

**BOARD OF MEDICAL EXAMINERS
FULL BOARD MEETING
301 SOUTH PARK AVENUE, 4th Floor – Large Conference Room
HELENA MT
DATE: January 21, 2011**

MINUTES

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 at 9:46 AM. Roll call was taken and a quorum was present.

Dr. Earl thanked Mr. Dwight Thompson for his leadership as Chair of the Board of Medical Examiners and presented him with a plaque in appreciation for his service.

Dr. Earl also welcomed Ms. Kay Bills-Kazimi back to the Board as the physician assistant liaison to the Montana Academy of Physician Assistants.

Members Present: Mr. Dwight Thompson, Dr. Dean Center, Ms. Eileen Sheehy, Dr. Mary Anne Guggenheim, Ms. Pat Bollinger, Dr. James Upchurch, Dr. Nathan Thomas, Dr. Bruce Hayward, Mr. Ryan Burke, Dr. Kristen Spanjian, Ms. Kay Bills-Kazimi, Dr. Anna Earl, Ms. Carole Erickson

Members Absent: None

Staff Present: Ms. Jean Branscum, Ms. Anne O'Leary, Ms. Linda Ashworth, Mr. Ken Threet, Ms. LaVelle Potter

Guests Present: Mr. Mike Ramirez, MPAP; Jack Kane, Administrator, Department of Labor and Industry; Dr. John Girardi; Greg Barnes; Dr. Anthony Russell; Linda Russell; Dr. Gary Mundy; Dr. Tom Rasmussen; Ms. Marti Wangen, Montana Psychological Association; Dr. Douglas Smith; Ms. Cheryl Brant, Program Manager for the Board of Psychiatry; Casey Blumenthal, MHA

ITEM #2: Approval of Agenda:

MOTION: Ms. Eileen Sheehy made a motion to approve the January 21, 2011 agenda. Ms. Pat Bollinger seconded the motion. The motion passed unanimously.

ITEM # 3: Department Update

Jack Kane, Administrator DLI/BSD was present to provide a Department update to the Board. The Board voiced concerns with HB 94. He reported that the bill had passed out of the House and had been transmitted to the Senate. He suggested any changes to the bill would need to come in the form of an amendment in the Senate committee. Mr. Kane asked that any amendments to the bill be supported by both the Board of Medical Examiners and the Board of Dentistry.

The Board also voiced its concerns with SB 120 which would require personal contact information of members of all state appointed boards to be available to the public. Mr. Kane also discussed SB 73 and HB 68.

ITEM #4: Approval of Minutes

The Board reviewed the November 17, 2010 minutes.

Ms. Pat Bollinger stated that on Page 11 of the minutes, in the second full paragraph, the word "non tradition" should be changed to "non-physician".

Dr. Mary Anne Guggenheim stated that on page 6 of the minutes, under the first paragraph regarding Rachel Green, the words "prudent and reasonable" should be changed to "prudently and reasonably".

MOTION: Dr. Dean Center made a motion to approve the November 19, 2010 minutes as amended. Ms. Pat Bollinger seconded the motion. The motion passed unanimously.

The Board reviewed the November 17, 2010 Executive Session minutes.

MOTION: Ms. Pat Bollinger made a motion to approve the November 19, 2010 Executive Session minutes. Dr. Kris Spanjian seconded the motion. 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. Anna Earl opened the meeting for public comment. There was no public comment.

ITEM # 6: Compliance Report

Ms. LaVelle Potter presented the compliance report to the Board and updated the members on the earlier screening panel discussions. The panel reviewed nine cases. Six were dismissed with prejudice, one case without prejudice, two cases were tabled and none were noticed for disciplinary action.

