

**BOARD OF MEDICAL EXAMINERS
FULL BOARD MEETING
HELENA MT
DATE: NOVEMBER 20, 2009
MINUTES
www.medicalboard.mt.gov**

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

Members Present: Dr. James Upchurch, Dr. Dean Center, Dr. Anna Earl, Dr. Arthur Fink, Dr. Kristin Spanjian, Ms. Pat Bollinger, Mr. Ryan Burke, Ms. Carole Erickson, Dr. Mary Anne Guggenheim, Dr. Michael LaPan, Mr. Dwight Thompson, Ms. Kay Bills-Kazimi

Staff Present: Ms. Jean Branscum, Ms. Anne O'Leary, Ms. Lavelle Potter, Mr. Ken Threet, Ms. Sheila Pfeifer, Ms. Linda Ashworth, Mr. Brad Bowers, Mr. Jerry Morse

Guests Present: Dr. Lynn Hankes, Mr. Mike Ramirez, Dr. Michael Ruggiero, Dr. Gregory Sloop, Mr. George Demay, Dr. Edward Nusbaum, Dr. Catherine Shin, Mr. Kevin Box, Dr. Robert Kushner, Ms. Tammy Scott, Mr. James DeTienne, Dr. Earl Sutherland, Dr. Katherine Borgenicht, Mr. Roy Kemp, Dr. Joseph Keel, Mr. Jim Murphy, Mr. Jason Christ, Mr. Tom Daubert, Dr. Paul Sims, Mr. Tony Rutigliano, Mr. James Madison, Mr. Mark Frisbie, Mr. Chris Lindsey, Mr. Jim Gingery, Mr. John Adams, Dr. Michael Geci, Mr. Greg VanHorsen, Ms. Sheila Morin, Mr. Kevin Sanders, Ms. Maggie Connor, and Mr. Dennis Clark

ITEM # 2: Introductions

Board members and staff introduced themselves to new Board member, Mr. Ryan Burke. Mr. Burke was appointed to the Board as a volunteer EMT. He introduced himself to the Board and gave a brief explanation of his past and current work. The Board members and staff welcomed Mr. Burke to the Board.

ITEM # 3: Approval of Minutes

Review and Approval of September 19, 2009 Minutes

MOTION: Dr. Arthur Fink made the motion to approve the September 19, 2009 minutes as presented. Dr. Michael LaPan seconded. The motion passed unanimously.

Review and Approval of October 23, 2009 Minutes

MOTION: Dr. Arthur Fink made the motion to approve the October 23, 2009 minutes as presented. Dr. Michael LaPan seconded. The motion passed unanimously.

ITEM # 4: Approval of Agenda

Review and Approval of November 20, 2009 Agenda

Ms. Jean Branscum suggested two changes be made to the proposed agenda. In item number one, Mr. Richard Williams will not be attending, but will be attending at the January 2010 meeting. In item number nineteen, Dr. Michael Geci will be added as a speaker to the Board. Information from Dr. Michael Geci had already been provided to the Board members.

MOTION: Dr. Michael LaPan made the motion to accept the agenda with the proposed change. Ms. Carole Erickson seconded. The motion passed unanimously.

ITEM # 5: Open Forum for Public Comments

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 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. The Chairperson of the board will determine the amount of time allotted for public comment.

Dr. James Upchurch asked if any person wanted to provide a comment. No individual request was made.

ITEM # 6: Compliance Report

Ms. LaVelle Potter presented an overview of the screening panel actions.

ITEM # 7: Unlicensed Practice

A. Dr. Michael Ruggiero

Ms. Anne O'Leary explained that Dr. Ruggiero had a complaint of unlicensed practice of telemedicine filed against him in conjunction with a complaint filed against Leroux Redman with the Rock Fitness Center. The complaint alleged that patients were being referred to Dr. Ruggiero who then consulted with Montana patients, prescribed human chorionic gonadotrophin to these patients, and arranged for the hormones to be shipped to patients in Montana. Dr. Ruggiero stated that he did not know of Mr. Redman until the letter from the compliance unit was received and has not practiced in Montana and never intended to. He also stated that he has never written a prescription to any patient that he did not personally see. There were letters sent to New Jersey and Colorado advising the licensing bodies

of the complaint against Dr. Ruggiero and the Board agreed that follow up letters will be sent advising them of the dismissal.

