

FULL BOARD MEETING OPEN SESSION MINUTES
of the
BOARD OF MEDICAL EXAMINERS
Bighorn Room, Buck's T-4 Lodge, Gallatin Gateway MT
May 15, 2014 1:00 p.m. to 5:00 p.m.
May 16, 2014 10:00 a.m. to 5:00 p.m.

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (May 15, 00:00:09) (May 16, File 1, 00:00:09)

Board Members Present:

Dr. Mary Anne Guggenheim (Chair), Mr. Charles Farmer, Dr. Nathan Thomas, Ms. Tanja Brekke, Dr. Bruce Hayward, Ms. Carole Erickson, Ms. Patricia Bollinger, Prof. Ana Diaz, Dr. Anna Earl, Mr. Dwight Thompson, Dr. James Feist and Dr. Jim Upchurch

Board Members Absent:

Dr. Kris Spanjian and Mr. Ben Lindeman

Staff Members Present:

Mr. Ian Marquand - Executive Officer
Anne O'Leary, Esq. – Board Counsel
Ms. Tiffany Huss – Board Management
Dr. Harry Sibold – State Medical Director
Mr. Ken Threet – EMT Training Coordinator
Ms. LaVelle Potter – Compliance Officer (by telephone)
Dr. Marcie Bough – Board of Pharmacy Executive Director (by telephone)
Ms. Donna Peterson – MPDR Program Manager (by telephone)

Guests Present (in person):

Dr. Ned F. Vasquez, Dr. Robert Ficalora, Ms. Tamara Schmalz, Ms. Mellani Reese and Mr. Jim DeTienne

Guests Present (by telephone):

Dr. Roxanne Fahrenwald, Ms. Terri Anderson, Ms. Anna Rose-McComb, Dr. Richard Mendel and Ms. Cindy Uken

2. Approval and Tentative Modification of Agenda Order (May 15, 00:02:30)

- a. May 15-16, 2014 Agenda

Motion (May 15, 00:02:39): Dr. Hayward moved to postpone approving minutes until May 16 and approve of the modified agenda order; Ms. Bollinger seconded. Motion passed unanimously.

3. Review and Approve Minutes (May 16, File 1, 00:01:22)

- a. March 21, 2014 Open Session

Motion (May 16, File 1, 00:02:03): Dr. Hayward moved to accept the March 21, 2014 open session minutes as presented; Dr. Thomas seconded. Motion passed unanimously.

- b. March 21, 2014 Executive Session

Motion (May 16, File 1, 00:03:41): Ms. Brekke moved to approve the March 21, 2014 executive session minutes as presented; Prof. Diaz seconded. Motion passed unanimously.

c. May 6, 2014 Open Session

Motion (May 16, File 1, 00:04:27): Dr. Earl moved to approve the May 6, 2014 open session minutes with amendments as proposed (to update the motion semantics in items 4.b. and 4.c.); Ms. Bollinger seconded. Motion passed unanimously.

4. Public Opportunity to Comment (May 15, 00:03:06)

The Presiding Officer read the statement of public participation and opened the meeting for public comment. No public comments were made.

5. Special Board Discussion: “Medical Residencies in Montana” (May 15, 00:05:01)

Dr. Vasquez and Dr. Ficalora were present before the Board in person and Dr. Roxanne Fahrenwald was present before the Board by telephone. Dr. Guggenheim led the discussion.

6. Reports from FSMB Annual Meeting & Administrators in Medicine Annual Meeting (May 15, 01:17:54)

Dr. Guggenheim provided an update and led the discussion.

Motion (Day 15, 01:38:01): Dr. Earl moved to direct staff (Board Counsel) to develop a legislative request relative to changes in telemedicine licensure and schedule a teleconference meeting afterwards to review and endorse the proposal; Ms. Bollinger seconded. Discussion ensued. Dr. Earl accepted a friendly amendment to also include drafting a legislative request relative to changes in temporary/residency physician licensure; Ms. Bollinger seconded. Motion passed unanimously.

7. Special Presentation: “Emergency Care Provider Regulation—Yesterday, Today and Tomorrow” (May 15, 02:13:37)

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

8. Recess until Friday, May 16

At 5:00 p.m. and with no further business to discuss for the day, the Board recessed the meeting until May 16. **(May 15, 03:17:10)**

The Board reconvened the meeting at 10:08 a.m. on May 16. **(May 16, File 1, 00:00:02)**

9. Compliance Report—Ms. LaVelle Potter (May 16, File 1, 00:08:45)

a. Screening Panel Report

Ms. Potter reported on the results from the morning screening panel meeting. The panel reviewed three (3) complaints: one (1) complaint was dismissed without prejudice and two (2) complaints were dismissed with prejudice. This was for information only; no Board action was taken.

