

**FULL BOARD MEETING MINUTES**  
of the  
**BOARD OF MEDICAL EXAMINERS**  
301 S. Park Ave, 4<sup>th</sup> Floor, Helena MT  
March 11, 2016 – 10:21 a.m. to 5:21 p.m.

**1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:00)**

**Members Present:**

Dr. Nathan Thomas – Board President  
Ms. Tanja Brekke – Secretary  
Dr. James Feist – Vice President  
Ms. Carole Erickson  
Mr. Charles Farmer  
Ms. Pat Bollinger  
Dr. Anna Earl  
Dr. Bruce Hayward  
Dr. James Upchurch  
Dr. James Burkholder  
Ms. Katherine Tetrault – Phone

**Staff Present:**

Ian Marquand – Executive Officer  
Graden Hahn – Board Counsel  
Scott Magill – Administrative Specialist  
Todd Younkin – Division Administrator  
Dr. Harry Sibold – Medical Director  
Ken Threet – EMS Training Officer  
Marcie Bough – Board of Pharmacy Executive Officer

**Public Present:**

Mike Ramirez – MPAP  
Tamara Schmalz – MPAP  
Casey Blumenthal – MHA  
Dr. James Paul Maganito – Phone  
Dr. Elaine Brown – Phone  
Dr. Jacquelyn Blackstone  
James DeTienne - DPHHS  
Maggie Connor – Board Management Bureau Chief  
Pat Murdo  
William Torres – Phone  
Dr. Marlin Richardson – Phone  
Dr. Phillip Fisher – Phone  
Dr. Jonathan Schellenberg – Phone  
Dr. David Simpson – Phone

**2. Approval and Tentative Modification of Agenda Order (00:03:58)**

- a. March 11, 2016 Agenda

**MOTION: (00:04:22) Dr. Bruce Hayward moved to approve the March 11<sup>th</sup>, 2016 agenda. Ms. Pat Bollinger seconded. The motion carried.**

**3. Review and Approve Minutes (00:04:48)**

- a. January 15, 2016 Open Session

b. January 15, 2016 Executive Session

**4. Public Opportunity to Comment (00:11:00)**

Presiding Officer Statement (please read in full):

“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. Please note that a ‘public matter’ does not include contested cases or other adjudicative proceedings. 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.”

**5. Compliance Report (00:11:51)**

- a. February 2016 Screening Panel Report (00:11:58)
- b. March 2016 Screening Panel Report (00:12:26)

**6. Division Administrator’s Report—Mr. Todd Younkin (00:56:20)**

**7. Board Action (00:12:51)**

**a. Rulemaking (00:12:54)**

- i. Update on rules for MAR 24-156-83

**b. License Administrative Action (00:14:07)**

- i. James Paul Maganito—request for full-term license (00:14:07)

**MOTION: (00:19:20) Dr. James Feist moved to approve a full and unrestricted license to Dr. James Maganito. Dr. James Upchurch seconded. The motion carried.**

- ii. Elaine Brown—request for change in license status (00:21:48)

**MOTION: (00:29:0) Dr. Hayward moved to offer Dr. Elaine Brown a full and unrestricted license. Dr. Anna Earl seconded.**

**Dr. Bruce Hayward amended his motion to change Dr. Elaine Brown’s license status from “inactive” to “active”. Dr. Anna Earl seconded. The motion carried.**

**c. Interstate Medical Licensure Compact (00:31:10)**

- i. Update on Compact development & Compact Commission activities—Mr. Ian Marquand & James Feist, M.D. (00:31:15)
- ii. Update on Board/BSD activities related to the Compact—Mr. Ian Marquand (00:36:55)

**d. Legislation (00:50:43)**

- i. Citizen initiative on Community Veteran EMTs (00:50:50)
- ii. REPLICA (EMS Compact) (01:24:53)

**MOTION: (02:06:32) Dr. James Feist moved to table this topic for a future meeting. Dr. James Burkholder seconded. The motion carried.**