ITEM # 7:

A. HB 68

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEDICAL MARIJUANA ACT TO CREATE A LICENSING AND REGULATORY SYSTEM FOR PEOPLE WHO GROW, MANUFACTURE, DISTRIBUTE, OR SELL MEDICAL MARIJUANA; REQUIRING MONTANA RESIDENCY TO OBTAIN A REGISTRY IDENTIFICATION CARD OR A LICENSE; CLARIFYING REQUIREMENTS FOR PHYSICIANS WHO PROVIDE WRITTEN CERTIFICATION; PROVIDING LOCAL GOVERNMENT AUTHORITY TO REGULATE MEDICAL MARIJUANA LICENSEES; ESTABLISHING PROHIBITIONS ON THE MEDICAL USE OF MARIJUANA BY CERTAIN PEOPLE; EXPANDING THE LIMITATIONS ON THE MEDICAL USE OF MARIJUANA; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; CREATING A SPECIAL REVENUE ACCOUNT; APPROPRIATING FUNDS; AMENDING SECTIONS 7-1-111, 50-46-101, 50-46-102, 50-46-103, 50-46-201, 50-46-202, 50-46-205, 50-46-207, 50-46-210, AND 61-11-101, MCA; REPEALING SECTION 50-46-206, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND A TERMINATION DATE."

Ms. Jean Branscum provided an update on HB 68. The three areas of concern to the Board were 1) the definition of debilitating medical condition, 2) defining standard of care in statute, and 3) the reference to amount of medical marijuana allowed. The Board had passed a motion at the January 14, 2011 meeting to act as an informational witness on HB 68 and point out the areas of concern. Permission was granted from the Governor's Office for the Board to provide informational testimony.

The Board reviewed draft testimony and the legislative informational template. Dr. Anna Earl will represent the Board at the legislative hearing. Ms. Jean Branscum and Ms. Anne O'Leary will attend to be available for questions.

ITEM # 8: Unlicensed Practice

A. Eric Boughton

Mr. Boughton was not present for the meeting. Mr. Boughton holds a current chiropractic license in the state of Montana. The original complaint was before the Board of Chiropractors and stated that Dr. Boughton was practicing acupuncture without a license. The Board of Chiropractors dismissed the complaint with prejudice and then referred the matter to the Board of Medical Examiners because of possible unlicensed practice of acupuncture.

Ms. Anne O'Leary highlighted points from the position paper on "dry needling" from the Council of Colleges of Acupuncture and Oriental Medicine." She recommended the complaint be dismissed without prejudice.

MOTION: Ms. Carole Erickson moved to dismiss the complaint without prejudice and encourage Mr. Boughton to apply for an acupuncturist license in the state of Montana. Dr. Nathan Thomas seconded the motion.

After further discussion Ms. Erickson withdrew the motion to dismiss the complaint without prejudice.

MOTION: Dr. Dean Center made a motion to issue a cease and desist order with further clarification. Ms. Carole Erickson seconded the motion. Dr. Dean Center, Mr. Dwight Thompson, Dr. Nathan Thomas, Dr. Kristin Spanjian, and Dr. James Upchurch voted in favor of the motion. Dr. Mary Anne Guggenheim, Ms. Pat Bollinger, Ms. Carole Erickson, Mr. Ryan Burke, Dr. Bruce Hayward, and Ms Eileen Sheehy voted against the motion. The motion failed.

MOTION: Dr. Kris Spanjian made a motion to send Dr. Boughton a letter stating the Board's concerns about dry needling making the distinction that if he makes treatment broader than trigger points dry needling that he must get an acupuncture license. The complaint would be dismissed without prejudice. Dr. Mary Anne Guggenheim seconded the motion. The motion passed. Dr. Dean Center opposed the motion.

B. Vernon Clark

Ms. O'Leary reported that Mr. Vernon Clark is in violation of the cease and desist order to stop practicing medicine without a Montana license. He continues to act in the capacity of physician, evaluating, diagnosing and treating medical conditions. The court found him in contempt of court and asking him to comply with the injunction the court had issued in 2008.

ITEM # 9: Non-Routine Licensure Application

A. Dr. Anthony Russell

Dr. Russell was present for the meeting. Dr. Russell retired from practicing neurosurgery in 2005 due to chronic pain and physical neurological deficits stemming from a seizure in December 2000. He seeks to resume the practice of medicine on a limited basis as a locum tenens in the state. He stated he has had no further seizure activity, is taking no medication and is in good physical health.

Dr. Russell had a malpractice case resulting from a 1998 incident that was settled without trial and dismissed with prejudice. The case was not listed with the NPDB. Since Dr. Russell has not been practicing since 2005, he took the SPEX in December 2010. Dr. Russell passed the SPEX and provided documentation to the Board.

