

**BOARD OF MEDICAL EXAMINERS
FULL BOARD MEETING
HILTON HOMEWOOD SUITES
BOZEMAN MT
MAY 20 & 21, 2010
MINUTES**

www.medicalboard.mt.gov

MAY 20, 2010

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. Anna Earl called the meeting to order.

Members Present: Dr. Anna Earl, Dr. Mary Anne Guggenheim, Dr. Kristin Spanjian, Ms. Carole Erickson, Ms. Pat Bollinger, Ms. Eileen Sheehy, Dr. Dean Center, Dr. James Upchurch, Dr. Arthur Fink, Mr. Ryan Burke, Mr. Don Sullivan, Dr. Michael LaPan

Members Absent: Mr. Dwight Thompson

Staff Present: Ms. Jean Branscum, Ms. Anne O'Leary, Ms. Maggie Connor, Ms. Lavelle Potter, Mr. Ken Threet, Mr. Jerry Morse,

Guests Present: Mr. Jim Gingery, Mr. Larry Mayer, Ms. Diane Cochran, Mr. Tom Lutey, Ms. Barbara Prescott, Mr. Noel Palmer, Mr. Jason Gully, Dr. Chris Christensen, Mr. Tom Daubert, Mr. Mark Sigler, Mr. Chris Lindsey, Mr. Josh Werie, Ms. Fern Momcrief, Mr. Scott Krabler, Mr. Robert Carpenter, Ms. Rebecca Gross

ITEM # 2: Approval of Minutes

MOTION: Dr. Michael LaPan made the motion to approve the March 19, 2010 minutes and Ms. Carole Erickson seconded. The motion passed unanimously.

ITEM # 3: Approval of Agenda

MOTION: Dr. Dean Center made the motion to approve the May 20 & 21 agenda and Ms. Pat Bollinger seconded. The motion passed unanimously.

ITEM # 4: Open Forum for Public Comments

In accordance with 2-3-103(1), MCA, the Board held a public comment period. The Open Forum is the public's opportunity to address the Board on any topic that is not on the

agenda for this meeting. Dr. Earl noted that while the board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board.

Dr. Chris Christensen stated he had been actively practicing in Montana for five years and practiced for thirty years in primary care. He had issued over three thousand medical marijuana certifications and was present to provide information to the Board if needed.

Mr. Chris Lindsey, practicing attorney in Helena, encouraged the Board to develop standards concerning medical marijuana as current language allows other things to happen. He also stated there could be some changes made to the form used by physicians making recommendations.

Mr. Tom Daubert with Patients & Families United stated he was involved in drafting the current laws regulating medical marijuana and was willing and available to work with all parties to develop rule changes for better regulation. The current laws are not what was intended or envisioned.

Mr. Jim Gingery with Montana Medical Growers Association made a recommendation to expand the definitions on the current form and develop guidelines for the renewal of certifications. The Association is looking at ways to provide training to physicians and want to do this under medical guidance.

Mr. Noel Palmer, PhD with Montana Botanical Analysis noted he was a chemist and had an analytical laboratory for testing cannabis and cannabis products. He stated he would be available for any questions from the Board.

Mr. Scott Krabler stated he was a patient using medical marijuana for his condition and had been developing his own dosing, but found that difficult without guidance. He stated he is able to function better with cannabis than with traditional medications.

Mr. Robert Carpenter with Kinder Caregiver Inc. stated he was a caregiver and he felt caregivers should work very closely with their patients and act as a consultant with them. He also stated that there is no overdosing with medical marijuana as there is with opioids and other pain medications.

ITEM # 5: Medical Marijuana

A. Children, Families, Health & Human Services Interim Committee Report

Ms. Jean Branscum stated she along with Dr. Dean Center and Dr. Mary Anne Guggenheim had attended the interim committee meeting. The committee members reviewed the Medical Marijuana Act and discussed how it might be improved through legislative amendments. Several panels were organized for this informational session and Dr. Center participated on the regulatory panel. The committee requested Ms. Branscum forward any changes the Board would like to see to the current law to the committee in writing. The committee also formed two separate groups to look at any changes and invited Board representation on both groups. The first group is a regulatory group. The second group is a coalition group.