**\*\*\*BEGIN EXECUTIVE SESSION AT 12:40 P.M.\*\*\***

- iii. Board legislative requests for 2017 Legislature (03:05:40)

**e. Correspondence (03:05:50)**

- i. MPDR Reports (03:05:50) (03:25:02)
- ii. FSMB Correspondence (03:10:04)
- iii. Letter from Int’l Acad. Of Compounding Pharmacists (03:13:38)
- iv. Request from Dr. Louis Leskosky (03:14:47)

**MOTION: (03:20:24) Dr. James Feist moved to direct the Board’s counsel to send Dr. Leskosky a letter, acknowledging the Kentucky Medical Board’s amendment of its disciplinary action**

against his Kentucky Medical License, for Dr. Leskosky's use in explaining that Montana's action against his license was reciprocal to Kentucky's initial disciplinary action, now amended, and the Board acknowledges and defers to Kentucky's determination to amend the disciplinary action underlying the Board's action against the doctor's Montana license. Ms. Tanja Brekke seconded. The motion carried.

f. **Scheduling of Next Meeting / Meeting Planning (03:45:11)**

- i. May 19-20, 2016, Helena

8. **Working Lunch (Executive Session) (02:07:30) \*\*\*EXECUTIVE SESSION BEGINS AT 12:40 P.M.\*\*\***

**MCA 2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions.**

(3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

- a. MPAP Report—Mr. Mike Ramirez/Ms. Tamara Schmalz

9. **Board Action (Continued) (02:09:06)**

a. **Non-routine Applications (02:09:10)**

- i. Booker Evans, Physician (tabled)  
ii. Laura Wood, EMT (tabled)  
iii. James Champa, Physician (tabled)  
iv. Philip Fisher, Physician (tabled) (02:09:38)

**MOTION: (02:16:41) Dr. James Feist moved to clarify that a "similar program" would include COMVEX. Ms. Tanja Brekke seconded. The motion carried.**

- v. Theresa Garcia, Physician (tabled)  
vi. Kathryn Matney, Physician (02:28:56)

**MOTION: (02:30:09) Dr. James Feist moved that Dr. Kathryn Matney be offered a full and unrestricted license to practice medicine. Ms. Tanja Brekke seconded. The motion carried.**

- vii. Marlin Richardson, Physician (02:30:39)

**MOTION: (02:31:36) Dr. Anna Earl moved to offer Dr. Marlin Richardson a full and unrestricted license to practice medicine. Dr. James Upchurch seconded. The motion carried.**

- viii. Zachary Hesse, Physician (02:32:09)

**MOTION: (02:32:23) Dr. James Feist moved to grant Dr. Zachary Hesse a full and unrestricted license to practice medicine. Ms. Tanja Brekke seconded. The motion carried.**

- ix. Jonathan Schellenberg, Physician (02:32:43)

**MOTION: (02:35:08) Ms. Pat Bollinger moved to offer Dr. Jonathan Schellenberg a full and unrestricted license to practice medicine. Mr. Charles Farmer seconded. The motion carried.**

- x. Nathan Cook, Physician (02:36:19)

**MOTION: (02:36:31) Dr. James Upchurch moved to offer Dr. Nathan Cook a full and unrestricted license to practice medicine. Ms. Tanja Brekke seconded. The motion carried.**

- xi. Nathaniel Readal, Physician (02:36:47)

**MOTION: (02:37:00) Dr. James Feist moved to offer Dr. Nathaniel Readal a full and unrestricted**

license to practice medicine. Ms. Carole Erickson seconded. The motion carried.

xii. Tauqeer Rahat, Physician (02:37:31)

**MOTION: (02:37:58) Dr. James Feist moved to offer a full and unrestricted license to Dr. Tauqeer Rahat to practice medicine. Dr. Bruce Hayward seconded. The motion carried.**

xiii. Maria Cook, Physician (02:38:18)

