

**BOARD OF MEDICAL EXAMINERS
FULL BOARD MEETING
301 SOUTH PARK AVENUE, 4TH FLOOR – LARGE CONFERENCE ROOM
DATE: MAY 7, 2012
TIME 5:30 PM to CONCLUSION
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 and Introductions

Dr. Anna Earl called the meeting to order at 5:30 p.m. Roll call was taken and a quorum was present.

Members Present: Dr. Anna Earl (Chair), Dr. Dean Center, Dr. Kristin Spanjian, Dr. Bruce Hayward, Dr. Mary Anne Guggenheim, Dr. Nathan Thomas, Ms. Pat Bollinger, Mr. Ryan Burke, Ms. Eileen Sheehy, Tanja Brekke, Ms. Carole Erickson, and Mr. Dwight Thompson

Members Absent: Dr. James Upchurch, Ms. Kay Bills-Kazimi, Mr. Dwight Thompson

Staff present: Mr. Ian Marquand, Ms. L'Joy Griebenow, Anne O'Leary, Esq.

Guests Present: Mr. Patrick Johnson; Mr. Craig Charlton; Mr. Bradley Williams; Dr. David Haffer, Dr. Craig Treptow; Dr. Troy Norred; Dr. Ted Ursich; Dr. Terrence Hankins, Dr. Steve Carlson, Mr. Paul Cook; Ms. Sheila Wirt; Ms. Kay Brown; Dr. Mark Morash

ITEM # 2: Approval of Agenda

The Board reviewed the May 7, 2012 Agenda.

MOTION: Ms. Carole Erickson made a motion to approve the May 7, 2012 agenda as amended; Ms. Pat Bollinger seconded the motion. Motion passed unanimously.

ITEM # 3: Approval of Minutes

The Board reviewed the March 16, 2012 Meeting Minutes. Ms. Pat Bollinger noted a typographical error.

MOTION: Dr. Dean Center made a motion to approve the March 16, 2012 minutes as amended; Dr. Bruce Hayward seconded the motion. Motion passed unanimously.

The Board reviewed the March 16, 2012 Executive Session Minutes.

MOTION: Dr. Dean Center made a motion to approve the March 16, 2012 executive session minutes as amended; Dr. Bruce Hayward seconded the motion. Motion passed unanimously.

ITEM # 4: Open Forum for Public Comments

Dr. Anna Earl read the Public Comment Statement into the record.

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. Two individuals requested the opportunity to speak.

Mr. Craig Charlton, representing Montanans Against Assisted Suicide, noted that though his letter responding to Rep. Barrett's letter with respect to Position Paper 20 was timely submitted to be considered at this meeting, he proposed moving consideration of his letter, and requested delay of consideration of Rep. Barrett's letter, until the July meeting of the full Board to grant the public additional time to provide further input.

Mr. Patrick Johnson, representing Compassion & Choices, decided to not make a comment at this time.

Ms. Anne O'Leary added that Mr. Charlton's letter arrived, technically, in a timely fashion, but not with enough time for it to be scanned and put out for public to view within the three business days. She noted that the Board has received some comments about the public not having enough time to comment on its action, and as a result she recommended that the letter from Rep. Barrett (Item #5A) also be postponed to the July agenda to allow additional time for public comment, to consolidate the time expended on this matter, and with the additional benefit that the July Board meeting will be after the June 11 Economic Affairs interim Committee meeting where there has been some indication that the topic of policy vs. rule might be discussed.

ITEM # 5: Board Communications

- A. Letter from Rep. Barrett and Sen. Blewitt concerning
Position Paper #20

Mr. Ian Marquand noted that Rep. Barrett and Sen. Blewitt's letter, though dated March 20, but not received at the office until April 3. He proceeded to outline the contents of the letter. Ms. Anne O'Leary reiterated that staff is requesting that the whole topic of the letter be postponed until the July 2012 Board meeting. Mr. Marquand noted that he had spoken with Rep. Barrett and obtained Rep. Barrett's

agreement to have the Board's consideration of the letter postponed to a future meeting of the Board. The Board noted that it has given ample time to discuss the topic and received considerable public comment throughout the entire process. The issues raised by the letter are limited to whether or not the Board improperly changed its Position Paper (rule vs. policy), and whether or not the Board is going to vacate Position Paper #20.

MOTION: Dr. Kris Spanjian made a motion to postpone consideration of just the issues identified in this letter until the July 2012 meeting; Dr. Nathan Thomas seconded the motion. Motion passed unanimously.

ITEM # 6: Non-Routine Applications

A. Ms. Anna Simms, Acupuncturist.

Ms. Simms was not present for the discussion of her application, or at any time during the meeting. She was before the Board because she did not graduate from an acupuncturist school that is approved by the national accreditation commission for schools and colleges of acupuncture and oriental medicine. The Board reviewed and discussed this issue and the license application.

MOTION: Ms. Tanja Brekke made a motion to grant Ms. Simms a full and unrestricted acupuncturist license; Dr. Bruce Hayward seconded the motion. Motion passed unanimously.

B. Paul Cook. MD

Dr. Cook was present before the Board by telephone. He was before the Board because he has not actively practiced medicine within the last two years. He has not practiced clinically since 2007 and has had one malpractice case. The Board reviewed and discussed these issues and the license application with Dr. Cook. The Board recommended the CPRP (Clinical Practice Reentry Program) provided through CPEP (Center for Personalized Education for Physicians) to Dr. Cook to aid in his reentry. Dr. Cook was reminded that if he did not complete the SPEX (Special Purpose Examination) within one year from the date of his application, that his application would be automatically withdrawn and he would have to completely reapply.