MOTION: Ms. Carole Erickson made the motion that Ms. Branscum participate in the regulatory group and the Board or

staff be an observer in the coalition group to be available for comment as needed. Dr. James Upchurch seconded. The motion passed unanimously.

MOTION: Dr. Dean Center made the motion to develop a mechanism that relates to the one-year timeline that would allow a shorter certification time period or that would allow the physician to nullify or revoke the certification. Dr. James Upchurch seconded. The motion passed unanimously.

MOTION: Dr. Mary Anne Guggenheim made the motion to recommend language be added to 50-46-201 (4) that clarifies the Board has jurisdiction with regard to unprofessional conduct. Dr. Kristin Spanjian seconded. The motion passed unanimously.

The Board agreed that Ms. Branscum recommend to DPHHS to change the certification form that would require some type of follow up in a certain time period of less than one year.

B. Position Paper

Dr. Dean Center presented a draft position paper regarding medical marijuana and the physicians recommending medical marijuana certification cards. After reviewing documentation, studies, and listening to public comment, the Board made revisions to the draft position paper to provide guidance and clarify their opinion regarding this issue.

MOTION: Dr. Arthur Fink made the motion to adopt the position paper as revised. Ms. Pat Bollinger seconded. The motion passed unanimously.

C. Bone Fide Physician-Patient Relationship Definition

The Board discussed several options how to best define "bone fide physician-patient relationship." The main focus of the Board was to address the concern that physicians may not be following the accepted medical standard of care when recommending certification. The Board was not certain that the defining the physician-patient relationship complimented or paralleled the standard of care and that it may still be misinterpreted. The Board agreed that deleting the bone fide language and drafting new language with more meaning would best clarify their concerns. The Board also discussed options of how best to communicate the adoption of the position paper to licensees and other interested parties. The board agreed to put an article in the Montana Medical Association publication and Ms. Branscum will develop other options for the Board to review.

D. MOTION: Ms. Carole Erickson made the motion that the Board recommend to the Children, Families, Health & Human Services Interim Committee to delete the terminology of "bone fide

physician-patient relationship" in statute and replace it with terminology that would instruct physicians to follow the acceptable medical standard of care. Ms. Pat Bollinger seconded. The motion passed unanimously.

ITEM # 6: FSMB Meeting Report

Dr. Anna Earl and Ms. Jean Branscum presented a report from the FSMB annual meeting they attended in April 2010. One of the main topics discussed at the meeting was maintenance of licensure (MOL). The FSMB House of Delegates passed a resolution on MOL that included the adoption of a framework and gave direction to FSMB to continue their work to assist states in the implementation of MOL programs. Other topics of interest included expedited licensure, the practice of telemedicine, resident licensure and physician reentry. Jean also reported on a discussion with FSMB staff to secure a \$10,000 grant for implementation of the uniform application in Montana.

ITEM # 7: Board Strategic Positioning

The Board discussed the tabling of this agenda item until the July meeting.

MOTION: Dr. Arthur Fink made the motion to direct Board staff to complete a survey on the issues discussed at the May 2009 meeting, provide it to members prior to the July 2010 meeting, and include the survey results on the July meeting agenda for review. Dr. Michael LaPan seconded. The motion passed unanimously.

Dr. Anna Earl called the meeting to recess until 9:30 AM on May 21, 2010.

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ITEM # 1: Reconvene Meeting

Dr. Anna Earl reconvened the meeting.

Members Present: Dr. Anna Earl, Dr. Mary Anne Guggenheim, Dr. Kristin Spanjian, Ms. Carole Erickson, Ms. Pat Bollinger, Ms. Eileen Sheehy, Dr. Dean Center, Dr. James Upchurch, Dr. Arthur Fink, Mr. Ryan Burke, Mr. Don Sullivan, Dr. Michael LaPan

Members Absent: Mr. Dwight Thompson

Staff Present: Ms. Jean Branscum, Ms. Anne O'Leary, Ms. Lavelle Potter, Mr. Ken Threet, Mr. Jerry Morse,

Guests Present: Mr. Bill Norton, Mr. James DeTienne, Ms. Kitty Songer, Mr. Mark Frisbie, Ms. LaDonna Maxwell, Mr. Sheldon Nelson, Mr. Thomas Coble, Mr. Scott Schordelson, Ms. Mary Rethwisch, Mr. Aaron Rogers, Mr. Doug Van Sickle,

ITEM # 2: Open Forum for Public Comments

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board held a public comment period. The Open Forum is the public's opportunity to address the Board on any topic that is not on the agenda for this meeting. While the board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. Dr. Anna Earl opened the floor for public comment.

