

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 S. Park Ave, 4th Floor, Helena MT
9:30 a.m. to 5:45 p.m.
November 15, 2013

1. Call To Order - Establish Quorum (00:15)

Board Members Present:

Dr. Kris Spanjian (Chair), Mr. Charles Farmer, Dr. Nathan Thomas, Ms. Tanja Brekke, Ms. Ana Diaz, Dr. Mary Anne Guggenheim, Dr. Bruce Hayward, Mr. Dwight Thompson, Ms. Carole Erickson, Dr. Jim Upchurch, Mr. Don Sullivan

Board Members Absent:

Dr. Anna Earl, Ms. Patricia Bollinger

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
Jerry Morse – Licensing Specialist
LaVelle Potter – Compliance Officer

Guests Present (in person):

Mr. Mike Ramirez, Mr. Jim DeTienne, Dr. Susan Maier, Dr. Elizabeth Sundberg, Ms. Margaret Morgan, Dr. Patricia Evans, Mr. Ron Solberg, Ms. Teresa Denny

Guests Present (by telephone):

Tom DeCaro, Esq., Dr. Mahmaud Sharazi, Mr. Tyler Johnson, Dr. George Griffin, Ms. Kay Brown, Ms. Tanja McCormack, Mr. Scott Grimm, Dr. Marshall Brown, Ms. Mary Minobe, Ms. Patty Steinmuller, Mr. Cody Alison, Dr. Timothy Schofield

2. Approval and Tentative Modification of Agenda Order (4:39)

The Board reviewed the November 15, 2013 Agenda.

MOTION: Dr. Guggenheim moved to move the first non-routine application (Dr. Shirazi) to follow the Compliance Report and [approve the November 15, 2013 agenda so amended]; Ms. Brekke seconded the motion. Motion passed unanimously. (5:33)

3. Review and Approve Minutes (6:18)

a. September 20, 2013 (Open and Executive Sessions)

The Board reviewed the September 20, 2013 meeting minutes and made corrections to the minutes of both the open and executive sessions.

MOTION: Dr. Hayward moved to approve the September 20, 2013 meeting minutes with the noted changes; Ms. Erickson seconded the motion. Motion passed unanimously. (8:16)

MOTION: Dr. Thomas made a motion to approve the minutes from the [September 20, 2013] Executive Session with [the] modifications; Ms. Diaz seconded the motion. Motion passed unanimously. (9:12)

4. Public Opportunity to Comment (9:35)

The Presiding Officer read the statement of public participation and opened the meeting for public comment. Mr. DeTienne commented that the Department of Public Health and Human Services is proceeding with its corresponding EMS rules revision package and provided written notice of the corresponding public comment meeting.

5. Compliance Report—Ms. LaVelle Potter (11:07)

Ms. Potter reported on the results from the morning screening panel meeting. The panel reviewed 5 cases: one case was dismissed with prejudice, two cases were dismissed without prejudice and two cases were tabled. This was for information only; no Board action was taken.

6c. Non-routine Applications

i. Mahmaud Shirazi, M.D. (11:39)

Dr. Shirazi and his attorney Mr. DeCaro were present before the Board by telephone. Dr. Shirazi requested to have his application considered in executive session. (12:33) [The Chair determined at this time at the rights of privacy for Dr. Shirazi exceeded the public's right to know, and as such moved the Board's consideration of Dr. Shirazi's application into executive session.]

Dr. Spanjian transitioned the Board meeting into executive session (13:03)

Executive Session

Dr. Spanjian returned the meeting back to open session. (13:13) A quorum was present. Ms. Griebenow reported that the board considered one application in executive session, and that it was denied.

