

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 South Park, 4th Floor Large Conference Room
November 21, 2014 9:30 a.m. to 6:00 p.m.

1. Call To Order - Establish Quorum (00:07)

Board Members Present:

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

Board Members Absent:

Dr. Anna Earl

Staff Members Present:

Mr. Ian Marquand - Executive Officer
Anne O'Leary, Esq. - Board Counsel
Ms. L'Joy Griebenow – Board Management
Dr. Harry Sibold – State EMS Medical Director
Mr. Ken Threet – EMT Training Coordinator
Mr. Todd Younkin, Business Standards Division Administrator

Guests Present:

Dr. Carla Huitt, Mr. Michael Ramirez, Ms. Tamra Schmalz, Mr. Jim DeTienne, Dr. James Maganito
(by telephone), Ms. Brenda Kaser, Dr. Steven Von Flue (by telephone), Mr. Brian Haines (by
telephone), Dr. Steven Helgerson, Mr. Jim Murphy, Ms. Casey Blumenthal, Dr. Amanda Blea, Ms.
Becky Wehner, Dr. Randall Nett, Ms. Margaret Morgan, (by telephone), Ms. Patti Steinmuller (by
telephone)

2. Approval and Tentative Modification of Agenda Order (2:36)

a. November 21, 2014 Agenda

MOTION: Dr. Spanjian moved to approve the November 21, 2014 Agenda as presented; Ms. Brekke seconded the motion. Motion passed unanimously. (3:03)

3. Review and Approve Minutes

a. September 19, 2014 Open Session (3:20)

MOTION: Ms. Bollinger moved to approve the September 19, 2014 Open Session Minutes as written; Dr. Hayward seconded the motion. Motion passed unanimously. (3:44)

b. September 19, 2014 Executive Session (4:11)

MOTION: Dr. Upchurch moved to approve the September 19, 2014 Executive Session Minutes as written: Mr. Farmer seconded the motion. Motion passed unanimously. (4:29)

4. Public Opportunity to Comment (4:49)

The Presiding Officer read the statement of public participation and opened the meeting for public comment. Ms. Brenda Kaser updated the Board regarding the recent meeting of the Board of Physical Therapy with respect to its proposed dry needling rules. There was no further public comment.

5. Compliance Report

a. Screening Panel report (9:01)

Ms. LaVelle Potter reported that the Screening Panel considered 6 cases during its meeting this morning of which 1 case was dismissed without prejudice, in 1 case the panel moved for summary suspension, and the remaining 4 cases were tabled.

b. Request for motion regarding anonymous complaints (9:24)

MOTION: Dr. Spanjian moved to continue the current policy [regarding anonymous complaints] as stated and to ask the Laws & Rules Committee to review [the anonymous complaint procedure] and come up with a new rule; Ms. Erickson seconded the motion. Motion passed unanimously. (14:35)

6. Department/Division Report—Mr. Todd Younkin, Business Standards Division Administrator (15:23)

Mr. Younkin spoke with the Board. This was for information purposes only; no Board action was taken.

7. Board Action

a. Non-routine Applications

i. James Maganito, PHYS (26:09)

Dr. Maganito was present before the Board by telephone. Ms. O'Leary led the discussion.

MOTION: Dr. Spanjian moved to grant to Dr. Maganito, upon confirmed and satisfactory completion of his tenure with Drexel, a temporary full and unrestricted physician license for the period of four months, so he can finish his requirements with the Washington Board of Osteopathy, and [this matter] is to come back to this Board at that time; Ms. Brekke seconded the motion. Motion passed unanimously. (57:54)

ii. Steven Von Flue, PHYS (1:04:21)

Dr. Van Flue was present before the Board by telephone. Ms. O'Leary led the discussion.

MOTION: Dr. Upchurch moved to grant to Steven Von Flue a full and unrestricted physician license; Dr. Thomas seconded the motion. Motion passed unanimously. (1:07:42)

iii. Anna Berry, PHYS (1:09:03)

Dr. Berry was not present before the Board. Ms. O'Leary led the discussion.

MOTION: Dr. Erickson moved to grant to Anna Berry a full and unrestricted physician license; Dr. Spanjian seconded the motion. Motion passed unanimously. (1:11:48)

***** BREAK *** (1:13:02-1:13:20)**

b. Budget Update

- i. Reductions in expenses July-Oct. **(1:13:21)**
Mr. Marquand led the discussion. The Board approved by consensus to allow licensees to obtain wall certificates from NASBA.
- ii. Potential reductions in expenses Nov-June **(1:20:17)**
Dr. Guggenheim led the discussion. This was for information only; no Board action was taken.
- iii. ECP-related activities, expenses and fees **(1:52:48)**
Mr. Ken Threet and Dr. Harry Sibold led the discussion. This was for information only; no Board action was taken.

c. Rulemaking

- i. Small Business Impact Statement for MAR 24-156-82 (Fees, ECP, ACU) **(1:58:30)**
Mr. Marquand led the discussion.