MOTION: Dr. Dean Center made a motion that the Board sponsor Dr. Cook to take the SPEX exam; Ms. Pat Bollinger seconded the motion. Motion passed unanimously.

MOTION: Dr. Bruce Hayward made a motion to require Dr. Cook to successfully complete the CPRP (Clinical Practice Reentry Program) at CPEP (Center for Personalized Education for Physicians), to release CPEP to send his evaluation and completion information from that program directly to the Board of Medical Examiners, and that, once he has successfully completed the CPRP and SPEX exam, to reappear before the Board prior to December 7, 2012 so that the

Board will consider his application for possible licensure; Ms. Carole Erickson seconded the motion. Motion passed unanimously.

The Board directed Mr. Marquand to provide further information, e.g., CPRP contact information, etc., to Dr. Cook to enable him to pursue the Board's direction.

C. Teddy Ursich, DPM

Dr. Ursich was present for the meeting and was before the Board because he has not practiced podiatry for over 20 years, his CA license expired in 1990 and was canceled in 1993 for non-renewal, he has not kept up with competency requirements, and he is not certified to do podiatric surgery. The Board reviewed and discussed this issue and the license application process with Dr. Ursich. The Board recommended the CPRP (Clinical Practice Reentry Program) for podiatrists provided through CPEP (Center for Personalized Education for Physicians) to Dr. Cook to aid in his reentry; Dr. Ursich was amenable to this recommendation.

MOTION: Dr. Bruce Hayward made a motion to require Dr. Ursich to successfully complete the CPRP (Clinical Practice Reentry Program) for podiatry at CPEP (Center for Personalized Education for Physicians) or such other comparable podiatric program which has been pre-approved by Dr. Nathan Thomas or his podiatric successor to the Board, and to release CPEP or such Board pre-approved program to send his evaluation and completion information from that program directly to the Board of Medical Examiners, before the Board will consider his application for possible licensure; Dr. Mary Anne Guggenheim seconded the motion. Motion passed unanimously.

The Board directed Mr. Marquand to provide further information, e.g., CPRP contact information, etc., to Dr. Ursich to enable him to pursue the Board's direction.

D. Steve Carlson, MD

Dr. Carlson was present for the meeting. He was offered and expressly waived his right to privacy. He was before the Board because he was formerly a Board certified anesthesiologist; lost privileges and had his license in another state put on probation because of substance abuse. He has since undergone treatment, and has had the probation terminated in 2010. Dr. Carlson has completed a pathology residence and has been offered a position to practice as a pathologist in Montana. Dr. Carlson has voluntarily entered into a 1-year contract with MPAP. The Board reviewed and discussed these issues and the license application with Dr. Carlson.

MOTION: Mr. Carle Erickson made a motion to grant a full and unrestricted license to Dr. Carlson; Dr. Kris Spanjian seconded the motion. Motion passed unanimously.

E. Troy Norred, MD

Dr. Norred was present for the meeting by telephone. He was offered and expressly waived his right to privacy. He was before the Board for numerous reasons including, but not limited to, being placed on probation during fellowship (unsatisfactory grades, unprofessional conduct), having his clinical privileges revoked (reported on NPDB) because he failed to comply with a directive of the medical executive committee to undergo anger management counseling in the time frame given, and his counselor failed to submit a written report to the medical executive committee of his employer, instances of ongoing unprofessional attitudes and behaviors, complaints of placing pacemakers of certain vendors because of enticements, performing procedures he was not credentialed to do, having an affair with another employee, not maintaining good working relationships with staff and administration, having his staff category reduced from active to associate staff, etc. Dr. Norred mentioned during his remarks that he was working at 6 other hospitals at the same time as the one that filed the clinical action without problems. The Board reviewed and thoroughly discussed these issues and the license application with Mr. Norred.

MOTION: Dr. Mary Anne Guggenheim made a motion to require Dr. Norred to be evaluated by Mike Ramirez of MPAP (Montana Physician Assistance Program) and to table further consideration of Dr. Norred's application until the Board receives a recommendation from MPAP that states that Dr. Norred should be licensed; Dr. Bruce Hayward seconded the motion. Motion passed unanimously.

The Board directed Mr. Marquand to provide further information, e.g., MPAP contact information, etc., to Dr. Norred to enable him to pursue the Board's direction.

F. Terrence Hankins, DO

Dr. Hankins was present for the meeting. He requested his application be considered in executive session. He was before the Board because he had abruptly left his practice last year and he did not make any arrangements for coverage. His work was terminated because of his prolonged and unexplained absence; Minnesota Board of Medical Examiners found that no patients were harmed by his action. He requested at this time that his application be further considered in Executive Session.

At this time, Dr. Earl transitioned the Board meeting into executive session by stating:

"IT IS MY DETERMINATION THAT THE FOLLOWING MATTERS RELATE TO A MATTER OF INDIVIDUAL PRIVACY AND THAT THE DEMANDS OF PRIVACY CLEARLY EXCEED THE MERITS OF PUBLIC DISCLOSURE. FOR THIS REASON THE BOARD WILL NOW BE CLOSED FOR EXECUTIVE SESSION TO CONSIDER THESE MATTERS AND WILL DISCONNECT FROM THE CONFERENCE CALL."

Dr. Earl returned the meeting back to regular session. Roll call was taken and a quorum was present.

Report from the executive session:

According to Ms. Anne O'Leary "one matter was heard and a vote was taken to table the matter."

Adjourn

MOTION: Dr. Mary Anne Guggenheim made the motion to adjourn the meeting; Dr. Kris Spanjian seconded. Motion passed unanimously.

Next meeting: May 17-18, 2012