

**BOARD OF MEDICAL EXAMINERS
LAWS AND RULES COMMITTEE
4TH FLOOR CONFERENCE ROOM
301 SOUTH PARK AVE
HELENA, MONTANA
DATE: SEPTEMBER 27, 2012
TIME 7:00 A.M. - CONCLUSION**

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

Dr. Guggenheim called the meeting to order at 7:01 a.m. Roll call was taken and a quorum was present.

Members present: Dr. Mary Anne Guggenheim (Chair), Dr. Bruce Hayward, Dr. Nathan Thomas, Ms. Pat Bollinger, Ms. Carole Erickson

Members absent: None

Staff present: Mr. Ian Marquand, Anne O'Leary, Esq. and L'Joy Griebenow

Guests present: None

ITEM #2: Review of Agenda

The Committee reviewed the September 27, 2012 Agenda.

MOTION: Dr. Nathan Thomas made a motion to approve the September 27, 2012 Agenda; Ms. Pat Bollinger seconded the motion. Motion passed unanimously.

ITEM #3: Approval of Minutes

The Committee reviewed the September 20, 2012 Meeting Minutes. The Committee discussed the Public Comment portion of the Minutes.

MOTION: Ms. Pat Bollinger made a motion to direct staff to listen again to the September 20 2012 recording relative to the public comment offered during that meeting and if, in staff's opinion, the Minutes do not accurately capture that discussion, the Minutes will be amended and returned for approval to the next meeting of the Laws & Rules Committee, but if the Minutes accurately capture that discussion as stated in the Minutes as presented today then the Minutes are approved as presented; Dr. Bruce Hayward seconded the motion. Motion passed unanimously.

ITEM #4: Open Forum: Public Comment

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 committee on any topic that is not on the agenda for this meeting. While the committee cannot take action on the issues presented, the committee will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chair of the committee will determine the amount of time allotted for public comment.

Dr. Guggenheim opened the meeting for public comment.

No public comments were made.

ITEM #5: Rules – Anne O'Leary

Anne O'Leary, Esq. led the discussion regarding potential rules (ARM 24.156.603 – Applications for Licensure) to be put forth to the Board for consideration. She noted that all of the comments made at the last meeting were implemented in the draft of the rules before the Committee. The Committee discussed the proposed rules and suggested a few further clarifying changes to some of the sections of the proposed rule draft for expediting licensure of physicians.

She noted that, as directed by the Committee, no change had been made to §1 from the draft presented at the Committee's last meeting. She suggested to the Committee, with respect to §2, "or practice" should be added after "irregularities in medical education" in the introductory clause. The Committee requested a direct reference be added in §2 to the specific statutes (e.g., M.C.A.37-1-316 and 124.156.625 A.R.M.) delineating unprofessional conduct.

MOTION: Ms. Carole Erickson made a motion to accept §2 of the draft 24.156.603 rule as amended; Dr. Bruce Hayward seconded the motion. The motion passed unanimously.

The Committee discussed the requirements set out in §3.

MOTION: Dr. Bruce Hayward made a motion to accept §3 of the draft 24.156.603 rule as presented; Dr. Nathan Thomas seconded the motion. The motion passed unanimously.

The Committee discussed the requirements set out in §4.

MOTION: Ms. Pat Bollinger made a motion to accept §4 of the draft 24.156.603 rule as presented; Dr. Bruce Hayward seconded the motion. The motion passed unanimously.

The Committee discussed the requirements set out in §5. The Committee made some grammatical changes, and moved the concept embodied in (h) into §6 in an effort to further expedite the processing of physician applications.

MOTION: Ms. Carole Erickson made a motion to accept §5 of the draft 24.156.603 rule as amended; Dr. Bruce Hayward seconded the motion. The motion passed unanimously.

The Committee discussed the requirements set out in §6. The Committee made clarifying changes, including adding the language from §5 (h) into §6.

MOTION: Dr. Nathan Thomas made a motion to accept §6 of the draft 24.156.603 rule as amended; Dr. Bruce Hayward seconded the motion. The motion passed unanimously.

The Committee discussed the requirements set out in §7. The Committee made clarifying changes. No change had been made to §8 from the draft as presented at the Committee's last meeting.

MOTION: Dr. Bruce Hayward made a motion to accept §7 of the draft 24.156.603 rule as amended and accept §8 of the draft 24.156.603 rule as presented; Ms. Carole Erickson seconded the motion. The motion passed unanimously.

The Committee commended Mr. Marquand, Ms. O'Leary and Ms. Griebenow for their drafting assistance and advice to the Committee.

MOTION: Dr. Bruce Hayward made a motion to submit the proposed draft 24.156.603 rule, as amended by Ms. O'Leary consistent with the Committee's discussions during today's meeting, for consideration by the full board at its November meeting; Dr. Nathan Thomas seconded. Motion passed unanimously.

ITEM #6: Adjourn

MOTION: Ms. Pat Bollinger made the motion to adjourn the meeting; Dr. Bruce Hayward seconded. Motion passed unanimously.

Meeting adjourned.