Mr. Bill Norton with Alert Flight of Kalispell stated he is concerned about the motion passed by both Boards concerning Nurse/EMT dual role licensure. He will be addressing the Board of Nursing with his concerns and his group may seek legislative changes to address flight nurses impacted by the motion.

Ms. LaDonna Maxwell with the Montana Nurses Association stated they oppose the proposed regulation. This issue stemmed from questions about who would discipline a nurse providing pre-hospital care if discipline was needed. She noted there have been no complaints on nurses providing pre-hospital care in the last 3 years and would like to see this issue resolved.

Mr. Scott Schordelson with Mercy Flight stated they oppose the proposed ruling. They do not oppose supplemental pre-hospital training but oppose EMT licensure. He is requesting this issue be placed on the July 2010 agenda for further comment and review.

Mr. Sheldon Nelson with St. Vincent Healthcare stated he had concerns from the flight arena that nurses would have to operate as Paramedics and could lose some services provided and available. He would also like to see the Board of Nursing take on this issue as well.

Mr. Thomas Coble with Help Flight stated he also had concerns that this decision may impact the nurses working on their service. He had talked with other Medical Directors in the area and they request that careful consideration be given when making decisions.

ITEM # 3: Compliance Report

Ms. LaVelle Potter presented the report to the Board.

ITEM # 4: Unlicensed Practice

A. Laura Hawes

Ms. Hawes was not present for the discussion. A complaint was filed alleging unlicensed practice of medicine as she was diagnosing and treating. Ms. Hawes is not a licensed nurse, but is working as a Medical Assistant. Ms. Anne O'Leary stated under current rules regulating Medical Assistants, she was allowed to give allergy shots in a physician's office. The Board reviewed and discussed the documentation provided to them from all parties involved.

MOTION: Dr. Michael LaPan made the motion to dismiss the case with prejudice and Dr. Kristin Spanjian seconded. The motion passed unanimously.

B. Greg Judson

Mr. Judson was not present for the discussion. A complaint was filed alleging unlicensed practice of medicine. Mr. Judson was advertising skin rejuvenation using light therapy. The Board reviewed and discussed the documentation provided from the parties involved and agreed that Mr. Judson is engaged in skin rejuvenation and is altering skin which is defined as surgery.

MOTION: Dr. Michael LaPan made the motion to issue a cease and desist order to Mr. Judson and Dr. Dean Center seconded. The motion passed unanimously.

ITEM # 5: Non-Routine Applications

A. Dr. Gregory Culver (Application Withdrawal)

Dr. Culver was not present for the discussion. He applied for licensure as he was looking to work in the Baker area. However, since making application that particular opportunity was no longer available and he had accepted a position in another state. He requested the Board's approval to withdraw his application.

MOTION: Ms. Carole Erickson made the motion to approve Dr. Culver's application withdrawal request and Dr. Michael LaPan seconded. The motion passed unanimously.

B. Dr. Paul Julsrud

Dr. Julsrud was present for the discussion by phone. His application was before the Board as he took a Minnesota state examination in 1971 and needed Board approval for licensure.

MOTION: Dr. Kristin Spanjian made the motion to grant Dr. Julsrud a full unrestricted physician license and Dr. Arthur Fink seconded. The motion passed unanimously.

C. Dr. Celia Rodriguez

Dr. Rodriguez was present for the discussion by phone. Her application was before the Board as she took a Puerto Rico state examination in 1991. In the review of the application it was found that page six of the application was incorrect. Dr. Rodriguez is required to correct the needed page and return it to Board staff for further review. Dr. Dean Center had originally made a motion to grant Dr. Rodriguez a physician license however; when it was found that the application was incomplete he withdrew the motion.

D. Dr. Cecil Smith III

Dr. Smith was present for the discussion by phone. His application was before the Board as he took an Arkansas state examination in 1974.

