

**BOARD OF MEDICAL EXAMINERS  
FULL BOARD MEETING  
CONFERENCE CALL - HELENA MT  
DATE: JANUARY 22, 2010**

**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**

**Members Present:** Mr. Dwight Thompson, Ms. Pat Bollinger, Dr. Michael LaPan, Dr. James Upchurch, Dr. Kristin Spanjian, Dr. Mary Anne Guggenheim, Mr. Ryan Burke, Ms. Carole Erickson

**Staff Present:** Ms. Jean Branscum, Ms. Anne O'Leary, Ms. Lavelle Potter, Mr. Ken Threet, Mr. Jerry Morse

**Guests present:** Ms. Val Dare, Mr. Walter Swancy, Mr. Jim Gingery, Dr. Donald Wight, Mr. Mike Ramirez, Ms. Sheila Morin, Dr. Lynn Hankes, Ms. Casey Blumenthal, Ms. Theresa Glinnwater

**ITEM # 2: Approval of Minutes**

**MOTION: Dr. Michael LaPan made the motion to approve the November 20, 2009 minutes and Dr. Kristin Spanjian seconded. The motion passed unanimously.**

**ITEM # 3: Approval of Agenda**

Mr. Dwight Thompson stated Mr. Ken Threet had to leave the meeting early and item number seventeen B would be heard after item number four "Open Forum for Public Comments". Also item numbers eleven and twelve would switch time slots.

**MOTION: Dr. Michael LaPan made the motion to approve the January 22, 2010 agenda as amended and Dr. Kristin Spanjian 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.

Mr. Jim Gingery, Executive Director of the Montana Medical Growers Association, was present in person for public comment. He stated the Association represents marijuana patients and caregivers around the state. As an association their mission has three primary components. First and foremost is supporting superior patient care, second they want to provide a voice for Montana medical cultivators which represent both patients and caregivers as both can grow to support their medicine in this state and, thirdly, to promote lawful and ethical conduct among their members. They are only a few months old, but have already provided training and guidance to their members and the public at large. On January 11 they had a daylong seminar in Bozeman which included business and tax planning for caregivers and an example of how patients can set up a small medical grow facility in their homes. They also introduced a physician from Lyden University in the Netherlands who gave an outstanding presentation on his world renowned research on cannabis and how the different strains and varieties can be used for different medical conditions. Mr. Gingery attended the November 2009 Board meeting and feels some of the information was inaccurate. He wants the Board to know that there is an association that feels there is a need for guidance and input from legal, law enforcement and guidance on caregiver interaction with medical professionals. The association is asking for some input from the Board or a representative from the Board to join in on the discussions with the newly established Board of Advisors that will help give guidance to caregivers around the state. Mr. Gingery requested to be put on the March, 2010, meeting agenda to provide a presentation.

Dr. Donald Wight was present in person to address the Board. Dr. Wight stated he practiced for eighteen years and closed his practice in December due to chronic pain and was prescribed narcotics at that time. He applied for disability benefits and this issue arose as a result. The insurance company stated since Montana does not have any rules or regulations regarding narcotic use by physicians they will not consider him disabled and declined the application. He stated he has not been able to find any regulations regarding what is appropriate medical conduct or professional misconduct. The American Medical Association has a code of ethics in which they address use of narcotics and impairment in physicians and other states have regulations. Dr. Wight is concerned there are no regulations and impairment may be a contraindication for practice. Dr. Wight requested to be put on the March agenda to further discuss this issue with the Board.

#### **ITEM # 5: Compliance Report**

Ms. LaVelle Potter reported the morning screening panel moved to dismiss with prejudice three cases, dismiss without prejudice two cases and two cases were tabled. Six cases are under investigation at this time dating back to July of 2008.

## ITEM # 6: Unlicensed Practice

### A. Ms. Mary Meier

Ms. Anne O'Leary explained the complaint was filed alleging Ms. Meier who owns Health Balance advertises offering nutritional information and advice. Two of the employees claim to have degrees in nutrition, but are not licensed. Ms. O'Leary had two recommendations: first, to issue a cease and desist order in providing nutritional information; and second, to require them to apply for licensure. Ms. Pat Bollinger stated general nutrition information can be given, however, a personalized nutrition plan requires a nutrition assessment that can only be performed by a licensed Nutritionist.