MOTION: Dr. Michael LaPan made the motion to dismiss the case without prejudice and Dr. Dean Center seconded. The motion passed unanimously.

ITEM # 8: Non-Routine Application

A. Dr. Gregory Sloop was present for the meeting in person. He had indicated on his application that he had a substance abuse problem and had completed a rehabilitation program. Dr. Sloop self reported this issue to the Texas medical board and agreed to participate in their drug testing program as of March 2009. He was referred to the Montana Professional Assistance Program. Mr. Mike Ramirez, after consultation with Dr. Sloop and the completed program, recommended him for licensure.

MOTION: Dr. Michael LaPan made the motion to grant Dr. Sloop an unrestricted Physician license. Dr. Anna Earl seconded. The motion passed unanimously.

B. Dr. Catherine Shin was present for the meeting by phone. Dr. Shin had been placed on disciplinary probation during her residency in 2001 and had her operating privileges suspended at her place of employment in 2007. She resigned this position in December of 2008. Dr. Shin was referred to the Montana Professional Assistance Program by Board staff. Mr. Mike Ramirez stated that he had consulted with Dr. Shin and reviewed with the Board her past history with an assistance program in Hawaii for disruptive behavior which she had not completed and where it was recommended that she enroll in a program in Hattiesburg, MS. Mr. Ramirez concurred with that program's recommendation. The Board presented three options to Dr. Shin: 1) she comply with the recommendations and the application would remain tabled until Mr. Ramirez could advocate for licensure, 2) she withdraw the application based on the locum tenens opportunity falling through and this would not be reported, or 3) the Board denies the application and files a report with the National Practitioners Data Bank. After further discussion with the Board, Dr. Shin stated that she would withdraw her application.

MOTION: Dr. Michael LaPan made the motion that Dr. Shin would send a withdrawal letter to Board staff within fifteen days of the meeting, if the letter was not received in that time frame, the Board would deny licensure. Dr. Kristin Spanjian seconded. The motion passed unanimously.

C. Dr. Robert Kushner was present for the meeting by phone. Dr. Kushner was before the Board for license approval as he had passed a Georgia state exam in 1962. Dr. Mary Anne Guggenheim asked Dr. Kushner about his practice history. Dr. Kushner stated

that he had worked in several small hospitals in Radiology and had been teaching at Emory hospital.

MOTION: Dr. Arthur Fink made the motion to grant Dr. Kushner an unrestricted Physician license. Ms. Pat Bollinger seconded. The motion passed unanimously.

D. Dr. Edward Nusbaum was present for the meeting in person. Dr. Upchurch opened the discussion stating that Dr. Nusbaum was before the Board because he had taken the Ohio state exam for his initial licensure. Dr. Nusbaum presented to the Board his work history.

MOTION: Dr. Michael LaPan made the motion to grant Dr. Nusbaum an unrestricted Physician license. Dr. Arthur Fink seconded. The motion passed unanimously.

E. George Demay EMT-P

George Demay attended the meeting in person. Dr. Upchurch opened the discussion explaining that Mr. Demay had an early history of criminal charges and had an unauthorized medication use but the service Medical Director denied that charge. Mr. Demay stated was licensed in Montana in 2003 and worked for a service in Billings and wanted to relicense so he can work again in Billings and Bighorn County.

MOTION: Dr. Michael LaPan made the motion to grant Mr. Demay an unrestricted EMT license. Dr. Dean Center seconded. The motion passed unanimously.

F. Mr. Dan Arbour EMT-B

Mr. Arbour was not present for the meeting and had advised Board staff prior to the meeting that he wanted to withdraw his application. Mr. Mike Ramirez stated that he had consulted with Mr. Arbour by referral from Board staff. Mr. Arbour had entered into a program in Texas and left that program early. Mr. Ramirez offered Mr. Arbour to enter into an agreement with the Montana Professional Assistance Program and Mr. Arbour stated that he was unwilling and unable to abide by the proposed program.

MOTION: Dr. Kristin Spanjian made the motion to accept the application withdrawal request. Dr. Michael LaPan seconded. The motion passed unanimously.

