanjian, Ms. Brekke, Dr. Thomas and Mr. Marquand to attend the FSMB Annual Meeting April 17-20, 2013, in Boston, Massachusetts, and Ms. O'Leary to attend the FSMB meeting in the fall [November] 2013; Dr. Hayward seconded the motion. Motion passed unanimously. (5:34:39)

i. Committee and Panel Appointments—Kristin Spanjian, M.D. (5:36:25)

Dr. Spanjian read a letter from Dr. Center resigning his position on the Board effective immediately. (5:37:17) Dr. Center's resignation leaves the Screening Panel with no chair. As a result, Dr. Spanjian appointed Dr. Guggenheim to chair the Screening Panel of the

Board of Medical Examiners for 2013, with Dr. Earl and Dr. Upchurch being vice chairs as needed. (5:44:14)

The Board agreed to recognize Dr. Center's service with a plaque and/or other suitable gift, and a thank you card.

Remainder of the committee and panel appointments were tabled until the March meeting by Board consensus. (5:48:22)

j. Scheduling of Next Board Meeting—March 15, 2013 (5:48:43)

Dr. Spanjian made the report from the Executive Session: The Board heard the report from the Montana Professional Assistance Program. The report was informational only; no motions were made and no Board actions taken. (5:54:20)

8. Presentation on BSD Licensing Bureau Processes (5:55:10)

No presentation made. Mr. Marquand offered to have Ms. Jeannie Worsech make a presentation at the March 2013 meeting.

9. Committee & Special Project Reports (5:55:31)

- a. **Physician/Hospital Committee—Kristin Spanjian, M.D. (5:55:36)**
- b. **Medical Direction Committee—James Upchurch, M.D. (5:55:40)**
- c. **Laws & Rules Committee—Mary Anne Guggenheim, M.D. (5:55:56)**
- d. **Outreach Committee/Board Liaison—Ms. Carole Erickson (5:56:14)**
- e. **Physician Workforce Data Collection Subcommittee—Ms. Carole Erickson (5:57:50)**
- f. **Acupuncture Continuing Education Subcommittee—Ms. Tanja Brekke, L. Ac. (6:00:47)**
- g. **Concussion Project (Jointly with Board of Athletic Trainers)—Harry Sibold, M.D. (6:01:35)**

10. EMT Report & Medical Director Report—Mr. Ken Threet & Harry Sibold, M.D. (6:01:53)

- a. EMT Report – Mr. Ken Threet

MOTION: Ms. Bollinger made a motion to accept the EMT Report; Ms. Brekke seconded the motion. Motion passed unanimously. (6:04:27)

- b. Medical Director Report – Harry Sibold, M.D.
- c. "Substantially equivalent" Training – Harry Sibold, M.D.

MOTION: Dr. Upchurch made a motion to accept the NAEMSE [National Association of EMS Educators] Medical Director course as substantially equivalent to the [Board of Medical Examiner's Medical Director] online course; Mr. Thompson seconded the motion. Motion passed unanimously. (6:07:40)

MOTION: Dr. Upchurch made a motion to delegate authority to the State [of Montana] Medical Director or his/her designee to determine whether medical director courses submitted to meet education requirements are substantially equivalent to the [Board of Medical Examiner's] online Medical Director's course; Dr. Hayward seconded the motion. Motion passed unanimously. (6:08:10)

MOTION: Dr. Hayward made a motion to accept the Medical Director's Report; Ms. Bollinger seconded the motion. Motion passed unanimously. (6:13:55)

11. Executive Officer Report (6:14:23)

- a. Budget Report
- b. Application Report
- c. National Organization membership status
- d. Exec. Officer Activity Report

For informational purposes only; no Board action taken.

12. Legal Report (6:18:50)

For informational purposes only; no Board action taken.

13. Adjourn (6:20:05)

MOTION: Dr. Thomas made a motion to adjourn; Ms. Brekke seconded the motion. Motion passed unanimously. (6:20:08)

Meeting adjourned (6:20:24)