

**BOARD OF MEDICAL EXAMINERS  
LAWS AND RULES COMMITTEE  
4<sup>TH</sup> FLOOR CONFERENCE ROOM  
301 SOUTH PARK AVE  
HELENA, MONTANA  
DATE: MAY 3, 2012  
TIME 5:30 P.M. - CONCLUSION**

**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. Guggenheim called the meeting to order at 5:40 p.m. Roll call was taken and a quorum was present.

**Members present:** Dr. Mary Anne Guggenheim (Chair), Dr. Bruce Hayward, Dr. Nathan Thomas, Ms. Pat Bollinger

**Members absent:** Ms. Carole Erickson

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

**Guests present:** Ms. Jean Branscum (Montana Medical Association (MMA), by telephone), Mr. Patrick Johnson (Compassion & Choices, in person)

**ITEM #2: Review of Agenda**

The Committee reviewed the May 3, 2012 Agenda. The agenda was amended to postpone approval of the February 16, 2012 meeting Minutes until the next meeting.

**MOTION: Ms. Pat Bollinger made a motion to approve the May 3, 2012 agenda as amended; Dr. Nathan Thomas seconded the motion. Motion passed unanimously.**

**ITEM #3: Approval of Minutes of February 16, 2012 Meeting – postponed**

**ITEM #4: Open Forum: Public Comment**

**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 committee on any topic that is not on the agenda for this meeting. While the committee cannot take action on the issues presented, the committee will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chair of the committee will determine the amount of time allotted for public comment.

Dr. Guggenheim opened the meeting for public comment.

There were no comments.

#### **ITEM #5: Rules – Anne O’Leary**

The Committee heard from Anne O’Leary, Esq., Counsel for the Montana Board of Medical Examiners, regarding possible rules to be put forth to the Board for consideration.

##### **A. 24.156.618. Testing Requirement**

Ms. O’Leary guided the discussion regarding this section. She explained that the issue of reactivating a license from inactive status has been of particular concern to licensees, and was a subject discussed most recently at the Federation of State Medical Boards’ annual meeting. The amendment to this section would enable licensees who hold inactive licenses in Montana, but are practicing medicine in another state or jurisdiction, to more easily reactivate their medical licenses in Montana. This amendment would also clarify requirements for licensees who hold inactive licenses in Montana and who have not been actively practicing medicine for two or more years preceding the request for reactivation. Additionally the amendment outlines some options for the Board to employ to better ensure that a licensee with an inactive license who has not been clinically practicing for two or more years prior to a reactivation request would be prepared to re-enter the profession. Ms. Branscum requested that the Committee keep the requirements as easy as possible for physicians actively practicing elsewhere to reactivate their Montana license. The Committee thoroughly discussed this section.

**MOTION: Dr. Bruce Hayward made a motion to recommend this rule as amended to the full Board for consideration and endorsement at its next meeting; Dr. Nathan Thomas seconded. Motion passed unanimously.**

##### **B. 24.156.619. Obligation to Report to Board**

Ms. O’Leary guided the discussion regarding this section. She explained that this amendment is intended to unify reporting requirements among all professions which the Board licenses. The Committee discussed this section.

**MOTION: Ms. Pat Bollinger made a motion to recommend this draft rule as amended, and comparable draft rules for podiatrists, telemeds, acupuncturists, and EMTs, to the full Board for consideration and endorsement at its next meeting; Dr. Bruce Hayward seconded. Motion passed unanimously.**

#### **ITEM #6: Adjourn**

**MOTION: Bruce Hayward made the motion to adjourn the meeting; Ms. Pat Bollinger seconded. Motion passed unanimously.**

**Meeting adjourned.**