

**FULL BOARD MEETING MINUTES**  
of the  
**BOARD OF MEDICAL EXAMINERS**  
301 S. Park Ave, 4<sup>th</sup> Floor, Helena MT  
10:15 a.m. to 6:00 p.m.  
March 20, 2015

**1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:03)**

Dr. Bruce Hayward (Chair), Mr. Charles Farmer, Dr. Kris Spanjian, Dr. Nathan Thomas, Ms. Tanja Brekke, Ms. Carole Erickson, Dr. Anna Earl, Ms. Patricia Bollinger, Dr. Jim Upchurch, Dr. Mary Anne Guggenheim, Prof. Ana Diaz, and Mr. Dwight Thompson (by telephone)

**Board Members Absent:**

Mr. Ben Lindeman and Dr. James Feist

**Staff Members Present:**

Mr. Ian Marquand - Executive Officer, Board of Medical Examiners  
Mr. Mike Fanning – Board Counsel, Board of Medical Examiners  
Mr. Graden Hahn – Board Counsel, Board of Medical Examiners  
Ms. L'Joy Griebenow – Board Management  
Ms. LaVelle Potter – Compliance Officer  
Mr. Ken Threet – EMT Training Coordinator  
Dr. Harry Sibold – State EMS Medical Director (by telephone)  
Mr. Todd Younkin – Business Standards Division Administrator

**Guests Present:**

Mr. Michael Ramirez, Ms. Tamra Schmalz, Mr. Jim DeTienne, Dr. Allen Foster, Mr. Kyle Hopstad, Ms. MacKenzie Stark, Dr. Damon Alavekios, Dr. Laurel Matthews, Ms. Anna Crain (by telephone), Ms. Kay Brown (by telephone), Mr. William Wan (by telephone), Dr. Barbara Germin (by telephone), Mr. Stewart Kirkpatrick (by telephone), Ms. Megan McCrae, Ms. Jody Haines (by telephone)

**2. Approval and Tentative Modification of Agenda Order (5:16)**

- a. March 20, 2015 Agenda

**MOTION: Dr. Spanjian moved to approve the March 20, 2015 Agenda as written; Ms. Erickson seconded the motion. Motion passed unanimously. (5:58)**

**3. Review and Approve Minutes (6:11)**

- a. January 16, 2015 Open Session.

**MOTION: Ms. Bollinger moved to accept the January 16, 2015 Open Session Minutes as clarified; Prof. Diaz seconded the motion. Motion passed unanimously. (8:28)**

- b. January 16, 2015 Executive Session (8:46)

**MOTION: Dr. Thomas moved to accept the minutes of the January 16, 2015 Executive Session; Prof. Diaz seconded the motion. Motion passed unanimously. (8:55)**

**4. Public Opportunity to Comment (9:16)**

The Presiding Officer read the statement of public participation and opened the meeting for public comment. There was no public comment.

**5. Compliance Report (10:08)**

- a. Screening Panel Report

Ms. LaVelle Potter reported that the Screening Panel considered 5 cases during its meeting this morning of which 1 case was dismissed with prejudice, 2 cases were dismissed without prejudice, and the remaining 2 cases were tabled. This was for information purposes only; no Board action was taken.

## 6. Board Action

### a. Licensee Administrative Action (10:31)

#### i. Anna Crain, ACU

**MOTION: Ms. Brekke moved to grant Anna Crain a full and unrestricted acupuncture license; Dr. Spanjian seconded the motion. Motion passed unanimously. (13:59)**

### b. Non-routine Applications (15:21)

#### i. Damon Alavekios, PHYS (15:21)

Dr. Alavekios was present before the Board in person. Ms. Hahn led the discussion.

**MOTION: Dr. Earl moved to grant a full and unrestricted license to Damon Alavekios [to practice medicine] in the State of Montana; Ms. Bollinger seconded the motion. Motion passed, with Dr. Guggenheim opposed. (52:37)**

#### ii. Michael LeFever, PHYS (53:37, 55:49, 56:25, and 1:36:01)

Dr. LeFever was present before the Board. Dr. LeFever waived his right of privacy with respect to hearing his application in closed session (55:49; 56:25). Ms. Hahn led the discussion (1:36:01).

**MOTION: Dr. Earl moved to grant a probationary license to Michael LeFever; Ms. Erickson seconded the motion. Motion passed unanimously. (1:43:52)**

#### iii. Laurel Matthews, PHYS (54:17 and 1:44:50)

Dr. Matthews was present before the Board. Dr. Matthews waived her right of privacy with respect to hearing her application in closed session (54:17). Dr. Upchurch recused himself from the discussions. (1:45:04) Ms. Hahn led the discussion.