MOTION: Dr. Kristin Spanjian made the motion to grant Dr. Smith a full unrestricted physician license and Dr. Arthur Fink seconded. The motion passed unanimously.

E. Dr. Martin Pomphrey Jr.

Dr. Pomphrey was present for the discussion by phone. His application was before the Board as he took a Missouri state examination in 1960 and he had several malpractice claims.

MOTION: Dr. Arthur Fink made the motion to grant Dr. Pomphrey a full unrestricted physician license and Dr. Michael LaPan seconded. The motion passed unanimously.

F. Dr. Aida Figueroa

Dr. Figueroa was present for the discussion in person. Her application was before the Board as there had been board actions in other states, including an open investigative case in Iowa for questionable prescribing practice and complaints being filed in Colorado and with the Drug Enforcement Agency alleging impairment. Dr. Figueroa noted financial hardship in meeting the Colorado board's request to participate in the Colorado Physician's Health Program. She had surrendered two of three of her DEA registrations. The Board discussed the details of the charges with Dr. Figueroa.

MOTION: Dr. Arthur Fink made the motion to refer Dr. Figueroa to the Montana Professional Assistance Program for evaluation. If a positive recommendation is received from Mr. Mike Ramirez, she may be granted a physician license. Dr. Kristin Spanjian seconded. The motion passed unanimously.

G. Dr. Stephen Meyer

Dr. Meyer was present for the discussion by phone. His application was before the Board as he had indicated a past impairment. He voluntarily entered into a program and successfully completed it and was inactivated from monitoring in 1994. He was referred to the Montana Professional Assistance Program for consultation where Mr. Mike Ramirez advocated for licensure without any further monitoring.

MOTION: Dr. Arthur Fink made the motion to grant Dr. Meyer a full unrestricted physician license and Dr. Dean Center seconded. The motion passed unanimously.

H. Dr. Martin Nee, Jr.

Dr. Nee was present for the discussion by phone. Dr. Nee was before the Board at the September 2009 meeting. The Board reviewed his application at that time and required him to take and pass the SPEX examination and provide a letter from a physician group in Missoula to act as an advisory group for him. He had planned on working at the Clark Fork Valley Hospital, but that opportunity fell through. He had taken and passed the SPEX. The support letter was not pursued due to the change in the job status. Dr. Nee stated he had been actively practicing medicine in another state since the September meeting.

MOTION: Dr. Kristin Spanjian made the motion to issue Dr. Nee a full unrestricted physician license and Dr. Arthur Fink seconded. The motion passed unanimously.

I. Isaac Fleming EMT-B

Mr. Fleming was present for the discussion in person. He was before the Board as he had plead guilty to a "Driving under the Influence" charge in 2008. He paid all fines and attended the required classes. He was referred to the Montana Professional Assistance program for

consultation and evaluation where Mr. Mike Ramirez advocated for licensure.

MOTION: Dr. Mary Anne Guggenheim made the motion to grant Mr. Fleming a full unrestricted EMT license and Ms. Carole Erickson seconded. The motion passed unanimously.

J. Bruce Genzel EMT-B

Mr. Genzel was present for the discussion in person. His application was before the Board as he was convicted of "Driving under the Influence" in 2009. He had paid the fines, but had not completed the required program from sentencing. He was referred to the Montana Professional Assistance program. Mr. Mike Ramirez recommended Mr. Genzel be required to enter into a MPAP agreement with monitoring. Mr. Genzel stated he was willing to enter into an agreement.

MOTION: Dr. Michael LaPan made the motion to issue Mr. Genzel a one-year probationary license pending a successful MPAP agreement and monitoring. Mr. Ryan Burke seconded. The motion passed unanimously.

K. Brennan Skrutvoid EMT-B

Mr. Skrutvoid was present for the discussion by phone. He was before the Board as he was convicted of a "Driving under the Influence" in 2007. All fines have been paid and he had completed all required classes. He was referred to the Montana Professional Assistance Program. Mr. Mike Ramirez advocated for licensure.

MOTION: Dr. Michael LaPan made the motion to grant Mr. Skrutvoid a full unrestricted EMT license and Dr. Dean Center seconded. The motion passed unanimously.