MOTION: Dr. Spanjian moved that there would be no significant small business impact by enacting MAR 24-156-82 and to adopt the statements expressed on pages 271-273 [of the Board book]; Ms. Brekke seconded the motion. Motion passed unanimously. (2:00:02)

- ii. Requests for Amendments to MAR 24-156-82 **(2:00:41)**
Dr. Harry Sibold, Mr. Ken Threet, Mr. Ian Marquand led the discussion.

MOTION: Ms. Brekke moved to adopt the clarifications to MAR 24-156-82 as recommended by Dr. Harry Sibold, Mr. Ken Threet, and Mr. Ian Marquand as shown on pages 8-10 of the Board Addendum; Professor Diaz seconded the motion. Motion passed unanimously. (2:04:03)

MOTION: Ms. Brekke moved to approve the change to MAR 24.156.1408(3) to reflect that if a licensee completes more than 30 hours in two years the licensee can carry up to 15 hours to the next year; Dr. Spanjian seconded the motion. Motion passed unanimously. (2:05:49)

- iii. Request re: PA Supervision Agreement fees—Mr. Dwight Thompson **(2:06:26)**
This was for information purposes only; no Board action was taken.
- iv. Request from DLI Legal re: Repeal of Rules **(2:16:17)**

MOTION: Ms. Bollinger moved to refer this issue to the Laws & Rules [Committee for consideration]; Prof. Diaz seconded the motion. Motion passed unanimously. (2:17:30)

d. Actions Requested by Board Committees

1. Medical Direction Committee—Dr. James Upchurch

- i. Approval of new member—Dr. Eric Lowe (replacing Dr. James Majxner) (2:18:26)

MOTION: Dr. Spanjian moved to approve Dr. Lowe’s appointment to the Medical Direction Committee; Dr. Feist seconded the motion. Motion passed unanimously. (2:19:27)

- ii. ECP Statewide Protocols—amendment to Chest Pain protocol (2:19:41)

MOTION: Dr. Feist moved to approve the amendment to the Chest Pain protocol of the ECP Statewide Protocols as proposed by the Medical Direction Committee; Professor Diaz seconded the motion. Motion passed unanimously. (2:20:15)

- iii. ECP Statewide Protocols—exception for Hydrofluoric Acid (2:20:25)

MOTION: Dr. Spanjian moved to approve the exception [for Philips 66 in Billings] in the protocol for Hydrofluoric Acid; Dr. Thomas seconded the motion. Motion passed unanimously. (2:21:48)

- iv. ECP Practical Examination (2:22:08)

MOTION: Ms. Brekke moved to approve the recommendation of the Medical Direction Committee regarding the ECP Practice Examination; Professor Diaz seconded the motion. Motion passed unanimously. (2:23:20)

- v. Proposed amendment to ARM 24.156.2771 ECP Scope of Practice (2:23:29)

MOTION: Dr. Hayward moved to approve the recommendation of the Medical Direction Committee regarding the proposed amendment to ARM 24.156.2771 ECP Scope of Practice, to have this amendment added to the current rules package, and that the Board finds there is no small business impact; Dr. Feist seconded the motion. Motion passed unanimously. (2:28:16)

Dr. Guggenheim transitioned the meeting into Executive Session.

8. Working Lunch (Executive Session) (2:28:46 – 2:29:01)

Dr. Guggenheim returned the meeting to open session. She summarized the action of the Board during Executive Session, namely that the Board discussed the MPAP report, and dealt with one case of unlicensed practice.

9. Information from Other State Agencies (2:29:57)

- a. MT Workers Compensation Claims Assistance (2:30:14)

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

- b. MT DPHHS EMS & Trauma Systems Section—Mr. Jim DeTienne **(3:07:21 and 3:42:13)**
Mr. DeTienne led the discussion. This was for information only; no Board action was taken.
- c. MT DPHHS State Medical Officer **(3:07:45)**
Dr. Steven Helgerson, Mr. Jim Murphy, Ms. Becky Wehner, Dr. Randall Nett led the discussion. This was for information only; no Board action was taken.

10. Board Action (Continued)

a. Correspondence and Reports **(3:55:04 and 6:36:02)**

- i. Reconsideration Request from Dr. Amanda Blea re: Tattoo Removal **(3:55:17)**

MOTION: Ms. Erickson moved to direct the Executive Officer and Legal Counsel of the Board to communicate with DPHHS to participate in a discussion regarding tattoo removal. (4:19:07) Discussion ensued. Ms. Erickson amended her motion:

MOTION: Ms. Erickson moved to direct the Executive Officer and Legal Counsel of the Board to communicate with DPHHS to participate in a discussion regarding tattoo removal, that Dr. Blea has requested to attend [the meeting], and a Board concurs [Dr. Blea] should be issued an invitation to attend the meeting. Dr. Upchurch seconded the motion. Motion passed unanimously. (4:22:34)