G. Mr. Kevin Box EMT-P

Mr. Kevin Box was present for the meeting in person. Mr. Box had been referred to the Montana Professional Assistance Program for consult as he had a history of depression and alcoholism. Mr. Mike Ramirez stated that he had met with Mr. Box, was satisfied with the discussions, and recommended Mr. Box for licensure.

MOTION: Dr. Michael LaPan made the motion to grant Mr. Box an unrestricted EMT license. Dr. Anna Earl seconded. The motion passed unanimously.

H. Dr. Phillip Breen Application Withdrawal

Dr. Phillip Breen did not attend the meeting, but had contacted the Board Office with a request to withdraw his application. Ms. Anne O'Leary explained that Dr. Breen had appeared before the Board in September, 2009, and was approved for a restricted non surgery license due to an injury sustained in a hunting accident.

MOTION: Dr. Michael LaPan made the motion to accept the withdrawal request. Ms. Carole Erickson seconded. The motion passed unanimously.

ITEM # 9: Tammy Scott PA Interview Follow-up

Ms. Scott was present for the meeting in person. Dr. Upchurch opened the discussion explaining that Ms. Scott was requested to complete a follow-up to an interview conducted in July with Dr. Anna Earl to review the percentage and number of chart reviews completed by her supervising physician and any alternate supervising physicians. Ms. Scott did not complete the follow-up. After staff experienced difficulties in getting Ms. Scott to comply, Ms. Jean Branscum requested that Ms. Scott come before the Board to present and discuss the chart review. Ms. Scott presented three letters from the supervising physicians that she works with addressing the chart reviews completed since the July interview. The Board and Ms. Scott discussed the request, reasoning behind the request, and obligations of licensees. Ms. Jean Branscum stated that Ms. Scott's oral report appeared to have met the request and, in addition, Ms. Scott had brought the requested documentation to the meeting. The Board thanked Ms. Scott for her attendance and report emphasizing the importance of the relationship between a supervising physician and PA.

ITEM # 10: MPAP Report

Mr. Mike Ramirez presented the report to the Board during Executive session.

MOTION: Dr. Michael LaPan made the motion to accept the MPAP report and Dr. Arthur Fink seconded. The motion passed unanimously.

ITEM #: 11: MPAP Performance Audit

Dr. Lynn Hankes presented information to the Board on his approach to completing a performance audit of the Montana Professional Assistance Program. He shared with the Board his initial assessment of a few areas after having spent the past few days interviewing

individuals and reviewing documents provided by MPAP. He stated a full written report will be sent to Ms. Jean Branscum for distribution to the Board members. The report will be discussed at the January Board meeting.

ITEM # 12: Commission on Dietetic Registration, Code of Ethics

Ms. Pat Bollinger opened the discussion and explained that Ms. Jean Branscum had received a copy of the revised American Dietetic Association / Commission on Dietetic Registration, Code of Ethics for the profession of Dietetics and process for consideration of ethics issues that was approved by the ADA's leadership in May of 2009. The new code will become effective January 1, 2010. Ms. Bollinger stated that the first code of ethics was presented in 1985 and the current code was effective in 1999 and explained the areas that the new code covered. The Board thanked Ms. Bollinger for her presentation of the new code of ethics which individuals holding a nutritionist license in Montana must adhere to per administrative rule.

ITEM # 13: Pathologist to Pathologist Consultation Clarification

Ms. Jean Branscum explained that this issue was brought to the Board at the September meeting by Dr. Mark Wick requesting an opinion on whether or not a license is required for this type of practice. The Board made a motion at that meeting that a Telemedicine license was not required. A question remains on whether or not a physician license is required for the out of state Pathologist participating in this type of consultation. The Board agreed that the out of state Pathologist is not making the final diagnosis and, thus, does not need to be licensed.

MOTION: Dr. Anna Earl made the motion that Pathologist to Pathologist consultation does not require the out of state Pathologist to be licensed as a Physician. Dr. Arthur Fink seconded. The motion passed unanimously.

ITEM # 14: Communications

A. Board Seal

Ms. Jean Branscum and Mr. Ken Threet presented new samples of the proposed seal to use on the Board web site. The Board reviewed the samples and agreed on the seal with the snake facing to the East.