L. Richard Hayner EMT-B (Reinstatement Request)

Mr. Hayner was present for the discussion in person. He was before the Board as he originally applied for licensure in February of 2007. His license was issued, however, the check for the application was returned for nonsufficient funds. After several attempts to collect the monies from him without success, a complaint was filed and his license was revoked. He petitioned the Board to reinstate his license. Mr. Hayner stated he had left the state for financial and other reasons, but has since retested and recertified with the National Registry of Emergency Medical Technicians.

MOTION: Dr. Michael LaPan made the motion to grant Mr. Hayner a full unrestricted EMT license and Mr. Ryan Burke seconded. The motion passed unanimously.

M. Dr. Gaylin Lack

Dr. Lack was present for the discussion in person. His application was before the Board due to four malpractice settlements. The Board discussed the settlements with Dr. Lack. Dr. Lack confirmed he had been practicing still since 2003.

MOTION: Dr. James Upchurch made the motion to grant Dr. Lack a full unrestricted physician license and Dr. Kristin Spanjian seconded. The motion passed unanimously.

N. Dr. Aldo Battiste Jr.

Dr. Battiste was present for the discussion in person. His application was before the Board as he had a history of impairment, had been a participant in treatment programs, and had been discipline in other states. He was referred to the Montana Professional Assistance Progra. Mr. Mike Ramirez gave a favorable recommendation to license Dr. Battiste as long as there was a monitoring agreement in place. The Board reviewed and discussed the application and recommendations with Dr. Battiste.

MOTION: Dr. Michael LaPan made the motion to grant Dr. Battiste a one-year probationary license with the stipulation that he enter into an agreement with the Montana Professional Assistance Program which will remain in effect as long as he holds a Montana license. The MPAP agreement will be reviewed five years from the start of the agreement. Dr. James Upchurch seconded. The motion passed unanimously.

Dr. Anna Earl suggested that the Board form a committee to review non-routine applications for approval, make recommendations to the Board or send the application to the full Board meeting for review. The Board agreed to have further discussion addressing this issue.

MOTION: Dr. Kristin Spanjian made the motion to authorize Board staff to approve applications that are non-routine as a result of the applicant taking a state examination only. Dr. Dean Center seconded. The motion passed unanimously.

ITEM # 6: Optometry, Corneal Scraping

Jean Branscum explained that Ms. Rena Steyaert, Montana Medicaid program Officer, requested that the Board review corneal scraping and determine if this procedure is considered surgery. This was based on a request from an Optometrist in Montana for a payment for this procedure, and Ms Steyaert indicated it was classified as surgery in the CPT coding book. Ms. Steyaert initially contacted the Board of Optometry whose program manager referred her to the Board of Medical Examiners for a decision. Dr. Anna Earl stated she had talked to an Optometrist about this item and he suspected it may be an error

in the coding request as there are very few actual scrapings performed. The Board discussed the request and jurisdictions of the Board and the Board of Optometrists.

MOTION: Ms. Pat Bollinger made the motion to refer this item to the Board of Optometrists for their review and request a response of their findings. Dr. Arthur Fink seconded. The motion passed unanimously.

ITEM # 7: MPAP Report

Mr. Mike Ramirez presented the report on MPAP to the Board during executive session.

ITEM # 8: Licensure of Residents

Ms. Jean Branscum opened the discussion by summarizing the communications received in the Board office from physicians who are at the end of a residency program and seeking licensure, and from facilities that had hired many of these physicians. Ms. Branscum explained the change in the law had unintentional results of delaying the employment of these physicians as the facilities are unable to complete the credentialing process without having the physician licensed in Montana. Hiring facilities have indicated it takes up to six weeks to complete the credentialing process. The language in the current law requires successful completion of residency before licensure. Ms. Branscum stated this issue had also been brought forward to a legislative interim committee and a response to the committee was needed. She requested the Board provide some parameters for her discussions as the committee had directed their staff to draft a bill to address this issue. Based on the possibility the "successful completion" may be changed to requiring one year of postgraduate training, the Board affirmed the position that completion of a residency program was preferred, but were amenable to changing language in current law that would require completion of three years of post graduate training for the issuance of an unrestricted physician license. They also agreed that they would not move forward with a legislative proposal to change the exemption language concerning residents in the Montana Family Residency Program. The Board directed Ms. Anne O'Leary to draft some language changes for the Board to review at the July 2010 meeting.