**MOTION: (02:38:30) Dr. Anna Earl moved to offer a full and unrestricted license to Dr. Maria Cook to practice medicine. Ms. Tanja Brekke seconded. The motion carried.**

xiv. Alexander Bules, Physician (02:38:54)

**MOTION: (02:39:06) Dr. James Feist moved to offer a full and unrestricted license to Dr. Alexander Bules. Dr. James Upchurch seconded. The motion carried.**

**MOTION: (02:42:41) Dr. Anna Earl moved that the Board delegate to the Board executive officer the authority to issue a license to otherwise routine applicants who are within six months of completion of their residency and have provided a favorable letter from their residency director. Ms. Tanja Brekke seconded. The motion carried.**

xv. Jacquelyn Blackstone, Physician (02:45:40)

**MOTION: (03:02:14) Dr. James Burkholder moved to approve a full and unrestricted license to Dr. Jacquelyn Blackstone. Dr. Bruce Hayward seconded. The motion carried.**

#### **10. Information from Other State Agencies (04:06:36)**

a. Report from DPHHS EMS & Trauma Section—Mr. James DeTienne (04:06:44)

#### **11. Medical Director and EMT Training Officer Reports (04:50:40)**

a. Medical Director Report—Dr. Harry Sibold (04:50:40)

**MOTION: (04:54:28) Dr. James Upchurch moved to permit the exception granted to Dr. Bryan to continue to move forward without continuous monitoring with the certain following parameters outlined in Dr. Harry Sibold's report:**

- **Continue permitting RSI/DAI exemption for Dr. Bryan, under the initial training, internal monitoring and continuous quality assurance and skill competency assurance as in place currently without restriction.**
- **Lift mandatory reporting of all cases to the Board (in most circumstances)**
- **Request Dr. Bryan maintain intermittent, informal reporting of cases to the Board's Medical Director in the spirit of collaboration and best practice**
- **Request that Dr. Bryan report missed airway(s) or sentinel event(s) to the State Medical Director for review (and bring to the Board for assessment as necessary)**
- **Have Dr. Bryan inform the Board of changes in the protocol, training or skills maintenance program for their reconsideration**
- **Direct Dr. Bryan to report any pattern of adverse outcomes, failure to meet recognized benchmarks or difficulty maintaining skill competency to the Board for evaluation, and, finally**
- **to thank Dr. Bryan for his eager cooperation and professionalism in submitting this exemption request and his efforts at maintaining conditions under which the original request was granted.**

**Ms. Tanja Brekke seconded. The motion carried.**

b. Training Officer Report—Mr. Ken Threet (04:56:35)

#### **12. Executive Officer Report—Mr. Ian Marquand (04:57:41)**

- a. Application Report (04:57:51) (05:15:30)
- b. Budget Report (05:22:10)
- c. Executive Officer Activities (05:22:12)
- d. Newsletter (05:22:22)
- e. Renewals and Audits (05:22:44)

f. PA Interviews (05:12:11)

**13. Legal Report—Ms. Graden Hahn (05:23:53)**

**14. Board Committee, National Committee and Other Reports (05:37:21)**

- a. Medical Direction Committee—Dr. James Upchurch (05:37:29)
  - i. Request for Exception to Statewide Protocols from Glacier EMS (05:37:29)
- b. Laws & Rules Committee—Ms. Tanja Brekke (05:51:31)
- c. Outreach Committee/Board Liaison—Ms. Carole Erickson (05:53:42)
- d. Acupuncture Committee—Ms. Tanja Brekke (The Committee will work to set a future meeting date)
- e. Montana POLST Coalition Report (05:56:02)
- f. FSMB Reports (05:56:55)

**15. Committee and Panel Assignments (06:01:12)**

**16. Adjourn (06:03:03)**

**MOTION (06:03:04) Dr. Bruce Hayward moved to adjourn. Ms. Tanja Brekke seconded. The motion carried.**