

SCREENING PANEL MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 SOUTH PARK, 4TH FLOOR CONFERENCE ROOM
HELENA, MT
8:00 A.M. TO CONCLUSION
APRIL 8, 2016

1. Call To Order – Establish Quorum – Roll Call of Board Members Present

MEMBERS PRESENT – Anna Earl, M.D., Chair; James Upchurch, M.D; Kristin Spanjian, M.D.; James Feist, M.D.; Nathan Thomas, DPM; Tanja Brekke Acu. (In Person)

MEMBERS ABSENT – None

DPHHS MEMBERS PRESENT – Nick Domitrovich, Esq (for EMT Case)

DPHHS MEMBERS ABSENT- None

STAFF PRESENT – Mike Fanning, Department Counsel; LaVelle Potter, Compliance Specialist

2. Approval and Tentative Modification of Agenda Order

Motion: Dr. Spanjian moved for the panel to adopt the agenda as presented. Ms. Brekke seconded the motion. The motion passed unanimously.

3. Review March 11, 2016 Minutes

4. Public Opportunity to Comment

The presiding officer read the statement of public participation. No members of the public were in attendance who wished to comment.

5. Legal Report Mr. Fanning gave an oral report to the panel regarding the recent Supreme Court ruling on Medical Marijuana. We are advised that pretty soon referrals will start to arrive from the Department of Public Health and Human Services once physicians exceed 25 medical marijuana authorizations. We are not certain when the 12 month period will or has begun. The question is, "What do we do with them?" Mr. Fanning has been advocating for a design that does not send them to the screening panel. For now, Mr. Marquand is trying to take the lead and design a method to manage that, and Mr. Fanning is trying to make sure it is managed in a way that doesn't involve additional bulk on the screening panel agendas. He thought about drawing up a contract to have a medical expert of some sort or another, preferably in Montana, to review those for us and give reports, in the same fashion that we get the reports from Maximus. They can indicate to us whether or not there is a breach of the standard of care or anything untoward. If there is, then we can look at those remaining cases, but he doesn't want to see them as a routine. We would have to hire someone to do that, but the legislation says the licensees have to foot the bill. So it would basically be a pass through. He wants to give Ian Marquand kudos for beginning to work on it so the board is working on it prospectively instead of trying to scramble to catch up. He believes that possibly as early as July, referrals will be forthcoming.

- a. **Case Register**
- b. **MPAP Report**

6. Panel Action - Tentatively Scheduled for Executive Session

The Presiding Chair determined that the individual(s) under discussion at this meeting have a right to privacy which outweighs the public's right to know. Therefore, the Presiding Chair decided to hold this Screening Panel in closed session. The chair identified 15 Cases that will be

considered in closed session pursuant to the determination of privacy rights. No Cases will be heard in open session.

7. Review of Cases

8. Adjourn to open session

9. Open Session – Disposition of Cases

Cases dismissed with prejudice	___5___
Cases dismissed without prejudice	___7___
Cases for reasonable cause findings	___1___
Cases for summary suspension	___1___
Cases sent for investigation	___ ___
Cases tabled	___1___

10. Adjourn

Motion: Dr. Upchurch moved for the panel to adjourn this meeting. Ms. Brekke seconded the motion. The motion passed unanimously.

Review Date: 05/20/2016