The Board discussed Dr. Russell's application with him and suggested he receive a neurological evaluation. Dr. Russell agreed to obtain a neurological evaluation as a condition for licensing.

MOTION: Dr. Kristin Spanjian made a motion to issue Dr. Russell an unrestricted license pending receipt of a letter indicating a favorable neurological evaluation. If the evaluation indicates any restrictions Dr. Russell's application will come back to the Board for further scrutiny. Dr. Dean Center seconded the motion. The motion passed unanimously.

B. Dr. John Girardi

Dr. John Girardi attended the meeting in person. Dr. Girardi application had been received in November 2010. The Board discussed Dr. Girardi's application with him. He was referred to MPAP on November 16, 2010 because of past substance abuse treatments and reference to a personality

disorder in 2003. Mr. Ramirez had requested further information and had not received it. Mr. Ramirez had suggested that Dr. Girardi undergo a multidisciplinary assessment evaluation.

MOTION: Dr. Kristin Spanjian made a motion to allow Dr. Girardi two weeks to decide to comply with the recommendation from Mr. Ramirez to undergo a multidisciplinary assessment evaluation or withdraw his application with no penalty. If he does not respond in two weeks the Board will deny him a license. Ms. Pat Bollinger seconded the motion. The motion passed unanimously.

Dr. Girardi noted that he would respond to the Board's request by February 4, 2011.

C. Dr. Walter Faillace

Dr. Walter Faillace did not attend the meeting. Dr. Faillace requested his application be withdrawn because the locum tenens position of interest to him was no longer available.

MOTION: Dr. Dean Center made a motion to approve the withdrawal of Dr. Walter Faillace's application for physician licensure. Ms. Carole Erickson seconded the motion. The motion passed unanimously.

D. Dr. Gary Mundy

Dr. Mundy attended the meeting in person. He had not worked since 2007 and was requesting that the Montana Board of Medical Examiners sponsor him for the SPEX.

MOTION: Mr. Ryan Burke made the motion to sponsor Dr. Mundy to take the SPEX. If Dr. Mundy passes the SPEX he will return and fulfill the application requirements for licensure. Mr. Dwight Thompson seconded the motion. The motion passed unanimously.

Dr. Mundy indicated he would contact FSMB.

E. Casey Riley, EMT-B

Mr. Riley was not present for the meeting. Mr. Riley's EMT-B application was before the Board because of numerous misdemeanor traffic violations.

MOTION: Mr. Ryan Burke moved to issue Mr. Riley a one-year probationary license. The stipulation for a probationary license will include one year without any traffic or other violations. Dr. Kristen Spanjian seconded the motion. The motion passed. Mr. Dwight Thompson opposed the motion.

F. Christopher Klamert, EMT-B

Mr. Christopher Klamert attended the meeting by phone. Mr. Klamert's EMT-B application was before the Board because of multiple driving citations. Since Mr. Klamert had a clean driving record for five years the Board agreed to grant him an unrestricted license.

MOTION: Dr. Kris Spanjian made a motion to grant an unrestricted EMT-B license to Christopher Klamert. Mr. Ryan Burke seconded the motion. The motion passed unanimously.

ITEM #10 Ratification:

A. Rachel Green - EMT B

Ms. Anne O'Leary stated that Ms. Green had entered into a stipulation for a probationary license and would need Board ratification on the signed final orders. The stipulation for a probationary license included one year without any traffic or other violations.

MOTION: Dr. James Upchurch made a motion to ratify the final order signed by Ms. Green. Dr. Dean Center seconded the motion. The motion passed unanimously.

ITEM # 11: MPAP Report

Dr. Anna Earl called the meeting into executive session to discuss the MPAP report with Mike Ramirez.

Dr. Earl called the Board meeting back into open session.

Dr. Mary Anne Guggenheim suggested the MPAP video explaining the role of MPAP could be shown at the retreat in May.

ITEM # 12: Administrative Licensure application withdrawals

Ms. Anne O'Leary presented a list of applications that were over one year old which included incomplete applications, incomplete applications requesting withdrawal and applications previously before the Board that did not fulfill the request for more information.

