

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 S. Park Ave, 4th Floor, Helena MT
10:00 a.m. to conclusion

September 20, 2013

Conference Call Information: Call Number: 1-877-820-7831 Passcode: 669950#

- 1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:10):
Dr. Spanijan opened the meeting at 9:40 a.m.**

Board Members Present:

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

Staff Members Present:

Mr. Ian Marquand-Executive Officer
Ms. Anne O'Leary-Board Counsel
Dr. Harry Sibold-State Medical Director
Mr. Ken Threet-EMT Training Coordinator
Ms. Barb McAlmond-Board Management
Ms. LaVelle Potter-Compliance Specialist
Mr. Mike Fanning-Board Prosecuting Counsel
Mr. Adam de Yong, Acting Board Administrator
Ms. Cynthia Gustafson, Executive Officer for the Board of Nursing
Mr. Jerry Morse

Others Present:

Via Conference Call

Mr. Doug Womack
Dr. Allison Huguet
Ms. Shirley Shipp
Ms. Cassandra Hartford
Ms. Sheila Wirtz
Dr. Margo Hein-Muniz
Mr. Cody Allison-EMT-B
Ms. Kay Brown
Ms. Erin Philp
Ms. Mary Grazer
Dr. Gary Carr
Dr. Anna Stuke
Ms. Kim Powell
Ms. Katherine McGregor

In Person

Dr. Margo Hein-Muniz
Ms. Kathryn Borgenicht
Ms. Sue Weingarten
Ms. Margaret Morgan
Mr. Dick Brown
Ms. Marta Wanger

2. Approval and Tentative Modification of Agenda Order (00:02:26)

a. September 20, 2013 Agenda

Motion: Mr. Thompson moved to approve the September 20, 2013 agenda as proposed with the ability to modify. Dr. Thomas seconded the motion. The motion carried.

3. Review and Approve Minutes (00:04:02)

a. July 19, 2013 Minutes

Motion: Dr. Hayward moved to approve the July 19, 2013 meeting minutes as amended. Ms. Brekke seconded the motion. The motion carried.

Ms. Bollinger requested for all future minutes to state “moved” instead of “made a motion to”. Dr. Guggenheim requested for future minutes that when the board requests an applicant appear at the next meeting to clarify if this is by phone or in person. This will become effective immediately,

b. July 31, 2013 Minutes (00:08:47)

Motion: Ms. Erickson moved to approve the July 31, 2013 meeting minutes as presented. Ms. Diaz seconded the motion. The motion carried.

4. Public Opportunity to Comment (00:09:17)

(Presiding Officer Statement) “Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting

No public comment noted.

5. Compliance Report—Ms. LaVelle Potter

a. Screening Panel Report: For informational purposes only; No Board action was required. (00:09:56)

b. Request from Screening Panel re: “Yes” answer to renewal question on physical/mental conditions (00:10:29)

Motion: (00:25:31)- Ms. Erickson moved to instruct Mr. Marquand to work with the change control committee to have the ability to provide further information on the renewal form when checking “yes” to the question on physical/mental conditions. Dr. Guggenheim seconded the motion. The motion carried.

6. Board Action

a. Ratification/Final Orders (00:31:11) For informational purposes only; No board action required.

- i. Joseph Lowther, EMT-F
- ii. Daniel Moullet, M.D.

b. Non-routine Applications (00:31:40)

i. Cody Alison, EMT-B- Ms. O’Leary briefly reviewed the Board’s involvement to date in connection with Mr. Alison’s application.

Motion:

(00:45:58) Dr. Upchurch moved to table Mr. Alison’s application until the November 15, 2013 meeting and to request a letter from his previous probation officer in Tennessee stating he did know him and he did comply with

his probation. He will also be required to submit a letter from his current probation officer stating he is in compliance with his probation and two character references from people who are familiar with him. Ms. Brekke seconded the motion. The motion carried.

ii. Allison Huguet, EMT-B (00:50:51): Motion: Dr. Guggenheim moved to approve a full and unrestricted license. Mr. Farmer seconded. Motion carried.

iii. Marshall Brown, M.D (01:23:18) Motion: Dr. Guggenheim moved to table Dr. Brown's application and to ask him to participate at the November 15, 2013 meeting either by phone or in person. Mr. Thompson seconded the motion. The motion carried.

iv. Margo Hein-Muniz-M.D. (00:54:10) Motion: Dr. Earl moved to approve a full and unrestricted license. Ms. Bollinger seconded. The motion carried.

v. Mark Templeton-M.D.-(01:10:45) Motion: Dr. Earl moved to issue a license contingent on entering into a MPAP agreement. Dr. Thomas seconded the motion. The motion carried.

c. Presentation from POLST Coalition re: forms, practices, etc. (01:30:44)

Motion: Dr. Hayward moved to endorse the current revision of the POLST forms. Dr. Earl seconded the motion. The motion carried.

d. Request to eliminate DEA Queries from list of required Physician application materials- (02:04:30)

Motion: Dr. Upchurch moved to eliminate the DEA Queries from all licensure applications. Dr. Guggenheim seconded the motion. The motion carried.