MOTION: Dr. Mary Anne Guggenheim made the motion that Physician's who have completed three-quarters of the last year of their approved residency, provided a letter of good standing from the program, and submitted a sworn statement signed by the applicant stating that they do intend to graduate may be issued a post dated license. The Board agrees and feels comfortable in stating that this satisfies the successful residency completion requirement. Dr. Arthur Fink seconded. The motion passed unanimously.

ITEM # 9: 2011 Biennial Budget & Legislation

A. Legislation

Dr. Anna Earl stated this item will be tabled at this time.

B. Biennial Budget Report

Dr. Anna Earl stated this item will be tabled at this time.

C. State Medical Director

Ms. Jean Branscum reported the Department had approved the request by the Board to add a State EMS Medical Director to Board staff. Based on the need for this position, the Department management has authorized a full-time employee position. Ms. Branscum continued the report by summarizing survey results. As directed by the Board, a survey of physicians, physician assistants and EMT licensees was conducted to gauge support for the position and funding through increased fees. The survey revealed that a high percentage of licensees were willing to pay higher fees and felt this was an important position to fill. Jean explained the next steps included getting the position classified which required finalization of a job profile. The Board reviewed a draft job profile and provided suggestions to Ms. Branscum on the job profile, qualifications, and application. The Board also suggested that the position be advertised out of state and military personnel within the state. Ms. Branscum provided funding options, reported on revenue and expenditure trends, and provided a listing of future costs for the Board's consideration. The Board determined the position would be hired at three quarters time and not full time. The Board directed Ms. Branscum and staff to continue the development on the funding options based on the meeting discussions for review at the July 2010 meeting.

ITEM # 10: Michael Jenkins DO

Ms. Anne O'Leary stated that Dr. Jenkins was before the Board because he was granted a one-year probationary license at the March 2009 meeting which required quarterly reports from his employer/supervisor and review of his license status at the end of the probationary year. The license status is being reviewed now to see if the probation will be terminated or extended. Three quarterly reports were provided from the hospital in Livingston while he was working a locums tenens assignment. Currently Dr. Jenkins has been working at the hospital in White Sulphur Springs. Mr. Aaron Rogers, CEO of the Mountainview Medical Center in White Sulphur Springs, stated that his facility has sent all patient care charts to peer review and has addressed any allegations and personnel issues concerning Dr. Jenkins. Mr. Aaron Rogers stated there was a letter of resignation submitted by Dr. Jenkins that is being discussed but has not yet been approved by the Board of Trustees there. Ms. Carole Erickson asked

about some newspaper articles concerning Dr. Jenkins' behavior and allowed Dr. Jenkins to address them. He denied that the articles were true. Dr. Mary Anne Guggenheim asked if there had been any complaints filed in the past year. Dr. Jenkins stated there have been complaints filed and the Board screening panel has been and is now addressing the complaints. The screening panel had recommended that Dr. Jenkins be referred to the Montana Professional Assistance Program. He has contacted the program and Mr. Mike Ramirez recommended a full evaluation be performed. He provided a list of three facilities for Dr. Jenkins to pursue. Dr. Jenkins has contacted Dr. Graham with Acumen Assessments in Lawrence, Kansas and is now working to find the funding needed for the evaluation. The Board agreed that the evaluation needs to be completed or that Dr. Jenkins needs to be in the process of being evaluated by the July 2010 meeting. The status of his license will be discussed at that time and Dr. Jenkins should be present at the board meeting unless he is in the process of being evaluated (enrolled) at that time.

MOTION: Dr. Arthur Fink made the motion to extend Dr. Jenkins' probationary license until the July 23, 2010 Board meeting to allow Dr. Jenkins time to complete the required evaluation at Acumen Assessments in Lawrence, Kansas. If the required evaluation is complete or if he is in the process of being evaluated at Acumen Assessments by the July 23 meeting, the Board will evaluate it and review the license status. If the required evaluation is not complete or in process by July 23, 2010, Dr. Jenkins' license will be suspended until the evaluation is complete at which time Dr. Jenkins' license status will be reevaluated. Ms. Pat Bollinger seconded the motion and the motion passed unanimously.