**MOTION: Dr. Mary Anne Guggenheim made the motion to issue a cease and desist order to Ms. Meier and to invite her and her employees to apply for a Nutritionist license. Ms. Pat Bollinger seconded. The motion passed unanimously.**

### B. Jerome Mancuso DDS

Ms. Anne O'Leary stated Dr. Mancuso DDS had a complaint filed with the Board of Medical Examiners. He appeared before this Board seven or eight years ago and claimed that he was obtaining a medical degree from a foreign medical school. Dr. Mancuso was warned at that meeting he could not use MD in his advertising unless he had a medical degree; at this time there is no evidence that he holds a medical degree. Also a person cannot call themselves a physician unless they are licensed as a physician and this may be false advertising. If Dr. Mancuso does possess a medical degree he may use that title in his advertising, but cannot call himself a physician.

**MOTION: Dr. Michael LaPan made the motion to issue a cease and desist order to Mr. Mancuso and send a letter to the consumer protection agency advising them of the action.**

**The Board had discussion whether or not Dr. Mancuso was still advertising as a physician and to investigate the issue further. Dr. LaPan withdrew his original motion.**

**Dr. Michael LaPan made the motion to table this item until the next meeting and send the complainant a request letter to send the Board office documentation supporting the complaint. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**

### C. Dr. Richard Williams Complaint # 2009-83 Complaint # 2010-052

Ms. Anne O'Leary stated another complaint had been brought against Dr. Williams alleging unlicensed practice. The Board

reviewed this complaint and the investigation report conducted as requested by the Board from the first complaint filed in 2009 where a cease and desist order was issued. The complaint alleges that Dr. Williams is soliciting Montana patients and meeting with them, sometimes in other states, to consult about the use of Noni juice to treat their medical conditions which is considered diagnosing. Dr. Williams is not a licensed physician in Montana or any other state at this time. Ms. O'Leary suggested a cease and desist order be issued to Dr. Williams.

**MOTION: Ms. Carole Erickson made the motion to issue Dr. Williams a cease and desist order. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**

#### **ITEM # 7: Non-Routine Application**

##### A. Dr. Richard Williams

Ms. Anne O'Leary explained the application sent to the Board office for initial licensure from Dr. Williams was received in August of 2007 and is expired along with several documents attached to the application. A new application and updated documents are required before the Board may consider the application for licensure. The Board discussed reason for expired documentation, and determined Board requests were part of the delay. It was suggested that Dr. Williams be given the choice to reapply for licensure or the application would be withdrawn. Dr. Williams was asked to consult with the Montana Professional Assistance Program and to seek a neurological evaluation. Dr. Williams has met with the MPAP program director, completed the evaluation and had taken and passed the SPEX exam as requested by the Board. Mr. Mike Ramirez stated after further review of his and other evaluations performed, he does not feel comfortable advocating for licensure at this time.

**MOTION: Dr. Mary Anne Guggenheim made the motion that any administrative actions relative to Dr. Williams be instituted and if an updated application is received it would be reviewed at a future Board meeting. The application fee will be waived for the updated application. Ms. Pat Bollinger seconded. The motion passed unanimously.**

##### B. Dr. Christine Hofstrand

Ms. Anne O'Leary stated Dr. Hofstrand was before the Board at the July 2009 meeting and was required to take the SPEX exam. She has since taken and passed the exam. Dr. Hofstrand also has a history of chemical dependency and was referred to the Montana Professional Assistance Program. Mr. Mike Ramirez stated Dr. Hofstrand has been in contact with him. He is now advocating for licensure on Dr. Hofstrand's behalf, however, continued therapy will be required. Dr. Hofstrand has no practice plans at this time but has been shadowing other providers in the interim and there may be a possibility of

working within the Veteran's Administration in the future. She also has support systems in place to help with the therapy. Ms. Anne O'leary will send a stipulation for a probationary license to Dr. Hofstrand that will include the requirement of compliance to the terms of the MPAP agreement.