- ii. Request from Dr. George Griffin re: future application for licensure **(4:23:47)**
Mr. Marquand led the discussion. This was for information only; no Board action was taken.
- iii. Request for clarification on PA prescribing under MCA 37-20-404 **(4:27:49)**
Mr. Marquand led the discussion. This was for information only; no Board action was taken
- iv. Reports from USMLE State Board Advisory Panel/PLAS Committee **(4:36:30)**
Dr. Spanjian led the discussion. This was for information only; no Board action was taken.
- v. Report from Administrators in Medicine Regional Meeting **(4:57:09)**
Mr. Marquand led the discussion. This was for information only; no Board action was taken.
- vi. Information re: Medical Assistants—Mr. Ian Marquand **(6:35:59)**

MOTION: Dr. Spanjian moved to direct the Executive Officer to write a response, that [the proposed activity] is not consistent with current rules; Professor Diaz seconded the motion. Motion passed unanimously. (6:41:15)

- vii. Nutritionist Information **(5:03:16)**
 - a. Memo from CDR re: Dietetics Credentialing
 - b. E-mail from State Rep. Nancy Wilson re: Nutritionist licensing

Mr. Marquand led the discussion. This was for information only; no Board action was taken.
- viii. Montana PDR Reports **(5:03:50 and 5:04:06)**
Mr. Marquand and Dr. Hayward led the discussion. This was for information only; no Board action was taken.
- ix. Request from Montana Alzheimer’s Work Group **(5:03:54 and 5:04:51)**
Mr. Marquand led the discussion. This was for information only; no Board action was taken.
- x. FSMB Communications **(5:08:32)**
Mr. Marquand led the discussion. This was for information only; no Board action was taken

b. Legislation (5:08:57)

- i. Update on 2015 Legislation Proposals **(5:10:23)**
Ms. Erickson led the discussion regarding the comprehensive bill. This was for information only; no Board action was taken.

MOTION: Ms. Erickson moved that, after discussing the large bill, the Board move forward to developing a work group to develop rules with respect to telemedicine, that workgroup comprising Board staff, Board members and other interested parties; Dr. Spanjian seconded the motion. Motion passed unanimously. (5:29:02)
- ii. Interstate Physician Licensing Compact, Inc. information from FSMB webinar, AIM regional meeting & Ian’s research **(6:02:47)**
Dr. Guggenheim led the discussion. This was for information only; no Board action was taken.
- iii. Other legislation of interest **(5:30:26 and 6:31:42)**

MOTION: Ms. Erickson moved to direct Dr. Sibold to chair, and quickly develop, a workgroup for Healthcore/community paramedicine of all appropriate interested parties; Ms. Brekke seconded the motion. (5:58:48)
Discussion ensued. **Motion passed unanimously. (6:01:36)**

c. Other Board Action (6:41:41)

- i. Acupuncture Continuing Education Hardship Request

MOTION: Ms. Brekke moved to grant the acupuncture CE hardship exemption request [for Perry Lau] for only this renewal period; Dr. Feist seconded the motion. Motion passed unanimously. (6:41:52)

d. Scheduling of Next Meeting/Meeting Planning (6:42:37)

- i. January 16, 2015 Helena MT

e. Election of Officers for 2015 (Calendar Year) (6:43:03)

- i. President **(6:43:13)**

MOTION: Ms. Brekke nominated Bruce Hayward for President for 2015; Ms. Erickson seconded the nomination. Dr. Hayward was elected by unanimous vote **(6:43:21)**

- ii. Vice-President **(6:43:47)**

MOTION: Mr. Thompson nominated Dr. Thomas for Vice-President; Dr. Upchurch seconded the nomination. Dr. Thomas was elected by unanimous vote. **(6:43:54)**

- iii. Secretary **(6:44:29)**

MOTION: Dr. Spanjian nominated Dr. Feist for Secretary; Dr. Upchurch seconded the nomination. Dr. Feist was elected by unanimous vote. **(6:44:33)**

f. Travel Requests (6:45:18)

11. Board Committee, National Committee and Other Reports (6:45:27)

- a. Medical Direction Committee
- b. Laws & Rules Committee
- c. Outreach Committee/Board Liaison
- d. Acupuncture Committee
- e. Montana POLST Coalition Report

Mr. Marquand led these discussions. This was for information only; no Board action was taken at this time.

12. Executive Officer Report—Mr. Ian Marquand (6:45:41)

- a. Application Report
- b. Report on autumn renewals, including requests for refunds
- c. Updates on Forms, Website, Processes, etc.
 - i. BSD applications policy
 - ii. Implementation of new rules from MAR 24-156-81

13. ECP Training Coordinator and Medical Director Reports

- a. Medical Director Report—Dr. Harry Sibold **(6:50:14)**

MOTION: Dr. Spanjian moved to accept the Medical Director Report; Ms. Brekke seconded the motion. Motion passed unanimously. (6:51:10)

- b. Training Officer Report—Mr. Ken Threet **(6:59:39)**

MOTION: Ms. Bollinger moved to accept the Training Officer Report; Dr. Upchurch seconded the motion. Motion passed unanimously. (7:00:06)

c. Community Paramedicine Update (5:30:26)

14. Legal Report (7:00:17)

15. Adjourn (7:02:20)

MOTION: Ms. Brekke moved to adjourn; Dr. spanjian seconded the motion. Motion passed unanimously. (7:02:06)