Dr. Spanjian recessed the open meeting at 12:05 p.m. for Executive Session
Dr. Spanjian reconvened the Open Meeting 1:00p.m.

Summarization of Executive Session

- Approval of minutes-7/20/13
- One Unlicensed Complaint – Dismissed with prejudice
- MPAP Report- Approve
- Discussion with legal council

8. Board Action (Continued) 2nd recording for agenda items 8-13

a. Professional Assistance Program Update-For informational purposes only/Discussion –Mr. de Yong-
(00:00:54) -No Board action required.

i. Program Status Report-For informational purposes only/Discussion- No Board action required.

ii. Audit Report-Dr. Gary Carr- (00:10:39) Discussion-No Board action required.

b. EMT Protocols (from Medical Direction Committee)-Dr. James Upchurch (00:27:51)

i. Recommendation on Dr. Simpson request for protocol change re: morphine
-If protocols/endorsements are approved by the board at this meeting this will be taken care of.

ii. Recommendation on new statewide protocols/endorsements (00:29:00)

Motion: Dr. Hayward moved to accept the protocols with the amendments to become effective immediately for the paramedic level provider. The other levels of providers will become effective January 1, 2014. Dr. Thomas seconded the motion. The motion carried.

c. Board Advisories (00:36:08)

- i. Request from Medical Direction Committee re: Advisories involving EMS & Emts: Dr. Upchurch reported that the board advisories that deal with this will be updated and put into the protocols and dropped as board advisories.
- ii. Status of Advisory #17 (Medical Marijuana) **(00:39:31)** For informational purposes only; No board action required.
- iii. Review of Board Advisories **(00:40:20)**
 - Advisory 1-Chaperones in Examining Room
 - Advisory 2-Use of Controlled Substances for the Treatment of Pain
 - Advisory 3-Protocol for Addressing Disruptive Behavior
 - Advisory 5-Medication Control Procedures for EMS Services
 - Advisory 6-Physician obligation to Retain Patient Medical Records
 - Advisory 7-Physician-Patient Relationship
 - Advisory 8-Physician Prescribing for Self or Immediate Family
 - Advisory 9-Scope of EMT Tasks in Other Than Pre-Hospital Settings
 - Advisory 10-Physician Authority to Delegate Tasks & Responsibilities
 - Advisory 11-Mgmt. of Patient Records When Closing Office
 - Advisory 12-Licensure Required for Practice as Nutritionist in MT
 - Advisory 13-Dispensing of Outpatient Meds in Emergency Dept. by Licensed Nurses
 - Advisory 14-EMP Wilderness Education Programs
 - Advisory 15-Terminating Patient Relationship
 - Advisory 16-Guidelines for Montana Health Corps
 - Advisory 17-Physician's Written Cert. for Medical Marijuana & Bona Fide Phys-Patient Relationship
 - Advisory 18-Guidance for MT Out-of-Hospital Providers
 - Advisory 19-Ethics for Medical Professionals
 - Advisory 20-Physician Aid in Dying

Motion: Ms. Brekke moved to rescind all board advisories immediately and refer to the Laws and Rules committee for a determination if they should be converted to FAQ's or draft a possible rule change. Dr. Hayward seconded the motion. The motion carried.
- d. **Correspondence (00:50:39)**
 - i. Correspondence from FSMB re: Call for Nominations, Bylaws, etc.-For informational purposes only; No Board action required.
 - ii. Letter from Shirley Shipp re: Protocol for Adrenal Insufficiency **(00:53:39)**- **Motion:** Dr. Guggenheim moved to send Ms. Shipp's request to the Medical Direction Committee for consideration. Ms. Brekke seconded the motion. The motion carried.
 - iii. MMA request that Board see Attorney General opinion re: changes in scope of practice **(01:03:00)**
Motion: (01:56:37) Dr. Guggenheim moved to table this agenda item and return to if and when a written consensus question from the Montana Medical Association or the Montana Association of Anesthesiologists be brought back to the board on what they want the board to query of the Attorney General. Dr. Hayward seconded the motion. The motion carried.
Dr. Upchurch was not present for the discussion and abstained for the vote.
- e. **Rulemaking (02:07:47) FYI/Discussion-No Board action required**
 - i. Status Report on MAR 14-156-78 (Physician Licensing by Expedited Process) For informational purposes only; No board action required.
 - ii. Small Business Impacts of MAR 14-156-79 (Physician Reactivation, Renewal, Retired Status) **(02:09:54)**
Motion: Dr. Guggenheim moved to approve. Ms. Brekke seconded the motion. The motion carried.
- f. **Committee and Panel Appointments (02:12:26)**
 - i. Acupuncture Committee-Request by Douglas Womack to join committee
Motion: Ms. Erickson moved to approve Mr. Womack's application to become a member of the Acupuncture Committee. Ms. Brekke seconded the motion. The motion carried.