MOTION: Dr. Kristin Spanjian made the motion to accept the samples with the snake facing East as the official Board seal for the web site and for official board business. Dr. Arthur Fink seconded. The motion passed unanimously.

B. Electronic Newsletter

Ms. Jean Branscum and Mr. Ken Threet presented an email that had been sent to licensees through a list serve. Mr. Threet noted the results showed that eighty-seven percent of the emails were received

in an e-mail account. Ms. Jean Branscum did note the Board does not have emails for each licensee, so additional work can to be done to get a more complete list. She noted the eNewsletter is available on the Board's website and that an RSS (Real Simple Syndication) in place on the website. The Board complimented staff on the look and content of the eNewsletter, and agreed that staff should continue issuing eNewsletter with the goal to better inform licensees of Board activities.

C. Ms. Branscum received a letter from a foreign medical graduate student who is attending the Montana Family Practice Residency Program. The letter voiced concern about the application of the administrative rule that requires foreign medical graduates to have had three years of post-graduate training education before a physician license can be granted to foreign medical graduates in the Montana program. The graduate noted the importance of moonlighting and requested an exemption from the three-year requirement. The Board discussed a possible rule change or adding a new rule to address foreign medical graduates and those who are enrolled in the Montana Family Practice Residency Program.

MOTION: Dr. Arthur Fink made the motion that language be added to the current rule that a foreign medical graduate who is currently and successfully enrolled in the Montana Family Practice Residency Program may be treated as a regular Montana resident under the condition that the individual provides two recommendations from Montana licensed physicians and a letter from the residency program stating that they are enrolled and in good standing. Dr. Anna Earl seconded. The motion passed unanimously.

ITEM # 15: POLST Outreach

Dr. Kathryn Borgenicht was present for the meeting by phone. Dr. Borgenicht expressed a concern that while POLST is now being used in facilities there is still some confusion and misinformation concerning POLST. She stated she will meet with the American Medical Response service in January and the Montana Medical Association will meet in March and want to have an informational break out at their meeting. Dr. Borgenicht proposed that possibly a half-day or a full-day educational session be offered to those who have concerns. Mr. Ken Threet stated that information on POLST had been presented at two fall conferences and during the Lead Instructors courses. A mailing also went out to all EMS services and Lead Instructors. Dr. Arthur Fink stated that Comfort One education took approximately three years to get out to the providers. Dr. Upchurch suggested a possible traveling task force be created to make presentations at facilities around the state to get the information out. Dr. Borgenicht stated that the Comfort One envelopes are also a big issue. Mr. James DeTienne stated that there was funding available at the Department of Public Health for the printing of additional envelopes. Dr. Borgenicht will follow-up directly with DPHHS on the envelopes. It was suggested that an article be drafted for the Montana Medical Association newsletter. Dr. Kristin Spanjian and Dr. Borgenicht agreed to draft

such an article and send the draft to Ms. Jean Branscum for review and to submit to MMA.

ITEM # 16: Medical Prescription Authority for Psychologists

Dr. James Upchurch opened the discussion by providing some background information on PhD Psychologists in Montana. He noted there were now two in the state, one of which was Dr. Sutherland. Dr. Sutherland consults with Dr. Upchurch on what medications should be prescribed and Dr. Upchurch prescribes them. Dr. Earl Sutherland PhD addressed the Board providing information about appropriate training for Psychologists to be qualified for consideration to prescribe. He also proposed that the Board consider and review recent legislation in Louisiana where Medical Psychologists were moved to the Board of Medicine to allow prescriptive authority. New Mexico, Louisiana and Guam already have existing statutes in place and all branches of the military have prescribing Psychologists. He noted both New Mexico and Louisiana have higher rates of new providers since the legislation passed. He further explained that in order to be licensed as a clinical Psychologist in New Mexico a person must have a Doctorate degree from an approved program, complete an internship, an additional two-year of supervised practice, and pass a National Board exam. The Montana Association has partnered with Alliant International University to provide the Master of Science course in clinical psychopharmacology. Dr. Arthur Fink suggested to Dr. Sutherland that he get with his association and start some dialogue to draft some rules similar to Louisiana and bring them to the Laws and Rules Committee for discussion.

MOTION: Dr. Kristin Spanjian made the motion to support this idea in general for further investigation. Dr. Michael LaPan seconded. The motion passed unanimously.