**MOTION: Dr. Earl moved to grant a full and unrestricted license [to practice in Montana] pending [receipt of] a favorable report and recommendation from MPAP; Dr. Guggenheim seconded the motion. (2:12:05) Discussion ensued. Motion passed; Dr. Upchurch did not vote. (2:13:15)**

#### iv. Anousheh Ashouri, PHYS (1:00:20)

Dr. Ashouri was present before the Board by telephone. Ms. Hahn led the discussion.

**MOTION: Dr. Guggenheim moved to table [consideration of Anousheh Ashouri's] application pending receipt of a letter of recommendation from [chief of staff of] each of the three hospitals that Dr. Ashouri has worked at during the last 18 months, the letters specifically addressing each of clinical competency and interpersonal relationships; Dr. Earl seconded the motion. Motion passed unanimously. (1:20:15)**

(1:22:04) Dr. Spanjian proposed a friendly amendment, accepted by Dr. Guggenheim and Dr. Earl to add "professionalism" to the motion so that the motion then read:

**MOTION: Dr. Guggenheim moved to table [consideration of Anousheh Ashouri's] application pending receipt of a letter of recommendation from [the chief of staff of] each of the three hospitals that Dr. Ashouri has worked at during the last 18 months, the letters specifically addressing each of clinical competency, interpersonal relationships, and professionalism; Dr. Earl seconded the motion. Motion passed unanimously. (1:22:17)**

Dr. Ashouri agreed to appear in person before the Board during its May full board meeting. (1:20:58)

#### v. Joe Pruneda, PHYS (3:09:44)

Dr. Pruneda was not present before the Board by telephone. Mr. Marquand led the discussion.

**MOTION: Dr. Guggenheim moved to grant Joe Pruneda a full and unrestricted license [to practice medicine in Montana pending a satisfactory discussion between Mr. Marquand and Dr. Pruneda to verify Dr. Pruneda is currently practicing medicine and has an active license; Ms. Brekke seconded the motion. Motion passed unanimously. (3:16:10)**

- vi. William Wan, ACU (1:22:42)  
Mr. Wan was present before the Board by telephone. Ms. Hahn led the discussion.

**MOTION: Ms. Brekke moved, upon receipt of a clear (unrestricted, non-probation, etc.) NCCAOM certification status report, [the staff may] grant William Wan an unrestricted acupuncturist license; Dr. Thomas seconded the motion. Motion passed unanimously. (1:29:50)**

- vii. MacKenzie Stark, NUTR (56:02 and 2:14:52)  
Ms. Stark was present before the Board. Ms. Stark waived her right of privacy with respect to hearing her application in closed session (56:02). Ms. Hahn led the discussion.

**MOTION: Ms. Bollinger moved to grant MacKenzie Stark a nutritionist license [in Montana]; Ms. Erickson seconded the motion. (2:18:58) Discussion ensued. Motion passed unanimously. (2:20:15)**

- viii. Allen Foster, PHYS (2:20:50)  
Dr. Foster was present before the Board. Ms. Hahn led the discussion.

**MOTION: Ms. Brekke moved to table Allen Foster's application pending Dr. Foster going to CPEP (Denver or Raleigh) to obtain an evaluation, then reporting back to the Board, and that Dr. Foster agrees to sign a release to permit CPEP to provide the results of such evaluation directly to Board staff; Dr. Thomas seconded the motion. Motion passed unanimously. (2:52:01)**

- ix. Barbara Germin, PHYS (2:54:22)  
Dr. Germin and her counsel, Mr. Kirkpatrick, were present before the Board by telephone. Mr. Hopstad and Ms. McCrae were present in person. Ms. Hahn led the discussion. Mr. Dwight Thompson recused himself from the discussions. (2:58:58)

**MOTION: Dr. Earl moved to table Barbara Germin's application pending Dr. Germin going to a competency assessment facility approved by FSMB to obtain an evaluation, then reporting back to the Board, and that she agrees to sign a release to permit the competency assessment facility to provide the results of such evaluation directly to Board staff; Dr. Guggenheim seconded the motion. (3:05:42) Discussion ensued. Motion passed; Mr. Thompson did not vote. (3:08:21)**

Chairman Dr. Hayward transitioned the meeting into Executive Session. (1:34:38)

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## 7. EXECUTIVE SESSION

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Chairman Dr. Hayward returned the meeting to open session. (1:35:27) Mr. Marquand summarized the action of the Board during Executive Session, namely that the Board heard and discussed the MPAP report, and dealt with two cases of unlicensed practice; one unlicensed practice complaint was dismissed without prejudice and another unlicensed practice complaint was tabled.