- ii. Medical Direction Committee-Add Advanced EMT member **(02:13:12)** For informational purposes only; No board action required.
Dr. Upchurch reported the Committee is accepting applications and will submit to the board their choice when a decision has been made.

g. Approval of Travel

- i. Ian Marquand to Administrators in Medicine West/South Regional, Indianapolis IN, Oct 27-29 **(02:15:23)**
Motion: Dr. Thomas moved to approve travel for Mr. Marquand. Dr. Earl seconded the motion. The motion carried.
- ii. Board Representative to CPEP Learning Summit, Denver CO, Nov. 7-8 **(02:16:23)**-
Motion: Ms. Erickson moved to approve travel for Ms. Brekke. Ms. Diaz seconded the motion. The motion carried.
- iii. Dr. Harry Sibold to Nat'l EMS Physicians annual meeting, Tucson, AZ, January 16-18, 2014 **(02:21:15)**
Motion: Ms. Brekke moved to approve travel for Dr. Sibold. Dr. Thomas seconded the motion. The motion carried.
- iv. Mike Fanning to FSMB Attorney Workshop, Portland, OR Nov. 7-8 **(02:22:59)**
Motion: Ms. Erickson moved to approve travel for Mr. Fanning. Dr. Upchurch seconded the motion. The motion carried.

h. Scheduling of Next Meeting (02:24:17)

- i. November 15, 2013

9. Board or National Committee Reports

- a. **Medical Direction Committee—James Upchurch, M.D. (01:26:00)** For informational purposes only; No board action required. Dr. Upchurch requested a letter be sent to the Committee thanking them for their work. Mr. Marquand will do that.
- b. **Laws & Rules Committee—Nathan Thomas, D.P.M. (02:27:47)** For informational purposes only; No board action required.
- c. **Outreach Committee/Board Liaison—Ms. Carole Erickson (02:28:20)** For information purposes only; Ms. Erickson requested there continue to be meetings with interested parties with information being brought back to the board.
- d. **Physician Workforce Data Collection Subcommittee—Ms. Carole Erickson (02:29:00)** For informational purposes only; No board action required.
- e. **Acupuncture Committee—Ms. Tanja Brekke, L. Ac. (02:32:44)** For informational purposes only; No board action required. Mr. Marquand will schedule a meeting with Ms. Brekke after the 45 day renewal cycle to gather information on the number of licensees who answered “yes” or “no” to continuing education.

10. Medical Director and EMT Training Reports

- a. Medical Director Report—Dr. Harry Sibold **(02:56:31)**
Dr. Sibold led the discussion.
Motion: Ms. Brekke moved to accept the Medical Director Report. Dr. Hayward seconded the motion. The motion carried.
- b. EMT Training Report—Mr. Ken Threet **(02:53:52)**
Mr. Threet led the discussion.
Motion: Dr. Upchurch moved to accept the EMT Training Report. Dr. Thomas seconded. The motion carried.

11. Executive Officer Report—Mr. Ian Marquand (02:34:40)

- a. Budget Report -For informational purposes only; No board action required.
- b. Application Report -For informational purposes only; No board action required.
- c. Activity Report-For informational purposes only; No board action required.

-Federation of Podiatric Medical Boards- (02:38:10) Mr. Marquand received a statement for payment for the board's membership.

Motion: Dr. Thomas moved to renew the board membership. Dr. Upchurch seconded the motion. The motion carried.

-Physician Assistants- (02:40:40) For informational purposes only; No board action required.

-Board of Physical Therapist-Dr. Guggenheim (02:41:20) For informational purposes only; No board action required.

12. Legal Report (03:00:17)- For informational purposed only; No board action required.

13. Adjourn (03:01:09)

Motion: Mr. Farmer moved to adjourn the meeting at 4:10 p.m. Ms. Diaz seconded the motion. The motion carried.

The Department of Labor & 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.

New agenda items may be added up to "three business days" before the meeting. For the most accurate agenda, please consult the web site at www.medicalboard.mt.gov. The board may reorder the agenda at the beginning of the meeting.