6. Board Action

a. Medical Director/EMT Reports (13:41)

a. Medical Director Report (14:05)

Dr. Sibold led the discussion. This was for information purposes only; no Board action was taken.

b. EMT Training Report (17:09)

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

c. EMT (ECP) Forms and Documents (17:45)

1) EMT Training Report /Preparation for Changes in 2014 Under New Rules—Mr. Ken Threet

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

2) Summary of Pilot Examinations (Commission on Emergency Services Education, Inc. American Board of Prehospital Care™) (18:08)

MOTION: Ms. Brekke moved that the Board approve a second pathway using the Commission on Emergency Services Education, Inc. as a competency evaluation; Dr. Hayward seconded the motion. Motion passed unanimously. (20:15)

MOTION: Dr. Hayward moved that the Medical Direction Committee monitor the testing data on behalf of the Board; Dr. Thomas seconded the motion. (21:01) Discussion ensued. Motion passed unanimously. (23:10)

- 3) Revised General Board Statements Concerning EMT Scope of Practice (from Medical Direction Committee) **(23:25)**

MOTION: Dr. Guggenheim moved to approve the general board statements be in the protocols as a preface for emergency care providers; Ms. Erickson seconded the motion. Motion passed unanimously. (25:43)

- 4) Recommendations for Approval of ECP / Training Forms (from Medical Direction Committee) **(26:13)**

MOTION: Ms. Brekke moved that the board accept the documents, forms, applications, and all of the changes as presented; Mr. Farmer seconded the motion. Motion passed unanimously. (28:29)

- 5) Audit number for verifying transition material **(29:08)**

MOTION: Mr. Farmer moved that [the Board staff] audit 25%; Mr. Thompson seconded the motion. Motion failed. (31:50)

MOTION: Dr. Guggenheim moved that [the Board] start with an audit rate of 5% and after two audit review rounds, then assess whether it was successful; Ms. Diaz seconded the motion. (33:22) Friendly amendment: Dr. Guggenheim instead moved that [the audit rate] be 5% and that the report of that audit come before the full Board [at its March meeting]; Ms. Diaz seconded the motion. (34:15) Discussion ensued. Motion passed unanimously. (36:28)

- 6) Renewal date for new issued licensure **(36:41)**

MOTION: Dr. Guggenheim moved to split the renewal dates roughly equally between alternate [even and odd] years [based on the year of initial application]; Dr. Upchurch seconded the motion. (44:23) Discussion ensued. Motion passed unanimously. (46:56)

b. Licensee Administrative Action (50:55)

- i. Patricia Evans, M.D. **(51:04)**

Dr. Evans was present before the Board in person. Mr. Marquand briefly reviewed the Board's involvement to date in connection with Dr. Evans' request.

MOTION: Dr. Hayward moved that the Board grant to Dr. Evans a full and unrestricted [Montana physician's] license with a no practice agreement that limits her to functioning as a physician in a program in a facility that is approved by MPAP and CPEP before she can practice there and there is no independent practice; Ms. Brekke seconded the motion. (1:18:52) Discussion ensued. Motion passed unanimously. (1:19:42)

- ii. Susan Maier, M.D. **(1:20:57)**

Dr. Maier was present before the Board in person. Ms. O'Leary briefly reviewed the Board's involvement to date in connection with Dr. Maier's request.

MOTION: Dr. Guggenheim moved to cease Dr. Maier's no practice agreement based on the discussions [the Board] has had because she has met the conditions established in her no practice agreement; Mr. Thompson seconded the motion. Motion passed unanimously. (1:34:42)

MOTION: Dr. Guggenheim moved that the Board [staff] write a letter thanking Dr. [Lori] Byron for being such an important and conscientious preceptor in helping Dr. Maier complete successfully her reentry; Dr. Hayward seconded the motion. Motion passed unanimously. (1:35:53)

Lunch (1:37:15 - 1:50:12)

c. Non-routine Applications (1:50:12)

ii. Johnson, Tyler, EMT-B (1:50:18)

Mr. Johnson was present before the Board by telephone. Ms. O'Leary briefly reviewed the board's involvement to date in connection with Mr. Johnson's application.

MOTION: Dr. Upchurch moved that Mr. Johnson be granted a [full and unrestricted Montana EMT] license; Ms. Erickson seconded the motion. Motion passed unanimously. (1:52:20)

iii. Elizabeth Sundberg, M.D. (1:53:19)

Dr. Sundberg was present before the Board in person. Ms. O'Leary briefly reviewed the board's involvement to date in connection with Dr. Sundberg's application.

MOTION: Mr. Thompson moved that Dr. Sundberg be granted a full and unrestricted physician license to practice in Montana; Dr. Hayward seconded the motion. Motion passed unanimously. (2:09:37)

iv. Griffin, George, M.D. (2:10:49)

Dr. Griffin was present before the Board by telephone. Ms. O'Leary briefly reviewed the board's involvement to date in connection with Dr. Griffin's application.