- A. Incomplete Applications on File Over One Year
 - a. K. Amborz, MD
 - b. John Asriel, MD
 - c. Kenneth Bailey, MD
 - d. Darlene Barron, DO
 - e. Mark Bolton, MD
 - f. Lucy Dossett, MD
 - g. Adnan Khoury, MD (Telemedicine)
 - h. Meyer Proler, MD (Telemedicine)
 - i. John Nichols, MD
 - j. Caroline Reich, MD
 - k. Nathan Van Dyke, MD
 - l. Yihan Wang, MD
 - m. Sara Whitehouse, MD
 - n. Kathy Winston, MD
- B. Incomplete Applications Requesting Withdrawal
 - a. Anthony Dede, MD
 - b. James Langland, MD
 - c. Scott Emerick, MD
 - d. Babette Lanius, RD
- C. Applications Previously before Board – Request for More Information
 - a. Geoffrey Booth, MD
 - b. Stephen Elliott, MD

MOTION: Dr. Dean Center made a motion to grant administrative withdrawal of one-year old applications that include incomplete applications, incomplete applications requesting withdrawal and applications previously before the Board that did not fulfill the request for more information in an allotted time frame. Dr. Guggenheim seconded the motion. The motion passed unanimously.

ITEM # 13 Quarterly reports

- A. Jason Shaffer

Ms. Branscum recapped that the Board had issued a one year probationary license to Jason Schaffer at the July meeting with the stipulation that required Dr. Greg Moore to provide quarterly reports to the Board. She queried whether the full Board would like to continue receiving quarterly

reports or have Compliance look at them and send report to the full Board only if there were issues.

MOTION: Dr. Dean Center moved that the quarterly reports should be reviewed by Compliance and be brought to the full Board for review only if there are issues. Dr. Mary Anne Guggenheim seconded the motion. The motion passed unanimously.

ITEM #14: Board Generated complaints

A. Delegation list for Board generated complaints

In the essence of time item #14 was moved to the March meeting.

ITEM # 15: LEGISLATIVE REPORT

A. Bill Tracking and Hearing Report

Ms. Jean Branscum provided a copy of the bill tracking and hearing report. She reported that HB 25 had passed out of committee with amendments. Copies of the amendment were not available prior to the meeting. Once available the Board will look at the bill as amended and decide if further discussion would be needed.

She also noted that SB 27, which would provide for an acupuncturist on the Board of Medical Examiners, had passed from the Senate and had been transmitted to the House.

B. SB 189 (LC 0483)

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PHARMACISTS TO ADMINISTER THE INFLUENZA VACCINE TO INDIVIDUALS WHO ARE 12 YEARS OF AGE OR OLDER; AND AMENDING SECTION 37-7-101, MCA."

Ms. Branscum stated that SB 189 would revise pharmaceutical authority to administer flu vaccine for people twelve years and older, dropping the age from 18.

C. LC 0683

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO PSYCHOLOGY; MAKING IT UNLAWFUL FOR A PRESCRIBING PSYCHOLOGIST TO OWN, DIRECTLY OR INDIRECTLY, A COMMUNITY PHARMACY; ADDING

PRESCRIBING PSYCHOLOGISTS TO THOSE WHO MAY DISPENSE DRUGS OR MEDICINE WHEN APPROPRIATE; REQUIRING PRESCRIBING PSYCHOLOGISTS TO REPORT A DIAGNOSIS TO THE DEPARTMENT OF JUSTICE IF APPROPRIATE; PROVIDING PRESCRIBING PSYCHOLOGISTS WITH IMMUNITY FROM LIABILITY; PROVIDING DEFINITIONS; GRANTING THE BOARD OF PSYCHOLOGISTS RULEMAKING AUTHORITY; SPECIFYING THE QUALIFICATIONS FOR PRESCRIPTIVE AUTHORITY OF PRESCRIBING PSYCHOLOGISTS; REQUIRING THE BOARD OF PSYCHOLOGISTS TO DEVELOP AND IMPLEMENT PROCEDURES RELATING TO THE CERTIFICATION, REVIEW, AND MONITORING OF PRESCRIBING PSYCHOLOGISTS; REQUIRING THE BOARD OF PSYCHOLOGISTS AND THE BOARD OF PHARMACY TO INTERACT REGARDING PRESCRIBING PSYCHOLOGISTS; CREATING A PRESCRIBING PSYCHOLOGISTS OVERSIGHT COMMITTEE; AMENDING SECTIONS 37-2-101, 37-2-103, 37-2-106, 37-2-311, 37-2-312, 37-7-502, 37-8-102, 37-17-101, 37-17-102, 37-17-104, 37-17-202, AND 37-17-313, MCA; AND REPEALING SECTION 37-17-103, MCA."