**MOTION: Ms. Carole Erickson made the motion to issue Dr. Hofstrand a one-year probationary license. Ms. Pat Bollinger seconded. The motion passed unanimously.**

C. Dr. Ronald Gardner

Dr. Gardner was present by phone and was before the Board because he took an Indiana state exam for his initial license in 1966, had a malpractice claim, conditions place on his Arizona license for alcohol abuse, a probationary license in Indiana that was lifted in 1989 and voluntarily entered into a program in Wyoming. The application was referred to the Montana Professional Assistance Program for review. Dr. Gardner stated he is semi retired and plans to do some part time work in the Circle area. Mr. Mike Ramirez stated he met with Dr. Gardner and after their discussions, he advocates for full licensure.

**MOTION: Dr. Michael LaPan made the motion to grant Dr. Gardner an unrestricted physician license. Dr. James Upchurch seconded. The motion passed unanimously.**

D. Dr. Richard Lund

Dr. Lund was not present in person for the meeting. He had taken a Minnesota state exam and is requesting a waiver of the educational requirements for Montana licensure. Dr. Lund is retired and will be working locum tenens work only at this time.

**MOTION: Dr. Kristin Spanjian made the motion to grant Dr. Lund an unrestricted physician license. Dr. James Upchurch seconded. The motion passed unanimously.**

E. Dr. Carl Smagula

Dr. Smagula was present by phone and was before the Board as a result of a two-week staff privilege suspension in 2003 and an open court case filed against Dr. Smagula and St. Alphonsus Regional Medical Center. Dr. Smagula stated the court case was vacated at the request of the plaintiff's attorney due to new circumstances found in the case.

**MOTION: Dr. Michael LaPan made the motion to grant Dr. Smagula an unrestricted physician license. Mr. Ryan Burke seconded. The motion passed unanimously.**

F. Dr. Robert Ueda

Dr. Ueda was present by phone and was before the Board as a result of gaps and other issues in his medical education. He was put on academic probation in 1997, resigned his privileges during a pending investigation in Arizona, denied licensure in North Carolina for failure to meet requirements, found in violation of statute in Florida, and had a settlement paid for failure to diagnose. Dr. Ueda explained and discussed the issues with the Board members for consideration.

**MOTION: Dr. Michael LaPan made the motion to grant Dr. Ueda an unrestricted physician license. Dr. Kristin Spanjian seconded. The motion passed by majority vote.**

G. Mr. Jeremy Tjensvold EMT-B

Mr. Tjensvold was present by phone and was before the Board as a result of a past history of criminal charges which include alcohol and drug abuse. Dr. James Upchurch stated that this application should be referred to the Montana Professional Assistance Program for review and consult. Board staff will refer the application to Mr. Ramirez and send a letter to Mr. Tjensvold with the needed information.

**MOTION: Dr. Mary Anne Guggenheim made the motion to authorize EMT licensure pending a positive evaluation and endorsement from the MPAP program. Dr. James Upchurch seconded. The motion passed unanimously.**

H. Ms. Amanda Lindgren EMT-B

Ms. Lindgren was present by phone and was before the Board for a DUI in 2000 and failure to comply with conditions and a DUI in 2009. Ms. Lindgren stated the failure to comply arose from complications in her pregnancy. The 2009 charge was later reduced to a lesser charge. She had received treatment for the 2000 charge, but not the 2009 charge. The applicant was not referred to the Montana Professional Assistance Program before the meeting.

**MOTION: Dr. James Upchurch made the motion to authorize EMT licensure pending a positive evaluation and endorsement from the MPAP program. Mr. Ryan Burke seconded. The motion passed unanimously.**

I. Ms. Victoria Price EMT-B

Ms. Price was present by phone and was before the Board for past criminal charges. Ms. Price completed her sentence and complied with the terms of her probation.

**MOTION: Dr. Mary Anne Guggenheim made the motion to grant Ms. Price an unrestricted EMT license. Dr. Michael LaPan seconded. The motion passed unanimously.**

J. Mr. Lukas Golz EMT-B

Mr. Golz was present by phone and was before the Board for past criminal charges including a DUI and possession of drug paraphernalia. He was entered into an adolescent outpatient program at the request of his probation officer. The applicant was referred to the Montana Professional Assistance Program. Mr. Mike Ramirez stated he reviewed the application and requested supplemental information from Mr. Golz and has been receiving the documents; he does not feel comfortable advocating for licensure without some monitoring by the program and continued abstinence. Mr. Golz stated he would agree with the monitoring program if needed. Ms. O'Leary will send a stipulation to Mr. Golz after receiving the details of the MPAP agreement.