ITEM # 17: EMT

A. Vaccinations on Medication Endorsement

Dr. Upchurch explained that in a past meeting the Board considered the adoption of an emergency administrative rule that would allow EMTs to give influenza vaccinations during a flu pandemic. The Board did not pursue this option due to the statutory requirements related to emergency rulemaking. He suggested the Board consider adding an influenza vaccination to the current medication endorsement because the training for intramuscular injections is already in place and the EMT is required to have Medical Direction. He noted that he and Ms. Jean Branscum had reviewed this option with Ms. Eve Franklin, Health Policy Advisor for the Governor's Office. At Ms. Franklin's request, Mr. Jim Murphy, Bureau Chief for Communicable Disease, reviewed the option and Mr. Murphy stated that local health departments do think that having more people available to assist with vaccinations is a good idea and it should be a generic protocol in a clinical setting. It was noted that while Medical Direction is required, performance measures could be added in the protocol and current Centers for Disease Control

guidelines could be followed. It was also clarified that the Medical Director determines what medications are used in the endorsement. There was discussion on what vaccinations should be added to the endorsement. Ms. Kathy Haden, Chairperson of the Board of Nursing, stated that EMTs with this endorsement already have the knowledge and skills of the injections and have medical direction so public safety should not be an issue. Ms. Connie Reichelt with the Board of Nursing had also written a letter in support of adding influenza vaccination to the endorsement. It was agreed that the addition would take place and a copy of the endorsement would be sent to the Board of Nursing and the Department of Public Health and Human Services for review.

MOTION: Dr. Arthur Fink made the motion to add influenza vaccination to the current EMT-Basic medication endorsement. Dr. Dean Center seconded. The motion passed unanimously.

B. Flu Protocol

Dr. Upchurch requested the Board consider a small change to the current protocol that was approved at the last meeting. He proposed a change to the second paragraph:

The local medical director must determine, in consultation with the local public health department and health care facilities, what scores would facilitate transport or treat and release; this could change depending on the evolving characteristics of the viral infection and may change daily or even hourly depending on available medical resources.

MOTION: Dr. Anna Earl Made the motion to accept the changes to the protocol as modified. Dr. Michael LaPan seconded. The motion passed unanimously.

ITEM # 18: Medical Assistants, Medication Preparation

Ms. Jean Branscum explained that the Board's opinion was being sought by the Board of Pharmacy on an issue related to the work performed by medical assistants in oncology centers. The Board of Pharmacy also had requested a representative attend their meeting in January. Dr. James Upchurch stated that the physician at the oncology Center is responsible for the medical assistant's practice. After further discussion, it was determined that more information was needed about the specifics of the center, the training of the physician, and the tasks being assigned, including the task of mixing medications. Ms. Branscum was requested to follow-up with the requesting party to gather more information. Ms. Sheila Morin with the Montana Medical Assistant Association expressed interest in learning what type of training Pharmacy Technicians obtain as they also mix this type of medication. Ms. Morin also stated that Medical Assistants do get some pharmacology training in their courses and recommended the physician should know and ensure that the Medical Assistant is competent in the practice. The Board agreed to table the item until more information is gathered.

ITEM # 19: Medical Marijuana Clinics

Dr. James Upchurch opened the discussion and stated that this session is intended to educate the Board about medical marijuana clinics and associated issues. Mr. Roy Kemp, Deputy Administrator of the Quality Assurance Division with the Department of Public Health and Human Services, presented information on the current laws and rules. He noted there have been 4,571 patients put on the registry and 1,414 caregivers. A patient must be diagnosed by a medical doctor or a doctor of osteopathy and there is a list of debilitating conditions defined in statute. The physicians do not prescribe but recommend the use of medical marijuana after a full assessment has been completed. At the present time there are 221 physicians participating in the program and most recommendations are for severe or chronic pain. The registry is confidential and can only be accessed by law enforcement trying to identify a patient and or caregiver.