Ms. Branscum reported that LC0683 would revise the laws related to psychologists' prescriptive authority. It would allow PHD psychologists trained in pharmacology to be given prescribing authority. This concept was before the board in 2009 and at that time the Board expressed interest in this idea. The bill would also create an advisory panel of which the Board of Medical Examiners would provide two members.

Marty Wangen, Executive Director of the Montana Psychological Association, was present to answer questions. The Board discussed concerns and will continue to monitor the bill.

D. LC 1844

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LIMITS FOR ON-DUTY HOURS FOR CERTAIN EMERGENCY MEDICAL SERVICE EMPLOYEES; REQUIRING RECORDKEEPING; AND AMENDING SECTIONS 50-6-302 AND 50-6-323, MCA."

Ms. Branscum stated that LC 1844 would establish limits on hours of ambulance employees. The Board felt there were too many variables involved and chose to oppose the bill.

MOTION: Dr. James Upchurch moved to oppose the bill. Ms. Pat Bollinger seconded the motion. The motion passed unanimously.

Dr. Upchurch will summarize the Board's opposition to the bill for Board and email the summary to all members. Ms. Branscum will forward the comments to the Governor's Office along with the Board's opposition to the bill.

E. SB 154 (LC 0100)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LICENSURE OF AND ESTABLISHING A REGULATORY STRUCTURE FOR PERSONS WHO ACQUIRE, POSSESS, CULTIVATE, SELL, DELIVER, TRANSFER, OR TRANSPORT MARIJUANA FOR MEDICAL USE FOR A PERSON OTHER THAN THEMSELVES; ESTABLISHING LICENSING PROCEDURES AND FEES FOR GROWERS AND FOR PREMISES WHERE MARIJUANA FOR MEDICAL USE IS CULTIVATED OR WHERE OTHER ACTIVITIES INVOLVING THE MEDICAL USE OF MARIJUANA OCCUR; CREATING EXCEPTIONS FOR PARENTS OF MINOR CHILDREN WHO ARE REGISTERED FOR MEDICAL USE OF MARIJUANA; REQUIRING PUBLIC NOTICE OF AND OPPORTUNITY TO PROTEST APPLICATIONS TO LICENSE PREMISES OR CHANGE THE LOCATION OF LICENSED PREMISES; ESTABLISHING INSPECTION AND REPORTING REQUIREMENTS; ESTABLISHING A FEE ON SALES OF MARIJUANA FOR MEDICAL USE; CREATING A SPECIAL REVENUE ACCOUNT; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING A TRANSITION PERIOD; AMENDING SECTIONS 50-46-102, 50-46-103, 50-46-201, 50-46-205, 50-46-206, AND 50-46-210, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

Ms. Branscum stated that SB 154, sponsored by Senator Dave Lewis, would regulate the medical marijuana provider supply system under the Department of Revenue. The bill does not appear to have a direct impact on the Board of Medical Examiners' licensees. The bill is one of several bills addressing issues related to the supplying of medical marijuana. She noted that the bill would probably be amended as it moves through the legislative process.

No action was taken on the bill at this time and the Board will continue to monitor the bill as it moves through the legislative process.

F. SB 170 (LC 0918)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS FOR ISSUING A MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD FOR A DIAGNOSIS INVOLVING SEVERE AND CHRONIC PAIN; REQUIRING DOCUMENTATION OF THE DIAGNOSIS; REQUIRING A REVIEW PANEL TO EVALUATE AND CONFIRM THE DIAGNOSIS; REVISING DEFINITIONS;

PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 50-46-102, 50-46-103, AND 50-46-210, MCA."

Ms. Branscum reported that SB 170 would revise the medical marijuana laws on obtaining certification for chronic pain. The bill would set up a review panel to confirm a diagnosis for chronic pain, charging a fee to the certifying physician in order to pay for the cost of the panel. MMA will oppose the bill because of the fee imposed on the physician.