## 8. Board Action (Continued)

- b. Professional Assistance Program Contract for FY 2016 (3:19:00)  
Ms. Hahn led the discussion.

**MOTION: Dr. Upchurch moved to table this topic until the May meeting; Dr. Earl seconded the motion. Motion passed unanimously. (3:23:34)**

### b. Rulemaking

- i. Update on MAR 24-156-82 (Fees, ECP Transition, ACU Continuing Ed) (3:23:52)  
Mr. Marquand led the discussion. This was for information purposes only; no Board action was taken.

- ii. Report from Telemedicine Working Group—Dr. Kristin Spanjian **(3:25:19)**  
Dr. Kristin Spanjian led the discussion. This was for information purposes only; no Board action was taken.

**c. Legislation for 2015**

- i. Status report on Board-approved legislation (SB 77) **(4:24:48)**  
This was for information purposes only; no Board action was taken.
- ii. Status report on HB 429 (Physician Licensure Compact) **(4:25:45)**  
This was for information purposes only; no Board action was taken.
- iii. Other legislation of interest **(4:27:23)**  
This was for information purposes only; no Board action was taken.

**d. Correspondence**

- i. Providence Medical Group re: Medical Assistants **(3:34:39)**  
Mr. Marquand led this discussion. This was for information purposes only; no Board action was taken.
- ii. Roundup Clinic Request re: Medical Assistants **(3:48:15)**  
Mr. Marquand led this discussion. This was for information purposes only; no Board action was taken.
- iii. Montana PDR Reports **(3:52:51)**  
This was for information purposes only; no Board action was taken.
- iv. Request from DPHHS re: Physician Workforce Survey **(3:52:56)**  
This was for information purposes only; no Board action was taken.

**e. Scheduling of Next Meeting/Meeting Planning**

- i. May 14-15, 2015, Helena **(4:34:50)**  
This was for information purposes only; no Board action was taken.
- ii. Updates on other meeting dates and locations **(4:52:07)**

**f. Approval of Travel (4:52:19)**

[None at this time.]

**g. Request from Licensing Bureau re: Delegation of Authority (4:52:29)**

Mr. Marquand led the discussion. This was for information purposes only; no Board action was taken.

**9. Division Administrator's Report (4:06:10)**

Mr. Todd Younkin addressed the Board. This was for information purposes only; no Board action was taken.

**10. Information from Other State Agencies (5:15:05)**

- a. Jim DeTienne, DPHHS EMS/Trauma Section  
This was for information purposes only; no Board action was taken.

**11. Board Committee, National Committee and Other Reports**

- a. Medical Direction Committee **(4:53:07)**
- b. Laws & Rules Committee **(4:53:31)**
- c. Outreach Committee/Board Liaison **(4:53:53)**  
The Board thanked Dr. Mary Anne Guggenheim for her leadership, expertise, and tireless hours expended on behalf of the Board with a plaque and hearty applause.
- d. Acupuncture Committee **(4:56:02)**
- e. Montana POLST Coalition Report **(4:56:08)**
- f. FSMB Reports **(4:56:17)**  
These committee reports were for information purposes only; no Board action was taken.

**12. Medical Director and EMT Training Officer Reports**

a. Medical Director Report—Dr. Harry Sibold **(5:01:11)**

Dr. Sibold led the discussion. This was for information purposes only; no Board action was taken.

b. Training Officer Report—Mr. Ken Threet **(5:07:12)**

**MOTION: Dr. Spanjian moved to have Mr. Threet go to Plentywood to work with students to create options for EMT course students to be able to finish a course [which students currently lack an option for course completion]; Dr. Earl seconded the motion. (5:07:27)** Discussion ensued. **Motion passed unanimously. (5:11:07)**

**MOTION: Ms. Brekke moved to approve travel for Dr. Sibold and Mr. Threet to participate in [a panel at] the “Spring Fever” conference [in Missoula]; Dr. Earl seconded the motion. Motion passed unanimously. (5:12:16)**

**13. Executive Officer Report (5:18:01)**

a. Application Report

b. Budget Report

c. Newsletter

Mr. Marquand led the discussion. This was for information purposes only; no Board action was taken.

**14. Legal Report (5:19:44)**

Ms. Hahn led the discussion. This was for information purposes only; no Board action was taken.

**15. Adjourn**

**MOTION: Ms. Erickson moved to adjourn the meeting; Ms. Brekke seconded the motion. Motion passed unanimously. (5:21:15)**

The meeting was adjourned at 6:00 p.m. **(5:21:29)**