MOTION: Ms. Erickson moved to table Dr. Griffin's application until [no later than the Board's] March meeting; Ms. Diaz seconded the motion. Motion passed unanimously. (2:31:00)

v. Grimm, Scott, PA-C (2:31:58)

Mr. Grimm was present before the Board by telephone. Ms. O'Leary briefly reviewed the board's involvement to date in connection with Dr. Grimm's application.

MOTION: Dr. Upchurch moved to grant Mr. Grimm a full and unrestricted [Montana physician assistant] license; Ms. Diaz seconded the motion. Motion passed unanimously. (2:37:03)

vi. Marshall Brown, D.O. (2:39:07)

Dr. Brown was present before the Board by telephone. Mr. Marquand and Ms. O'Leary briefly reviewed the board's involvement to date in connection with Dr. Brown's application.

MOTION: Dr. Hayward moved that Dr. Brown be granted a full and unrestricted Montana [physician] license; Dr. Thomas seconded the motion. Motion passed unanimously. (2:44:34)

vii. **Cody Alison, EMT-B (2:45:27)**

Mr. Alison was present before the Board by telephone. Mr. Marquand briefly reviewed the board's involvement to date in connection with Dr. Alison's application.

MOTION: Dr. Upchurch moved to grant Mr. Alison a full and unrestricted [Montana] EMT license; Dr. Guggenheim seconded the motion. Hand count: 5-4 in favor; Dr. Feist and Dr. Spanjian abstained. Motion passed. (2:58:35)

8c. Correspondence and Reports (3:02:24)

i. **Letter from Timothy Schofield, M.D. (3:02:24)**

Dr. Schofield was present before the Board by telephone. For information purposes only; no Board action was taken.

[The Chair determined at this time at the rights of individual privacy for the MPAP report and to discuss litigation strategy exceeded the public's right to know.] Dr. Spanjian transitioned the Board meeting into executive session **(3:07:31)**

Executive Session

Dr. Spanjian returned the meeting back to open session. **(3:07:58)** A quorum was present. Mr. Marquand reported that the board heard the MPAP report and received a briefing on litigation while in executive session.

8. Board Action (Continued)

a. **Rulemaking (3:08:14)**

i. **Status Report on MAR 24-156-79 (Physician Reactivation, Renewal, Retired Status) (3:08:14)**

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

ii. **NEW RULE on Equivalent Experience or Training for Podiatrist Applicants (3:12:09)**

Mr. Marquand led the discussion.

MOTION: Ms. Diaz moved to table this [new rule] until further notice until [the Board has] other rules to post; Ms. Brekke seconded the motion. Motion passed unanimously. (3:15:19)

c. **Correspondence and Reports (3:16:06)**

ii. **Report from State Board Advisory Panel to USMLE (3:16:06)**

Dr. Spanjian' led the discussion. For information purposes only; no Board action was taken.

- iii. Report from Board of Nursing Meeting (3:28:13)

Dr. Guggenheim led the discussion.

MOTION: Ms. Brekke moved the Board to appoint Dr. Guggenheim as the Board representative [as liaison] to the Board of Nursing; Ms. Erickson seconded the motion. Motion passed unanimously. (3:45:13)

b. Other Board Action

- i. NUTR Application Requirements (3:45:47)

Mr. Marquand led the discussion.

MOTION: Ms. Brekke moved the Board to approve the two changes requested [to the Nutritionist Application forms] and request the Department make those changes; Ms. Diaz seconded the motion. Motion passed unanimously. (3:55:03)

c. Correspondence and Reports (3:55:41)

- iv. Report from NBOME Visitation (3:55:41)

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

Ms. Brrekke reported on her visit to CPEP. (4:02:00) For information purposes only; no Board action was taken.