**MOTION: Dr. Michael LaPan made the motion to grant Mr. Golz a probationary license pending a signed agreement with MPAP and satisfactory compliance with that agreement. Mr. Ryan Burke seconded. The motion passed unanimously.**

#### **ITEM # 8: MPAP Report**

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

#### **ITEM # 9: MPAP Performance Audit**

Dr. Lynn Hankes presented his audit report to the Board. The Board received a hard copy of the report in advance for review. The Board thanked Dr. Hankes for his efforts and objective recommendations. The Board requested that this be placed on the next Board agenda and that Mr. Mike Ramirez report on MPAP's Board of Directors response to the audit.

#### **ITEM # 10: Medical Assistants, Medication Preparation**

Ms. Jean Branscum explained at the last meeting the Board of Medical Examiners were requested to look at an issue on behalf of the Board of Pharmacy. The Board of Medical Examiners decided at that time to direct staff to gather more information and attend along with legal counsel the Board of Pharmacy meeting. Ms. Branscum and Ms. Anne O'Leary attended the meeting. The issue was resolved at the Board of Pharmacy meeting and there is no action required by the Board of Medical Examiners at this time. The Board of Pharmacy determined if a physician is qualified and trained in the area of medication preparation and the Medical Assistant is properly trained and supervised, a Medical Assistant could perform this task.

#### **ITEM # 11: Psychotropic Medication Prescribing**

Ms. Theresa Glinnwater with the Board of Social Workers Examiners and Professional Counselors was present by phone and was seeking the opinion of the Board of Medical Examiners on the appropriateness of behavioral consultants making recommendations on what type of psychotropic medications to prescribe. If this person is being used as an advisor, are they practicing outside of their scope of practice? Mr. Dwight Thompson stated this is an advisory role, however, it is the physician's decision to write a prescription. The Board agreed as long as it is understood that this is an individualized judgment the physicians are making about a particular individual, and are consulting with an individual who has useful information and skills, it is acceptable. It should never be interpreted to say that in general a social work counselor would have that role.

## **ITEM # 12: Administrative Rules**

### **A. Rule Notice 24-156-73 Hearing Update**

Ms. Anne O'Leary stated the rule hearing was conducted on January 5, 2010 and there were many comments received concerning the proposed rules. There were sixty-nine written, one printed copy of oral testimony and six individuals presented oral testimony. There were no written or oral comments concerning any of the amendments involving renewal dates, medical licensure, Telemedicine, Podiatry, Nutrition practice, Acupuncture, fees for Physician Assistants, reciprocity, adoption to new rule one pertaining to Board reporting obligation and one repeal. Ms. O'Leary recommended that the rules be adopted except those which received numerous comments. The Board discussed the comments received and the hearing report. It was suggested that the tabled rules be referred to the Laws and Rules Committee and the Montana Medical Association, Montana Hospital Association and other interested parties be invited to participate in the discussions.

**MOTION: Dr. Mary Anne Guggenheim made the motion to go forward and adopt the proposed rules as presented in the notice except ARM 24.156.615, 617, 1622 and 1623 which will be tabled for further discussion. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

**MOTION: Ms. Pat Bollinger made the motion to turn the three areas of rules over to the Laws and Rules committee and invite representatives from the Montana Academy of Physician Assistants, Montana Hospital Association, Montana Medical Association and rural physician practitioners. Dr. Michael LaPan seconded. The motion passed unanimously.**

### **B. Final Adoption HB 578, Montana Health Corps**

Ms. Anne O'Leary stated the rules pertaining to the Montana Health Corps have been adopted.

## ITEM # 13: Committee & Sub Committee Reports

### A. Strategic Positioning Committee

Dr. James Upchurch stated the committee had not met since the last meeting and there are no items to report.

### B. Laws and Rules Committee

Ms. Jean Branscum stated Dr. Fink had tentatively set a meeting date of February 5<sup>th</sup> and the intent of the meeting was to discuss SB 174 rules that address the Clinical Pharmacist Practitioner. The rules have been reviewed by the Board of Pharmacy and are ready to be reviewed by the Board of Medical Examiners. Also, the committee will be discussing the rules that were tabled earlier this meeting and, rule revisions from the Acupuncturist work group.

