

**FULL BOARD MEETING MINUTES**  
of the  
**BOARD OF MEDICAL EXAMINERS**  
301 South Park, 4<sup>th</sup> Floor Large Conference Room  
9:00 a.m. to 5:00 p.m.  
September 19, 2014

**1. Call To Order - Establish Quorum (Minutes 1, 00:38)**

**Board Members Present:**

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

**Board Members Absent:**

Dr. Kris Spanjian and Dr. Nathan Thomas

**Staff Members Present:**

Mr. Ian Marquand - Executive Officer  
Anne O'Leary, Esq. - Board Counsel  
Ms. L'Joy Griebenow – Board Management  
Dr. Harry Sibold – State EMS Medical Director  
Mr. Ken Threet – EMT Training Coordinator

**Guests Present:**

Dr. Carla Huitt, Ms. Kay Brown, Mr. Thomas White, Dr. Michael Perry, Carlie Todd, Esq. (by telephone), Ms. Marti Wangen, Ms. Tamra Schmalz, Dr. Julpohng Vilai, Ms. Brenda Kaser, Ms. Melanie Shaw, Ms. Bree Manninen

**2. Approval and Tentative Modification of Agenda Order (Minutes 1, 2:35)**

The Board reviewed the September 19, 2014 agenda.

**MOTION: Ms. Bollinger moved to approve the [September 19, 2014] agenda as presented; Ms. Erickson seconded the motion. Motion passed unanimously. (Minutes 1, 3:38)**

**3. Review and Approve Minutes (Minutes 1, 4:08)**

The Board reviewed the July 25, 2014 Open Session minutes;

**MOTION: Dr. Hayward moved to accept the minutes of the Open Session of July 25, 2014 as presented; Professor Diaz seconded the motion. Motion passed unanimously. (Minutes 1, 4:34)**

The board reviewed the July 25, 2014 Executive Session minutes:

**MOTION: Mr. Thompson moved to approve the [July 25, 2014] Executive Session minutes as presented; Ms. Erickson seconded the motion. Motion passed unanimously. (Minutes 1, 5:17)**

**4. Public Opportunity to Comment (Minutes 1, 5:51)**

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

**5. Compliance Report (Minutes 1, 6:39)**

**a. Screening Panel Report**

Dr. Hayward reported that the screening panel heard 6 cases on September 19, 2014, of which one was dismissed with prejudice, one was dismissed without prejudice, reasonable cause sufficient to initiate action was found in one case, and three were tabled.

**6. Board Action**

**a. Licensee Administrative Action (Minutes 1, 7:23)**

**i. Daniel Moullet, PHYS**

Dr. Moullet was not present before the Board. Ms. O'Leary led the discussion.

**MOTION: Dr. Feist moved to extend the probationary license of Dr. Moullet [one year from the date it was to have expired in August 2014]; Dr. Hayward seconded the motion. (Minutes 1, 9:20) Discussion ensued. Motion passed unanimously. (Minutes 1, 10:29)**

**b. Non-routine Applications**

**i. Aaron Becker, EMT (Tabled from July 25) (Minutes 1, 11:00)**

Mr. Becker was not present before the Board. Ms. O'Leary led the discussion.

**MOTION: Dr. Upchurch moved to grant a one year probationary EMT license [to Aaron Becker] upon receipt of [a signed two-year] MPAP (Montana Professional Assistance Program) contract and that he return to the Board to seek an extension of that probationary license for an additional year that will run concurrent with the MPAP contract [with the understanding that] any violations of the MPAP contract or the Iowa stipulation or the laws and rules of Montana, including a DUI or a traffic violation, will result in an automatic suspension. (Minutes 1, 12:16) Discussion ensued. Professor Diaz seconded the motion. Motion passed unanimously. (Minutes 1, 17:28)**

**ii. Julpohng Vilai, PHYS (Minutes 1, 20:15)**

Dr. Vilai was present in person before the Board. Ms. O'Leary led the discussion.

**MOTION:** Dr. Upchurch moved to grant a full and unrestricted license [to Dr. Vilai to practice medicine in Montana]; Dr. Feist seconded the motion. Motion passed unanimously. (Minutes 1, 30:00)

**MOTION:** Dr. Upchurch moved that if the only reason an application is deemed non-standard is a delay in finishing the USMLE in 7 years, the Board grants authority to board staff to grant a license if the Executive Officer and Board Counsel believe it is warranted; Ms. Erickson seconded the motion. Motion passed unanimously. (Minutes 1, 33:01)

iii. Michael Perry, PHYS (Minutes 1, 33:58)

Dr. Perry was present in person before the Board. Ms. O’Leary led the discussion.