10. Special Board Discussion: Montana Prescription Drug Registry (May 16, File 1, 00:09:35)

Dr. Bough and Ms. Peterson were present before the Board by telephone. Dr. Guggenheim led the discussion. This was for information only; no Board action was taken.

11. Board Action

a. Non-routine Applications (May 16, File 1, 00:43:31)

i. Edward Pottmeyer, PHYS (May 16, File 1, 00:43:40)

Ms. O'Leary briefly reviewed the Board's involvement to date in connection with Dr. Pottmeyer's application.

Motion (May 16, File 1, 00:48:16): Mr. Thompson moved to approve Dr. Pottmeyer's application for a full and unrestricted license; Dr. Upchurch seconded. Motion passed unanimously.

ii. Richard Mendel, PHYS (May 16, File 1, 00:48:41)

Ms. O'Leary briefly reviewed the Board's involvement to date in connection with Dr. Mendel's application. After further discussion, Dr. Mendel was contacted and presented before the Board by telephone.

Motion (May 16, File 1, 00:56:52): Mr. Thompson moved to table Dr. Mendel's application review until the July 25, 2015 meeting and request Dr. Mendel present in person before the Board; Dr. Earl seconded. Discussion ensued. Dr. Guggenheim offered a friendly amendment (**May 16, File 1, 01:19:02**) to additionally request Dr. Mendel provide missing legal documentation and reported psychiatric evaluation(s) prior to the July 25 meeting, which was accepted by both Mr. Thompson and Dr. Earl. Motion passed unanimously.

b. Correspondence and Reports (May 16, File 1, 00:11:31) (May 16, File 1, 01:21:35)

i. E-mail from Shirley Shipp (May 16, File 1, 01:38:53)

Mr. Marquand provided an update. This was for information only; no Board action was taken.

ii. E-mail (new) from Patrick Grimm (May 16, File 1, 01:39:24)

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

iii. Invitation for Sponsorship from Rocky Mountain Rural Trauma Symposium (May 16, File 1, 01:41:34)

Dr. Guggenheim led the discussion.

Motion (May 16, File 1, 01:44:47): Dr. Upchurch moved to support the Rocky Mountain Rural Trauma Symposium at the "Platinum" level (for \$625); Dr. Earl seconded. Motion passed unanimously.

iv. MPDR Statistical Reports for March and April (May 16, File 1, 00:11:31) (May 16, File 1, 01:46:38)

Ms. Peterson was present before the Board by telephone and provided an update. This was for information only; no Board action was taken.

- v. E-mail from Anna Rose-McComb re: Nutritionist practice **(May 16, File 1, 01:21:45)**

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

- vi. E-mail from Dennis Hatfield re: Inactive status for ACU licensees **(May 16, File 1, 01:47:08)**

Mr. Marquand led the discussion. This was for information only; the matter was referred to the Acupuncture Committee for discussion at the June 3, 2014 teleconference meeting.

- vii. E-mail from Terri Anderson re: epidural steroid injections **(May 16, File 1, 01:50:00)**

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

12. Working Lunch (Executive Session) (May 16, File 1, 01:55:56) (May 16, File 2, 00:01:19)

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—Ms. Tamara Schmalz
- b. Unlicensed Practice Complaints
 - i. 2014-MED-UNLIC-310

Dr. Guggenheim returned the meeting back to open session. The Board reviewed the MPAP report and heard one unlicensed practice complaint which was dismissed with prejudice.

13. Board Action (Continued)

- a. **Rulemaking (May 16, File 2, 00:00:25) (May 16, File 2, 00:01:47)**

- i. Adoption of MAR 24-156-80 Military Training and Experience rule **(May 16, File 2, 00:01:47)**

Mr. Marquand led the discussion.

Motion (May 16, File 2, 00:03:00): Ms. Bollinger moved to adopt New Rule 1 (MAR No. 24-156-80) as presented; Dr. Hayward seconded. Motion passed unanimously.

- ii. Update on MAR 24-156-81 Various rule amendments **(May 16, File 2, 00:03:47)**

Mr. Marquand provided an update. This was for information only; no Board action was taken.

- b. **Update on Professional Assistance Program Contract for FY 2015 (May 16, File 2, 00:07:53)**

Mr. Marquand led the discussion.

Motion (May 16, File 2, 00:15:47): Ms. Erickson moved to direct the Executive Officer to draft a letter to Mr. Matt Kuntz, thanking him for NAMI Montana's inquiry and noting that the Board has had a full discussion on the matter; Prof. Diaz seconded. Motion passed unanimously.

- c. **Requests for Exception to Statewide EMT Protocols (May 16, File 2, 00:16:29)**

- i. Opportunity to Comment & Recommendations from Medical Direction Committee

Dr. Upchurch led the discussion regarding the proposed revisions to the Anaphylaxis, Altered Mental Status and Smoke Inhalation protocols.