Mr. Jason Christ, Director of Montana Caregivers Network and Montana Doctors for Medical Marijuana, presented information on the medical marijuana clinics operations and the Montana Caregivers Network. The Network operates as a non-profit organization that assists people who are suffering from chronic pain. He noted this is achieved by setting up and conducting assessment clinics for potential program participants to meet with a medical doctor; assisting in the collection, verification and synthesis of patient medical records; implementing a public education program regarding the rights and responsibilities of individuals who qualify for program participation; and facilitating communication between qualified patients and those individuals licensed to produce medical marijuana and the different strains depending on the patient condition. Mr. Christ provided a general overview of the clinics noting the network does not see over two-hundred patients a day in the clinics as reported by the media.

Mr. Tom Daubert, Director and Founder of Patients and Families United, presented background information to the Board having run the initiative campaign for medical marijuana in Montana, helped draft the current law and formed the Patients and Families United. He stated Patients and Families United is Montana's public education, advocacy and support group for pain patients whether they use medical marijuana or not. The group has seen a sharp reduction in the use of other pain medications in patients when medical marijuana is used as an alternative. Mr. Daubert also stated that the American Medical Association just reversed their seventy-two year policy and is now calling for marijuana to be taken off the schedule one list with more scientific research to continue.

Dr. Michael Geci gave the final presentation. Dr. Geci stated he had practiced in emergency medicine in the past, but was now interested in alternative medicine and holistic care. He had requested the Board clarify the standard of care for physicians who are willing to evaluate patients for medical marijuana. He shared information based on his own research of the issue and explained the operations of the clinics

he holds in Montana. He noted two thirds to seventy-five percent of his patients have multiple medical conditions, so the range of those conditions need to be evaluated because of the way marijuana is metabolized in the body and there could be drug interactions. His clinic counsels patients and patients are sometimes referred to other physicians or specialists for proper evaluation. Periodic drug tests are sometimes recommended. Dr. Geci stated he expects to see a tremendous amount of research on cannabinoids in the next few years and he is in the process of trying to set up a laboratory to evaluate the various types of cannabinoids. He had not found any formal scientific study of strain versus strain and encouraged a system be developed where there would be a central testing facility for standards and quality control of marijuana being grown by various growers.

ITEM # 20: Online Uniform Application

Ms. Jean Branscum opened the discussion by providing background information on the FSMB uniform application and the Board's past direction to utilize the application in Montana. Mr. Brad Bowers explained the Board staff had completed work with the Federation of State Medical Boards to create Montana specific addendums and several question arose needing Board action. Mr. Tony Rutigliano, Director of Government Affairs, and Mr. Kevin Sanders were present by phone from FSMB.

Board members generally discussed the FSMB application, possible costs, and impact to applicants. Tony explained that at this time there is no cost for this service. However, FSMB anticipates there will be fee charged to applicants in the future. Mr. Sanders explained the web application is supported on all Microsoft systems. While not aware of the number of Macintosh system users, he noted there was less than one-percent of the users having trouble with the web application and the web security is as secure as any bank system.

The Board reviewed the Montana specific addendums. Ms. Branscum noted the Board had modified language on the Health Corp application and this was incorporated into the uniform application, and recommended a language change on the VeriDoc portion. Mr. Bowers presented another change to note on the application that the Board does not require a copy of the official transcripts from the medical school. Mr. Bowers also presented other recommended changes to delete duplicative question on withdrawals; add language to question 17 concerning malpractice; and add question 21 about serving in the military. The Board discussed the use of the uniform application's medical school certificate in place of the current certificate form which requires notarization. It was agreed that notarization was not needed and to use the FSMB form. The Board also discussed information collected on past work experience of applicants. Jean explained another addendum would be necessary to collect information all information reflected on the current application. The Board agreed the additional information was not needed and could be collected from applicants if deemed needed when the application is nonroutine. The

Board agreed that the Health Corp application would not be a part of the online application addenda at this time.

MOTION: Dr. Michael LaPan made the motion to accept the proposed changes to the online application. Dr. Kristin Spanjian seconded. The motion passed unanimously.

MOTION: Dr. Kristin Spanjian made the motion to start using the online application when the changes are made and no longer use the current hard copy application. Dr. Anna Earl seconded. The motion passed unanimously.