**MOTION:** Dr. Upchurch moved to grant a full and unrestricted [Montana physician] license to [Dr. Perry]; Dr. Feist seconded the motion. Motion passed unanimously. (Minutes 1, 55:08)

iv. Thomas White, EMT (Minutes 1, 56:34)

Mr. White was present in person before the Board. Ms. O’Leary led the discussion.

**MOTION:** Dr. Upchurch moved to [grant] a full and unrestricted [EMT] license [to Mr. White]; Ms. Erickson seconded the motion. Motion passed unanimously. (Minutes 1, 1:08:58)

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**BREAK (1:10:42 – 1:11:39)**

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d. Rulemaking (Minutes 1, 1:11:40)

i. Board fees

Dr. Guggenheim and Mr. Marquand led the discussion.

**MOTION:** Dr. Hayward moved to accept the proposed fee changes [to 24.156.601, 24.156.805, 24.156.1002, 24.156.1302, 24.156. 1402, 24.156.1618, 24.156.2731] applicable to all categories of Board of Medical Examiners’ licensees [and move these rule changes to official rules notice]; Dr. Upchurch seconded the motion. Motion passed unanimously. (Minutes 1, 1:37:20)

c. Budget Update (Minutes 1, 1:40:48)

Dr. Guggenheim and Mr. Marquand led the discussion. For information only; no Board action was taken.

Dr. Guggenheim transitioned the meeting into Executive Session. **(Minutes 1, 2:17:15)**

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## **EXECUTIVE SESSION – Working Lunch**

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Dr. Guggenheim returned the meeting into Open Session. **(Minutes 2, 00:45)** There was a quorum present. Dr. Guggenheim provided a synopsis of the Executive Session, namely that the MPAP report was reviewed, and one complaint of unlicensed practice was reviewed and dismissed without prejudice.

### **8. Information from Other State Agencies**

#### **b. Workers Compensation Claims Assistance Bureau (Minutes 2, 00:45)**

Dr. Carla Huitt led the discussion. This was for information only; no Board action was taken.

### **6. Board Action (continued)**

#### **d. Rulemaking (Minutes 2, 37:31)**

- ii. Adoption of MAR 24-156-81, including responses to public comments  
Mr. Marquand led the discussion.

**MOTION: Dr. Feist moved to accept the proposed changes to MAR 24-156-81 [e.g., 24.156.1625(u) will not be amended and (ac) will be amended as discussed today] based on comments received; Professor Diaz seconded the motion. (Minutes 2, 41:59) Discussion ensued. Motion passed unanimously. (Minutes 2, 46:06)**

**MOTION: Mr. Thompson moved to [let the amendment] of the Board's proposed 24-156-16(20) stand as originally stated]. (Minutes 2, 1:05:59) Discussion ensued. Dr. Feist seconded the motion. Motion passed unanimously. (Minutes 2, 1:06:54)**

**MOTION: Ms. Bollinger moved to adopt all rules amendments as embodied in MAR 24-156-81 including the amendment to 24-156-1625 and move [the entire rules package] to notice of adoption; Professor Diaz seconded the motion. (Minutes 2, 1:07:52)**

- iii. Recommendations from Laws and Rules Committee on rules for next proposal
  - A. Amendments to ECP Rules **(Minutes 2, 1:09:12)**  
Ms. O'Leary led the discussion.

**MOTION: Dr. Hayward moved to accept the proposed amendments to the ECP Rules [and forward them for rulemaking notice; Professor Diaz seconded the motion. Motion passed unanimously. (Minutes 2, 1:13:32)**

**MOTION: Dr. Hayward moved to adopt and move to notice all of the contents [specifically, amendment of ARM 24.156.508 approved residency, 24.156.606 examination, 24.156.607 graduate training requirements, 24.156.611 occasional case exemption, 24.156.625, 24.156.1005, 24.156.1307, 24.156.1412, 24.156.1625, and 24.156.2705 unprofessional conduct, 24.156.1301 definitions, 24.156.1304 initial license, 24.156.1306 professional conduct and standards, 24.156.1620 physician assistant license renewal, and the adoption of NEW RULE I podiatry postgraduate training] of MAR 24-156-81; Dr. Upchurch seconded the motion. Motion passed unanimously. (Minutes 2, 1:14:45)**

- B. Amendments to ARM 24.156.1408 (Continuing Education for Acupuncturists) **(Minutes 2, 1:17:36)**

Mr. Marquand led the discussion.

**MOTION: Dr. Feist moved to accept the amendments to ARM 24.156.1408 and move [them] to notice; Professor Diaz seconded the motion. Motion passed unanimously. (Minutes 2, 1:19:45)**

## 9. Board Action (Continued)

### b. Correspondence and Reports

- i. Request from Dr. Amanda Blea re: Tattoo Removal **(Minutes 2, 1:20:24)**  
Mr. Marquand and Ms. Shaw led the discussion.