Motion (May 16, File 2, 00:28:39): Mr. Thompson moved to approve the changes to the three protocols; Ms. Brekke seconded. Motion passed unanimously.

d. POLST (May 16, File 2, 00:33:21)

- i. E-mail from Mike and Dorothy McCarter

Dr. Guggenheim and Ms. O’Leary led the discussion.

Motion (May 16, File 2, 00:38:54): Dr. Feist moved to draft a letter to Mr. and Ms. McCarter thanking them for their correspondence and referring them to discuss their concerns with the POLST Coalition and Dr. Kathryn Borgенicht; Dr. Earl seconded. Motion passed unanimously.

e. Scheduling of Next Meeting/Meeting Planning (May 16, File 2, 00:39:28)

- i. July 25, 2014 Helena MT (May 16, File 2, 00:39:28)

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

- ii. Proposed discussion topics for special July 24 meeting with Board of Nursing (May 16, File 2, 00:39:28)

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

f. Approval of Travel (May 16, File 2, 00:59:44)

- i. “REPLICA” seminar on Interstate Licensure of EMS Personnel—June 10, Chicago IL

Mr. DeTienne was present before the Board in person. Dr. Sibold and Mr. Threet led the discussion.

Motion (May 16, File 2, 01:06:24): Ms. Erickson moved to authorize the Medical Director and Legal Counsel to attend the meeting (and if Legal Counsel is unable to attend, a Board member will do so instead); Ms. Brekke seconded. Motion passed unanimously.

14. Medical Director and EMT Training Officer Reports (May 16, File 2, 01:11:20)

- a. Statewide Medical Director Job Description (May 16, File 2, 01:11:29)

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

- b. Medical Director Report—Dr. Harry Sibold (May 16, File 2, 01:55:14)

Dr. Sibold led the discussion.

Motion (May 16, File 2, 01:56:22): Ms. Erickson moved to accept the Medical Director report as submitted; Ms. Brekke seconded. Motion passed unanimously.

- c. Training Officer Report—Mr. Ken Threet (May 16, File 2, 01:56:38)

Mr. Threet led the discussion.

Motion (May 16, File 2, 01:56:59): Ms. Brekke moved to accept the Training Officer report as submitted; Mr. Farmer seconded. Motion passed unanimously.

d. EMS Interstate Compact Update (May 16, File 2, 01:57:16)

Mr. DeTienne was present before the Board in person. Dr. Sibold and Mr. Threet led the discussion. Dr. Sibold led the discussion. This was for information only; no Board action was taken.

e. Community Paramedicine Update (May 16, File 2, 02:05:53)

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

15. Executive Officer Report—Mr. Ian Marquand (May 16, File 2, 02:30:31)

a. Application Report (May 16, File 2, 02:30:43)

Mr. Marquand provided an update. This was for information only; no Board action was taken.

b. Budget Report (May 16, File 2, 02:31:13)

Mr. Marquand provided an update. This was for information only; no Board action was taken.

c. Update on Change Control Requests for Licensing/Renewals (May 16, File 2, 02:38:06)

Mr. Marquand provided an update. This was for information only; no Board action was taken.

d. Newsletter (May 16, File 2, 02:38:33)

Mr. Marquand provided an update. This was for information only; no Board action was taken.

e. BOME 125th Anniversary planning (May 16, File 2, 02:39:37)

Mr. Marquand provided an update. The celebration will be hosted by and held at the Montana Club on September 18, 2014. This was for information only; no Board action was taken.

16. Legal Report (May 16, File 2, 02:46:04)

Ms. O’Leary provided an update. This was for information only; no Board action was taken.

17. Board Committee, National Committee and Other Reports (May 16, File 2, 02:46:28)

a. Medical Direction Committee (May 16, File 2, 00:16:29) (May 16, File 2, 02:46:33)

Dr. Upchurch provided an update. This was for information only; no Board action was taken.

b. Laws & Rules Committee (May 16, File 2, 02:47:10)

Dr. Hayward and Dr. Guggenheim provided an update. This was for information only; no Board action was taken.

c. Outreach Committee/Board Liaison (May 16, File 2, 02:39:37) (May 16, File 2, 02:47:58)

Ms. Erickson provided an update. This was for information only; no Board action was taken.

d. Acupuncture Committee (May 16, File 2, 02:50:41)

Ms. Brekke provided an update. This was for information only; no Board action was taken.

e. Montana POLST Coalition Report (May 16, File 2, 02:51:40)

Dr. Sibold provided an update. This was for information only; no Board action was taken.

f. FSMB Reports (May 16, File 2, 03:03:51)

Dr. Guggenheim provided an update and led the discussion on May 15, 2014 **(May 15, 01:17:54)**.

18. Adjourn (May 16, File 2, 03:04:42)

Motion (May 16, File 2, 03:04:42): Ms. Brekke moved to adjourn the meeting; Dr. Upchurch seconded. Motion passed unanimously.