- v. FSMB Update on Interstate Compact for Multi-state Licensing of Physicians (4:08:17)
- vi. FSMB Update on Congressional Legislation re: Telemedicine (4:08:17)

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

- vii. DPHHS EMS/TS Update (4:13:38)

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

d. Board Officer Elections (4:25:46)

- i. President (4:26:40)

MOTION: Dr. Upchurch nominated Dr. Guggenheim for President for 2014; Ms. Erickson seconded the nomination. Vote passed unanimously. (4:26:47)

- ii. Vice-President (4:27:20)

MOTION: Ms. Brekke nominated Dr. Hayward for Vice-President for 2014; Dr. Upchurch seconded the nomination. Vote passed unanimously. (4:27:26)

- iii. Secretary (4:27:48)

MOTION: Mr. Thompson nominated Dr. Thomas for Secretary for 2014; Ms. Brekke seconded the nomination. Vote passed unanimously. (4:28:02)

e. Committee and Panel Appointments (4:29:10)

- i. Medical Direction Committee—Appointment of Ron Solberg as voting EMT/ALS member (4:29:10)

MOTION: Dr. Upchurch moved the Board to approve the appointment of Mr. Ron Solberg [as a voting EMT/ALS member] to the Medical Direction Committee; Ms. Brekke seconded the motion. (4:29:16) Discussion ensued. Motion passed unanimously. (4:30:38)

- ii. Other Committee and/or Panel Assignments **(4:30:45)**
 - 1) Board Member Preferences
 - 2) Appointments by the President

This discussion was for information purposes only. It was agreed by consensus that committee and/or panel appointments will be made at the January 2014 meeting of the full Board.

f. **Scheduling of Next Meeting/Meeting Planning (4:38:25)**

- i. January 17, 2014, Helena
- ii. Dates and Locations for remainder of 2014

MOTION: Ms. Erickson moved to have the May 2014 meeting of the full board at Bucks T4 [in Big Sky, Montana]; Ms. Brekke seconded the motion. (4:48:37) Discussion ensued. Motion passed unanimously. (4:50:17)

g. **Approval of Travel (4:51:53)**

- i. FSMB Annual Meeting, April 24-26, Denver CO **(4:51:53)**
- ii. AIM Board Meeting Annual Meeting, April 22-23, Denver CO (Ian only) **(4:51:53)**

MOTION: Dr. Hayward moved to approve eight (8) members attend the FSMB Annual Meeting in Denver CO April 23-26 [2014], including Dr. Guggenheim, Mr. Marquand, Ms. Diaz, Dr. Feist, Ms. O’Leary, plus three to be named; Dr. Upchurch seconded the motion. Motion passed unanimously. (5:03:06)

MOTION: Dr. Hayward moved to approve Mr. Marquand to attend the AIM Board’s Annual Meeting, April 22-23 2014 in Denver, CO; Dr. Upchurch seconded the motion. Motion passed unanimously. (5:03:59)

7. **Board or National Committee Reports**

a. **Medical Direction Committee (5:04:25)**

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

b. **Laws & Rules Committee (5:05:43)**

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

c. **Outreach Committee/Board Liaison—Ms. Carole Erickson (5:09:46)**

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

10 f. **Executive Officer Report – Newsletter Format/Content (5:11:04)**

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

d. Physician Workforce Data Collection Subcommittee **(5:33:59)**

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

e. Acupuncture Committee **(5:34:30)**

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

8. Executive Officer Report—Mr. Ian Marquand (5:35:45)

a. Budget Report **(5:35:50)**

Mr. Marquand led the discussion.

MOTION: Ms. Brekke moved approval of the budget for 2014 [as presented]; Ms. Diaz seconded the motion. Motion passed unanimously. (6:01:13)

b. Application Report **(6:01:44)**

Mr. Marquand led the discussion.

MOTION: Ms. Erickson moved to direct the Executive Officer to express the appreciation on behalf of the Board of Medical Examiners for the job well done in improving licensure timelines and procedures; Ms. Diaz seconded the motion. Motion passed unanimously. (6:05:26)

c. Update on Change Control Requests for Licensing/Renewals **(6:06:23)**

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

d. New Board Member Manual **(6:11:16)**

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

e. PDR Statistical Report **(6:14:05)**

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

g. 125th Anniversary of BOME in 2014 **(6:18:12)**

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

11. Legal Report (6:22:09)

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

12. Adjourn

MOTION: Dr. Upchurch moved to adjourn; Ms. Brekke seconded the motion. Motion passed unanimously. (6:22:29)

The meeting was adjourned. **(6:22:43)**