**MOTION: Dr. Feist moved [to have staff prepare response to Dr. Blea] to 1) reaffirm that tattoo removal is surgery and not allowed under the tattoo license and 2) that there is a provision for a medical assistant to do invasive procedures under the direct supervision of a physician who is on-site and as part of that physician's medical practice and not an independent practice; Professor Diaz seconded the motion. Motion passed unanimously. (Minutes 2, 1:44:26)**

- ii. Questions from Montana Association of Acupuncture and Oriental Medicine **(Minutes 2, 1:46:01)**  
Ms. Kaser and Ms. Manninen led the discussion. This was for information only; no Board action was taken.

## 9. Board Action (Continued)

### a. Statewide ECP Protocols **(Minutes 2, 2:08:24)**

- i. Request from Arnold Christopher to Revise Protocols for Hydroflouric Acid Exposure  
Mr. Marquand led the discussion.

**MOTION:** Dr. Hayward moved to refer the [protocol request regarding the] issue of hydrofluoric acid [exposure] treatment in that specific emergency situation to the Medical Direction Committee; Mr. Farmer seconded the motion. Motion passed unanimously. (Minutes 2, 2:09:45)

**8. Information from Other State Agencies**

a. EMS & Trauma Systems Section (DPHHS) **(Minutes 2, 2:11:39)**

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

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**BREAK (2:12:25 – 2:14:20)**

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**8. Information from Other State Agencies (continued)**

a. EMS & Trauma Systems Section (DPHHS) **(Minutes 2, 2:14:29)**

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

**9. Board Action (Continued)**

**b. Correspondence and Reports**

iii. Letter from MT Academy of Physician Assistants **(Minutes 2, 2:24:16)**

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

iv. DEA Press Release re: New Rule on Disposal of Controlled Substances **(Minutes 2, 2:27:39)**

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

v. Montana PDR Reports **(Minutes 2, 2:28:58)**

This was for information only; no Board action was taken.

vi. FSMB /Interstate Compact for Physician Licensure **(Minutes 2, 2:31:30)**

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

**c. Legislation (Minutes 2, 3:02:11)**

vii. Update on 2015 Legislation Proposals

Ms. O'Leary led the discussion. This was for information only; no Board action was taken.

**d. Scheduling of Next Meeting/Meeting Planning (Minutes 2, 3:03:45)**

- i. November 21, 2014 Helena MT
- ii. Meeting Calendar for 2015  
Mr. Marquand led the discussions. These were for information only; no Board action was taken.

**MOTION: Dr. Feist moved to direct Dr. Guggenheim, Mr. Marquand, and Ms. Erickson to establish a collaborative meeting with MMA [Montana Medical Association], MHA [Montana Hospital Administrators] & Board of Medical Examiners to discuss legislative concerns; Professor Diaz seconded the motion. Motion passed unanimously. (Minutes 2, 3:11:33)**

**e. Approval of Travel (Minutes 2, 3:13:49)**

[There are no requests for travel at this time.]

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

- a. Medical Director Report **(Minutes 2, 3:13:52)**  
Dr. Sibold led the discussion.

**MOTION: Professor Diaz moved to accept the [Medical Director] Report given the budget considerations; Ms. Bollinger seconded the motion. Motion passed unanimously. (Minutes 2, 3:20:11)**

- b. Training Officer Report—Mr. Ken Threet **(Minutes 2, 3:20:31)**  
Mr. Threet led the discussion. For information only; no Board action was taken.

**11. Executive Officer Report—Mr. Ian Marquand (Minutes 2, 3:33:30)**

- a. Application Report
- b. Updates on Forms, Website, Processes, etc.
- c. Audits for FY 2015  
Mr. Marquand led the discussions. These were for information purposes only; no Board action was taken.

**12. Legal Report (Minutes 2, 3:44:05)**

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

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

- a. Medical Direction Committee **(Minutes 2, 3:45:18)**

Dr. Upchurch led the discussion. For information only; no Board action was taken.

- b. Laws & Rules Committee **(Minutes 2, 3:46:01)**

Dr. Hayward led the discussion. For information only; no Board action was taken.

c. Outreach Committee/Board Liaison **(Minutes 2, 3:47:10)**

Ms. Erickson led the discussion. For information only; no Board action was taken.

d. Acupuncture Committee **(Minutes 2, 3:49:59)**

Ms. Brekke led the discussion. For information only; no Board action was taken.

e. Montana POLST Coalition Report **(Minutes 2, 3:50:33)**

Dr. Sibold led the discussion. For information only; no Board action was taken.

**14. Adjourn**

**MOTION: Mr. Thompson moved to adjourn the meeting; Dr. Upchurch seconded the motion. Motion passed unanimously. (Minutes 2, 3:51:49)**

The meeting adjourned at 5:02 p.m. **(Minutes 2, 3:51:59)**