ITEM # 21: Practice of Dentistry, Rules on Anesthesia

Dr. Kris Spanjian opened the discussion explaining there was concern that the existing rules adopted by the Board of Dentistry were not in accordance with the American Society of Anesthesia standards of practice and were not in accordance with the American Dental Association standards of practice in some respect. She noted she had spoken with Dr. Paul Sims, Chairperson for the Board of Dentistry, about the concern and the Board of Dentistry agreed and was aware of the need to update the rules. Dr. Spanjian noted the definition of sedation, anesthesia, light general anesthesia and general anesthesia do not correlate with the American Society of Anesthesia or the American Dental Association. The Board discussed the differences in the rules and the standards of practice presented by Dr. Spanjian and Dr. Sims. Dr. Sims stated that the definitions are in statute and his group is holding meetings to start drafting legislative language changes and plan on using the American Society of Anesthesia definitions first published in 1999 and amended in 2004. Dr. Sims also stated that when the draft legislation is complete, it would be brought before the Board of Medical Examiners for review and comments.

ITEM # 22: Correctional Health Care Review Team

Ms. Jean Branscum opened the discussion referring to a letter from Ms. Darcie Moe, Managing Attorney for the Business Standards Division, where the Department was requesting assistance in recruiting individuals to serve on the Correctional Health Care Team. Ms. Branscum asked Board members to contact the Board Office if they knew of any individuals that might be interested and qualified.

ITEM # 23: Administrative Rules

A. HB 578 Health Corps Hearing

Ms. Anne O'Leary updated the Board on the rule hearing held October 20, 2009, on the rules related to HB 578 Montana Health Corps. She explained that there were no persons present for public comment and there were no written comments received.

MOTION: Dr. Mary Anne Guggenheim made the motion to adopt the rules relative to the Health Corps as proposed. Ms. Carole Erickson seconded. The motion passed unanimously.

B. Pending Administrative Rule Projects

Ms. Jean Branscum provided an update to the Board on the pending clean-up package of rules noting they are anticipated to be filed the Monday after Thanksgiving. The rule notice includes proposed changes requested by the Board for Nutritionists and Physician Assistants.

Dr. Arthur Fink presented a draft of the Health Corp guidelines that were required by House Bill 578 to the Board for review.

MOTION: Dr. Arthur Fink made the motion to adopt the guidelines as presented. Dr. Mary Anne Guggenheim seconded. The motion passed unanimously.

ITEM # 24: Committee & Sub Committee Reports

A. Dual Role Task Force

Dr. James Upchurch stated the task force had been working to define what additional training is needed for nurses to work on an emergency medical service. Mr. Ryan Burke will meet with Ms. Connie Reichelt of the Board of Nursing to determine the skill set needed for nurses to work in this field which would assist the medical director. The skill set or other recommendations will be brought back to the task force for review at their January meeting.

B. Laws and Rules Committee

Dr. Arthur Fink stated the committee was continuing to work on rules related to SB 174, moving forward on the request to revise the acupuncture rules, updating the position paper related to nutritionists, and had completed work on guidelines for HB 578. The committee had requested individual work groups whose members represent nutritionists and acupuncturists to draft proposed changes for the committee's review. He noted the committee will also plan to review rules as drafted by psychologists based on the Board discussion from earlier agenda item #16.

C. Outreach Committee

Ms. Carole Erickson provided a summary of the committee's discussion and shared the article drafted by Dr. Center for the Montana Medical Association newsletter. She reported she had met with Eve Franklin, Policy Advisor on Health and Families. She stated the committee will be reviewing the Board website and working on outreach efforts related to Health Corps program and POLST. Dr. Kristin Spanjian and Dr. Katherine Borgenicht will draft the next article for the Montana Medical Association newsletter. Mr. Jim DeTienne stated that the Department of Health is now printing

more Comfort One bracelets and asked the Board if they would put the contact person for the bracelets on the website when that person is determined. The Board agreed to do so.

D. Medical Director Sub Committee

Dr. James Upchurch stated the committee had not met since the last Board meeting, and reported the medical director training site was now available for access. The committee will be looking at the pre hospital protocols in the future to add suggested performance measures to the bottom of some of the protocols. The reason for the measures is to give medical directors, who are not familiar to EMS, some ideas of what they should start looking at for good patient care. The committee may also add well supported evidence based best practice procedures.