### C. Outreach Committee

Ms. Carole Erickson stated the committee members had drafted articles for the Montana Medical Association newsletters and thanked the members for their progress and hard work. The committee is waiting for further information on some other issues such as the Montana Health Corps and a POLST webinar. Ms. Jean Branscum explained at the last meeting Dr. Katherine Borgenicht talked to the Board about a need to reach out to the citizens of Montana and health care providers to educate them about POLST. The committee discussed the possibility of providing a webinar with Dr. Borgenicht and having it available on the Board web site. The cost to the Board would depend on how many participants attend if a live webinar is held.

**MOTION: Ms. Carole Erickson made the motion to have the committee proceed exploring the development of the webinar in conjunction with Dr. Borgenicht. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

### D. Medical Director Sub Committee

Dr. James Upchurch stated the committee is planning to meet sometime in March to review and discuss the pre-hospital protocols and the medication endorsement for Paramedics. It appears the medication endorsement may be misinterpreted at times and some services are bypassing the critical care endorsement entirely. The committee will be looking at changing the endorsement to make it more clear what the intent is.

King Airway, Informational Review

Dr. James Upchurch provided information on the King Airway. He noted the Food and Drug Administration never approved the King

Airway. However, there are many items that are used in medical practice that are not approved by the FDA. There has been discussion with other state EMS Director's around the United States and the majority of them state the FDA does not determine practice and there is good solid evidence that the King Airway is a valuable airway adjunct. The Medical Director Sub Committee refused to approve the airway until the committee felt there was substantial evidence to support its use. It is now approved by the subcommittee and subsequently by the Board of Medical Examiners. It is a good airway and providers in Montana will continue to use it.

E. Physician / Hospital Committee

Dr. Kristin Spanjian stated the committee had their first meeting January 18, 2010, and the first task will be to look at medical spas with the goal to protect the people of Montana from harmful treatment or therapy. It is not clear what is happening in this state and the first step is to gather more information. Board staff will survey facilities in Montana to find out what services are offered, what devices are being used, what safety standards are in place and if there are any concerns about medical oversight. In other states rules concerning medical spas vary where some are very stringent and others are very broad.

**ITEM # 14: Legislation 2011**

Ms. Jean Branscum presented to the Board a list of items that were discussed at past meetings and the strategic planning session in May, 2009. Ms. Branscum requested that the Board prioritize any items needing action for the upcoming legislative session. The listed items included a half time medical director to Board staff, representation for acupuncturists, medical error tracking/reporting, volunteer medical directors with general liability, clean-up podiatry 37-6-302, clean-up 37-3-310 address change notification, Medical Legal Panel reporting requirements, clean-up Resident licensure, unreadable prescriptions telemedicine clean-up. Under "Strategic Session" included regulation of medical spas, Health Corps Act modification, doctorate health care professionals, reserve "physician" for individuals licensed by the Board, standards for maintenance of licensure and medical acupuncture. The Board discussed the items on the list and how to approach them. The Board agreed the items on the list that are listed under "Strategic Session" would not be pursued at this time, would be discussed further, and possibly be added as high priority at a later date as this is a preliminary wish list. Dr. Kristin Spanjian requested medical spas be moved up as a placeholder. Medical Legal Panel reporting requirements and medical error tracking/reporting was discussed and removed from the list of priorities. Department staff was requested to further review suggestions on medical director liability.

**MOTION: Dr. Mary Anne Guggenheim made the motion to request a half time medical director to Board staff, representation for Acupuncturists and change the second public member to a physician member for Board balance as high priority items. Additionally suggests adding a general cleanup bill relative to address change notification, Podiatry, Resident licensure, unreadable prescriptions and Telemedicine. Ms. Pat Bollinger seconded. The motion passed unanimously.**

#### **ITEM # 15: Annual Conferences**

- A. AIM-Federation of State Medical Boards  
April 22-24, 2010 in Chicago, IL

Ms. Jean Branscum opened the discussion on attendance at upcoming AIM-FSMB meeting. Typically the Board has sent the executive director, a voting member and one or two other members or legal counsel to the conferences for educational purposes. Ms. Branscum requested approval for travel to the conference and a determination on who will attend the conference. There are two scholarships to be given that pays for the travel expenses of the executive director and the voting delegate.. Mr. Dwight Thompson stated he feels this is a valuable and important learning experience for members and encourages them to attend. The Board discussed who would be able to attend and who would be the voting member.