No action was taken on the bill at this time and the Board will continue to monitor the bill as it moves through the legislative process.

G. LC 1815

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEDICAL MARIJUANA ACT TO AUTHORIZE POSTTRAUMATIC STRESS DISORDER AS A DEBILITATING MEDICAL CONDITION QUALIFYING A PERSON FOR MEDICAL MARIJUANA; AND AMENDING SECTION 50-46-102, MCA."

Ms. Branscum stated that LC 1815 would add PTSD to the list of debilitating medical conditions.

No action was taken on the bill at this time and the Board will continue to monitor the bill as it moves through the legislative process.

H. SB 167 (LC 0177)

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A TERMINALLY ILL PATIENT TO REQUEST MEDICATION TO END THE PATIENT'S LIFE; ESTABLISHING PROCEDURES; PROVIDING THE RIGHT TO RESCIND THE REQUEST; PROVIDING DEFINITIONS; PROVIDING IMMUNITY FOR PERSONS PARTICIPATING IN GOOD FAITH COMPLIANCE WITH THE PROCEDURES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Ms. Branscum reported that SB 167 would implement a ruling on aid in dying for terminally ill patients. The bill is modeled after the Oregon and Washington laws. The concern was raised that the law would not allow for reporting data, enabling Montana to gather specific information. Ms. Carole Erickson suggested that Dr. Stephen Speckart, an oncologist from Missoula and a proponent of the bill, would be a source for offering more information to the Board.

No action was taken on the bill at this time and the Board will continue to monitor the bill as it moves through the legislative process.

I. LC 1925

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEDICAL MARIJUANA ACT; REQUIRING STATEMENTS BY PHYSICIANS PROVIDING WRITTEN CERTIFICATION; REQUIRING NONDIVERSION STATEMENTS FROM INDIVIDUALS APPLYING FOR REGISTRY IDENTIFICATION CARDS; REQUIRING MONTANA RESIDENCY; ESTABLISHING APPLICATION AND RENEWAL FEES; ESTABLISHING PENALTIES; REVISING LIMITS ON POSSESSION AND DISTRIBUTION OF USABLE MARIJUANA; PROHIBITING SMOKING IN PUBLIC PLACES; AMENDING SECTIONS 50-46-102, 50-46-103, 50-46-201, 50-46-205, AND 50-46-210, MCA; AND PROVIDING AN EFFECTIVE DATE."

Ms. Branscum reported that LC1925 would change the requirement of certification for medical marijuana by changing the definitions of certification by requiring a physician statement. The statement would be filed along with the registry application with the DPHHS. It would also require two physicians to certify minors and would provide a process for the physician to pull a card.

No action was taken on the bill at this time and the Board will continue to monitor the bill as it moves through the legislative process

J. LC 2016

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING A FIREFIGHTER TO THE BOARD OF MEDICAL EXAMINERS; DEFINING "FIREFIGHTER"; AMENDING SECTIONS 2-15-1731 AND 50-6-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Ms. Branscum reported that LC 2016 would provide for a firefighter to be added to the Board of Medical Examiners.

MOTION: Ms. Carole Erickson moved to oppose the bill. Mr. Dwight Thompson seconded the motion. The motion passed unanimously.

K. SB 120

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CERTAIN INFORMATION ABOUT MEMBERS OF STATE AGENCY BOARDS, COMMITTEES, COMMISSIONS, AND ADVISORY COUNCILS BE PROVIDED FOR PUBLICATION IN OFFICIAL REPORTS AND BE PROVIDED ON WEBSITES; AND PROVIDING AN EFFECTIVE DATE."

The Board members expressed concerns that personal contact information would be available to the public. It was the preference of the Board that anyone wishing to contact a Board member could do so through the Board office. Currently only the home town of a board member is listed on the website along with the Board's email address.

No action was taken on the bill at this time and the Board will continue to monitor the bill as it moves through the legislative process

L. HB 94

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROFESSIONS AND OCCUPATIONS LAW; REVISING LICENSE VERIFICATION REQUIREMENTS FOR OUT-OF-STATE APPLICANTS; ..."