E. Physician / Hospital Committee

Dr. Kristin Spanjian stated the committee members were in the process of setting up their first meeting. The agenda will include medical spas. The initial meeting will focus on how best to approach the topic since other Boards have expressed interest in possible participation. The discussion may also include a review of the definition of surgery as stated in the rules.

ITEM # 25: Legislation 2011

Ms. Jean Branscum requested the Board create a wish list for legislation for the department's review. She stated the Board had expressed interest in past meetings to add a half time medical director to Board staff and requesting board member representation for acupuncturists. She noted there had been discussion on the growth of the Board membership and the need for a balance of medical doctors to other members. The Board agreed to contact Ms. Branscum with any ideas for the upcoming session. The ideas will be presented to the Board at the January meeting.

ITEM #26: EMT Report

Mr. Ken Threet presented the EMT report. He was questioned on how many training program audits have been performed in the last year. Mr. Threet stated the only audits performed were requests from the Board when an issue came up. Dr. Upchurch stated that with the new training guidelines coming soon, there should be more audits performed in the future. Dr. Anna Earl stated that she has heard from the Lead Instructors in her area who were concerned about the number of people taking First Responder courses that do not take the test because of the cost of the test, the travel cost and the limited amount of testing sites in Montana. Mr. Threet stated that even nationally there are many candidates that will pay the cost of the exam, but never take it. The reason for this is unknown. He stated an exam site had closed in Great Falls, but Montana State University in

Great Falls was trying to get set up as a new exam site and Liberty County is working to possibly get a site there at the library. Mr. Threet noted a possibility of using job service locations for testing sites. The Board agreed that Mr. Threet include POLST informational sessions as he is traveling to different areas throughout the state to conduct training program audits. Mr. Threet updated the Board of the attendance at the Rural Trauma Symposium and that there was a good turnout at the Board booth. He recommended it is attended again if the opportunity arises.

MOTION: Dr. Michael LaPan made the motion to conduct ten percent periodic random audits of EMT training programs geographically throughout the state. Dr. Arthur Fink seconded. The motion passed unanimously.

ITEM # 27: Legal Report

Ms. Anne O'Leary reported that an injunction has been filed against the Board in district court to prevent the Board from investigating or pursuing a screening panel matter. She had conversations with the attorney and he agreed that he would withdraw the injunction, but the district court judge denied his injunction before he could withdraw it.

ITEM # 28: Executive Director Report

Ms. Jean Branscum

A. Budget report

Ms. Jean Branscum presented the budget report to the Board.

B. Application report

Ms. Jean Branscum presented the application report to the Board.

C. Board Communications

Ms. Jean Branscum referred the Board to a letter she had received from the Foundation of Medical Excellence requesting that the Board post their upcoming conference on the web site. The Board agreed that for now they will not be posting educational conferences on the website. Ms. Branscum also updated the Board on a letter that was sent from Board staff to Physician Assistants requesting them to update staff of their current supervision agreements and to close any that are not still in place. There has been a huge response to the letter and the database is being corrected as the responses are received.

D. FSMB Communication

Ms. Branscum advised the Board of the upcoming annual meeting in April of 2010 and that typically the Board sends two members to the

meeting. The Board agreed that any person interested in attending should contact Jean.

E. Board Book, Print Version

Ms. Branscum referred the Board to the hard copy rules book that was printed in the past and distributed to members and staff. With new laws and rules being implemented, she asked if the Board is interested in printing new books for them. The Board agreed that they wanted to have new books printed.

ITEM # 29: Election of Board Officers

Dr. Arthur Fink made the motion to nominate Mr. Dwight Thompson for President. Dr. Michael LaPan seconded. Mr. Thompson accepted the nomination. There were no other nominations. The motion passed unanimously.

Dr. Mary Anne Guggenheim made the motion to nominate Dr. Anna Earl for Vice President. Dr. Kristin Spanjian seconded. Dr. Earl accepted the nomination. There were no other nominations. The motion passed unanimously.

Dr. Kristin Spanjian made the motion to nominate Ms. Pat Bollinger for Secretary. Dr. Anna Earl seconded. Ms. Bollinger accepted the nomination. There were no other nominations. The motion passed unanimously.

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

Next meeting: January 22, 2010

2010 meeting dates

January 22, 2010
March 19, 2010
May 20 and 21, 2010
July 23, 2010
September 17, 2010
November 19, 2010