**MOTION: Ms. Carole Erickson made the motion to send up to four representatives to the annual conference. Ms. Pat Bollinger seconded. The motion passed unanimously.**

- B. Federation of Acupuncture and Oriental Medicine  
Regulatory Agencies  
April 8-9, 2010 in Albuquerque NM

Ms. Jean Branscum stated the Board is now a member of the association and the intent was to pay dues and participate to see how other states are working with Acupuncturists. Ms. Branscum requested approval to send a representative to the conference.

**MOTION: Dr. Mary Anne Guggenheim made the motion to send one Board member or staff to the annual conference. Ms. Pat Bollinger seconded. The motion passed unanimously.**

#### **ITEM # 16: Board Communications**

Citizen Advocacy Center Membership

Ms. Jean Branscum stated the Citizen Advocacy Center is requesting Boards to join their group. The Board agreed to take no action.

Rocky Mountain Rural Trauma Symposium Funding

Ms. Jean Branscum stated the Board has sponsored the Trauma Symposium the last two years and they are now asking for sponsorship for the 2010 symposium in September. Last year the Medical Director Sub Committee held a panel discussion as part of the symposium, and the Board had a informational display in the vendor area. Mr. Dwight Thompson and Dr. James Upchurch agreed there was a good turnout at the last symposium and believe it is a valuable tool for educating attendees of the Board's processes.

**MOTION: Dr. James Upchurch made the motion to fund a \$1000.00 sponsorship to the Rocky Mountain Rural Trauma Symposium for the 2010 session. Dr. Kristin Spanjian seconded. The motion passed unanimously.**

Montana State Association of the National Association  
Medical Staff Services (Conference Speaker request)

Ms. Jean Branscum stated she was contacted by Rachael Wilson to speak at the initial meeting of the Montana Medical Staff Services Association. She explained these individuals do the credentialing in hospitals and for insurance companies. It is an active association in other states and Ms. Wilson is now wanting to establish the association in Montana. Their first meeting is in May and asked if a representative from the Board could come and speak about licensure processes. Ms. Branscum is seeking approval to attend and speak at the meeting. Ms. Carole Erickson stated she would attend as well as a member representative to answer questions.

**MOTION: Dr. Michael LaPan made the motion to approve Ms. Branscum in attending and speaking at the meeting in May. Ms. Carole Erickson seconded. The motion passed unanimously.**

American Board of Interventional Pain Physicians  
(Recognition of Board Certifying Organization Request)

Ms. Jean Branscum stated she received a letter requesting the Board to formally recognize the American Board of Interventional Pain Physicians as a Board certifying organization. At a past Board meeting there was a similar request from another organization and Ms. Branscum wrote a letter on behalf of the Board to the Montana Medical Association in support for the group to be listed by the association as a specialty in their directory. She also stated the Board does not list or recognize specialties on the web site. Ms. Anne O'Leary stated it would take a statutory change for the Board to recognize and license specialties. The Board discussed and agreed that there is no need to recognize this organization from an application process.

**MOTION: Dr. Michael LaPan made the motion to direct Ms. Anne O'Leary to write a letter to the organization that the Board does not have statutory authority to recognize an organization and that the Board neither endorse nor condemn the**

**organization. Ms. Pat Bollinger seconded. The motion Passed unanimously.**

CPT Ben Kavoussi MS, MSOM, Lac  
Acupuncture Article (Informational Article)

Ms. Jean Branscum stated the article was informational only. The Board agreed to take no action on this item.

**ITEM #17: EMT**

A. Emergency Care Committee Report

Mr. Ryan Burke stated he e-mailed the minutes from the committee meeting just prior to the report. The Board agreed to read the report later as it is an informational item and does not require action.

B. Staff Report

Mr. Ken Threet stated since the completion of the report the testing facility for EMT in Great Falls was no longer available. However the College of Technology has entered into a contract with Pearson Vue and now has eight seats available for testing. Also the city of Chester is currently working toward providing a testing site, and while the county commission and the local library are in support of the efforts, the National Registry and Pearson Vue are reluctant to enter into a contract. There may be a need in the future for the Board to help support these efforts. Mr. Threet met with the hospital staff and ambulance service in Hamilton concerning a scope of practice issue with some of the Critical Care Paramedics refusing to function at that level when asked to take inter facility transfers based on employment and wage issues. Mr. Threet explained to them that this was an employment issue and not a Board issue at this time.