ITEM # 11: Committee & Sub Committee Reports

A. Nurse / EMT Dual Role Task Force

Report on Board of Nursing Meeting

Ms. Jean Branscum reported the Board of Nursing passed a motion at their last meeting accepting the recommendation of the task force to require a registered nurse working in the pre-hospital setting to be licensed as an Emergency Medical Technician. The Board of Medical Examiners had approved this recommendation at a previous meeting. The Board agreed to place this item on the July 2010 meeting agenda to discuss the comments made earlier in the meeting regarding the impact to flight nurses. Dr. James Upchurch stated it was not the intent of the Board motion to limit the scope of practice for nurses. The Board directed Ken Threet to set up a subgroup meeting for more discussion on this item with Dr. Upchurch, Ms. O'Leary, Ms. Branscum and interested parties. Any subgroup recommendations would be brought back to the Board.

B. Laws and Rules Committee

The Board agreed to table the Laws and Rules Committee and related Subcommittee reports until the July 2010 meeting.

C. Outreach Committee

The Board agreed to table the Outreach Committee report until the July 2010 meeting.

D. Medical Director Subcommittee

Dr. James Upchurch stated the Medical Director Subcommittee had reviewed the current pre-hospital protocols and recommended the Board make several changes and additions. The changes and additions were discussed. When the protocols are completed they will be posted on the web site and an e-mail will be sent to the lead instructor list serve to inform licensees of the changes.

MOTION: Dr. Arthur Fink made the motion to approve the protocols with the proposed changes and additions. Dr. Kristin Spanjian seconded. The motion passed unanimously.

ITEM # 12: Board Communications

A. CPEP Annual Medical Board Learning Summit

Ms. Jean Branscum stated the Board had received an invitation from the Center for Personalized Education for Physicians to attend a learning summit in June. The summit is designed to assist medical board leadership in gaining a clear understanding of the benefits of personalized Competence Assessment and Education. She reported that the Center typically pays for lodging, but also agreed to cover travel costs for one person.

MOTION: Dr. Arthur Fink made the motion to send Mr. Mike Ramirez to the learning summit and Ms. Jean Branscum if the CPEP organization covers the cost of her travel. Dr. James Upchurch seconded. The motion passed unanimously.

B. Child Obesity Prevention

Ms. Branscum noted this communication was informational only.

C. Tribal Health Programs, Provider Licensure Exemption

The Board agreed to table this agenda item until the July 2010 meeting.

D. Council for Healthcare Regulatory Excellence

Ms. Branscum noted this communication was informational only. Board members may request it be placed on a future agenda if interested.

E. International Association of Medical Regulatory Authorities Meeting

The Board agreed to table this agenda item until the July 2010 meeting.

F. Montana Academy of Physician Assistants Meeting Invitation

Dr. Anna Earl stated the Academy had invited a member of the Board to speak at their upcoming annual meeting in August to talk about Physician Assistant regulations. The Board agreed that Mr. Don Sullivan and Dr. Arthur Fink will attend and speak at the meeting. If Dr. Fink cannot attend, Ms. Jean Branscum will fill his spot.

G. American Board of Medical Specialties, Licensure Maintenance

Ms. Branscum noted this communication was informational only.

ITEM # 13: Office Staff Reports

A. Executive Director Report

Ms. Jean Branscum noted a new rule/law book was distributed to Board members. The documents related to the agenda item were provided in the Board book. She stated the universal application will be made available online on June 1, 2010.

- 1) Budget Report
- 2) Online Application
- 3) FSMB Communication
- 4) Physician Assistant & Nutritionist Renewal Audit
- 5) EMT Report
- 6) Board Member Terms

B. Legal Report

Ms. Anne O'Leary did not have additional legal related information to share at this meeting.

C. License Application Report

The report was provided by Mr. Jerry Morse in the Board book.

MOTION: Dr. Arthur Fink made the motion to adjourn the meeting and Ms. Carole Erickson seconded. The motion passed unanimously.

2010 meeting dates:

July 23, 2010

September 17, 2010

November 19, 2010