Ms. Branscum reviewed HB 94 stating that the bill was a Department housekeeping bill that contained legislative wish lists that the different boards had compiled. She noted that the bill had successfully passed from the House and moved to the Senate. The Board expressed concerns with issues inserted into the bill by the Board of Dentistry. Dr. Douglas Smith, Chairman of the Dentist/Anesthesiology Subcommittee joined the discussion in person. The Board reviewed the amended language related to anesthesia. Concerns expressed included Dr. Kristin Spanjian noting the national organization of the American Society of Anesthesiologists does not make a distinction between "intubated" general anesthesia and general anesthesia or deep sedation, and that all these levels of induced unconsciousness should be monitored by appropriate personnel and that the qualifications needed to administer all these levels should be the same. The Board concurred with Dr. Spanjian and suggested that she work with Dr. Smith and the Board of Dentistry committee to recommend amendments to HB 94. Together the Board of Medical Examiners and the Board of Dentistry would then present the amendments to the Legislature.

MOTION: Dr. Mary Anne Guggenheim moved to authorize Dr. Kristin Spanjian to act on the Board's behalf to work with Dr. Douglas Smith and the Board of Dentistry on changes to HB 94. Ms. Carole Erickson seconded the motion. The motion passed unanimously.

M. Other

Ms. Branscum reported LC 1472 was a bill draft request being monitored that would possibly move the ambulance licensing program to the Department of Labor and Industry. No other information was available. The requestor is Representative Dan Skattum.

ITEM #16: Board of Massage Therapy Request

- A. Use of the term "medical massage"
In the essence of time item #16 was postponed moved to the March meeting.

ITEM # 17: BOARD COMMUNICATIONS

- A. Position Paper from the Council of Colleges of Acupuncture and Oriental Medicine –Dry Needling. (Information only- No response required)
- B. Jeffrey K. Shapiro – PinPointe FootLaser (Information only – No response required)
- C. Medical Marijuana – Dr. Edwin Stickney, MD

In the essence of time item the correspondence from Dr. Stickney was postponed to the March meeting.

- D. Licensing of Registered Cardiovascular Invasive Specialists, Registered Cardiovascular Specialist Assistants – Charles O. Williams, The International Council of Certification for Cardiovascular Specialists and Assistants, Inc.

Ms. Anne O'Leary noted that this issue might be a concern for the radiologists. She recommended sending the information to the Montana Board of Radiologic Technologists.

MOTION: Dr. Kristin Spanjian moved to forward the article regarding the titled, *"Licensing of Registered Cardiovascular Invasive Specialist, Registered Cardiovascular Specialist Assistants"*

to the Montana Board of Radiologic Technologists. Dr. Bruce Hayward seconded the motion. The motion passed unanimously

- E. Request for Sponsor - 2011 Trauma Conference April 16, 2011

The Board will not sponsor this event at this time.

- F. 2011 Rocky Mountain Rural Trauma Symposium

MOTION: Dr. Kris Spanjian moved to sponsor The Rural Trauma Symposium as in the past. Mr. Ryan Burke seconded the motion. The motion passed unanimously.

- G. FSMB Symposium – Balancing Access, Safety & Quality in a New Era of Telemedicine – (Informational Only)

ITEM #18: POLST

In the essence of time item #18 was moved to the March meeting.

ITEM #19: Office Staff Reports

- A. Executive Director Report – Ms. Jean Branscum – she offered the reports.

- a. Budget Report

The Board was provided a copy of the budget report for review.

- b. State Medical Director Update

Ms. Jean Branscum reported that advertisements had been placed in two national journals and have not attracted any more applicants. She will continue to advertise for another month before calling the interview panel together.

- B. Legal Report • Ms. Anne O’Leary

- C. EMT Report • Mr. Ken Threet

The Board was provided a copy of the EMT report for review.

- D. Program Manager Report • Ms. Linda Ashworth

- a. License Application Report

The Board was provided a copy of the application report for review.

ITEM # 20:

Dr. Kristin Spanjian made a motion to adjourn the meeting. Ms. Pat Bollinger seconded the motion. The meeting was adjourned at 2:36 PM. Move to adjourn at 2:36 by Kris. Motion carried.