Ms. Jean Branscum explained the EMT course and exam audit schedule that is included in the report and stated that the schedule will meet and exceed the ten-percent audits requested by the Board at the November 2009 meeting. Audit report forms will be provided to Board members at future meetings as they are conducted.

**MOTION: Dr. Michael LaPan made the motion to accept the EMT report as presented and Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**

Dr. James Upchurch reported the intent of the Nurse / EMT Dual Role Task Force was to develop a process for Medical Directors to determine what education is required for Registered Nurses to provide pre-hospital care on an ambulance service. The Task Force

drafted a recommended rule change to ARM 24.156.2732 to add RN after EMT and to change (8) which referenced "licensed services"; this falls under the jurisdiction of the Department of Health and Human Services. 24.156.2732 (8) will now read "The medical director shall review, evaluate and document a registered nurses education and experience for the purpose of approving them to fulfill the minimum requirements for providing pre-hospital care."

**MOTION: Dr Michael LaPan made the motion to accept the rule changes as proposed to be in effect the date the rule is adopted. Mr. Ryan Burke seconded. The motion passed unanimously.**

**MOTION: Dr. James Upchurch made the motion to direct Board staff to develop a tool kit that would include objectives and educational resources to assist the Medical Director in accomplishing this task. The materials will be channeled through the Medical Director Sub Committee for review before being presented to the full Board. Mr. Ryan Burke seconded. The motion passed unanimously.**

#### **ITEM # 18: Legal Report**

Ms. Anne O'Leary stated the John Doe versus Community Medical Center case was decided against Community Medical Center. It involved a physician that did not want any information reported to the Board. Also the physician assisted suicide Baxter case was ruled that it is not homicide for a physician to assist. Ms. O'Leary has been told the group that lost will be seeking legislation and there should not be a need to draft rules at this time.

#### **ITEM # 19: Executive Director Report**

##### A. Budget report

Ms. Jean Branscum stated the Physician and EMT renewals will start in February and thus revenue will increase. Also, expenditures are in line at this point in time.

##### B. Application Report

The application report was provided to the Board in advance. The Board had no questions on this item.

##### C. FSMB Communication

Ms. Branscum stated the first report from FSMB was the advisory group on continued competence of licensed physicians and they are asking for any comments on this issue. Ms. Branscum sat in on a round table discussion on maintenance of licensure. Research has found that seventy-percent of physicians are Board certified. New information shows at the same time, twenty-four percent are

grandfathered in and thirty-percent do not recertify. Also twenty-three percent of physicians are over the age of sixty. Dr. Mary Anne Guggenheim suggested during the two-day meeting in May, this issue should be discussed.

FSMB has a new advocacy program and is opening an office in Washington D.C and asking if the Board would become a grass root member. The Board questioned what issues the group is advocating. The Board agreed to take no action at this time as additional information is needed.

#### D. Online Application

Ms. Branscum stated the application is now put on hold as a new data base is being purchased and more information is needed to decide whether or not to move forward with the online application.

### **ITEM # 20: Meeting Organization**

Ms. Jean Branscum stated she had performed a small survey and it was agreed that the meetings were lasting too long. Some members are starting at 7:00 AM as panel members and the meetings should conclude at 5:00 PM. The Board discussed several options to accommodate the needed meeting schedules. The consensus was to try and hold the screening panel meetings on Thursday afternoons and start the full Board meeting at 8:00 A.M.

**MOTION: Dr. James Upchurch made the motion pending approval of the screening panel members to hold screening panel meetings on Thursday afternoons and start the full Board meetings at 8:00 AM on Friday's. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.**

#### **Adjourn:**

**MOTION: Ms. Pat Bollinger made the motion to adjourn the meeting. Dr. James Upchurch seconded. The motion passed unanimously.**

**Next meeting: March 19, 2010**

#### **2010 meeting dates**

May 20 & 21  
July 23, 2010  
September 17, 2010  
November 19, 2010