

FULL BOARD MEETING MINUTES
of the
BOARD OF MEDICAL EXAMINERS
301 S. Park Ave., Large Conference Room
9:34 a.m. – 2:46 p.m.
July 17, 2020

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

Board Members Present (All by phone):

Dr. Ana Diaz – Board President
Ms. Tammy Scott – Vice President
Ms. Christine Emerson – Secretary
Mr. Abe Abramson
Dr. Molly Biehl
Dr. James Burkholder
Dr. Anna Earl
Dr. James Guyer
Dr. Ashleigh Magill
Dr. Gina Painter
Mr. Brian Reed
Ms. Tammy Scott
Mr. Douglas Womack
Ms. Lena Phelps – MTAPA Liaison

Staff Present:

Mr. Sam Hunthausen – Executive Officer
Ms. Sara Hansen-Baiamonte – Board Counsel
Mr. Scott Magill – Administrative Specialist
Ms. LaVelle Potter – Compliance Specialist
Mr. Todd Younkin – Division Administrator
Ms. Marcie Bough – Board of Pharmacy Executive Officer – By phone
Ms. Michele Peterson-Cook – Department Counsel – By phone

Public Present (All by phone):

Jim DeTienne – DPHHS
Mike Ramirez – MPAP
Cecilia Zinnikas – MPAP
Tess Ritter
Megan Murphy
John Cambra
Karson Rosander

2. Approval and Tentative Modification of Agenda Order (00:03:00)

MOTION: (00:03:35) Dr. Molly Biehl moved to approve the agenda. Dr. Gina Painter seconded. The motion carried.

3. Review of Minutes (00:03:54)

- a. May 8, 2020 Full Board
- b. May 18, 2020 Full Board

4. Public Opportunity to Comment (00:04:20)

(Presiding Officer Statement) “Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. Please note that a ‘public matter’ does not include contested cases or other adjudicative proceedings. While the Board cannot take action on any issues presented, the board will listen to comments

and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting.”

- a. Letter, Leanne Martin, United States Forest Service

MOTION: (00:08:00) Mr. Brian Reed moved to put the matter raised in Ms. Martin’s letter on the September 2020 agenda. Dr. Molly Biehl seconded. The motion carried.

5. Compliance Report— LaVelle Potter (00:09:42)

- a. Screening Panel June 19, 2020
- b. Screening Panel July 17, 2020

6. Division Administrator Report—Todd Younkin (00:32:04)

7. Board Action (00:10:47)

a. Clinical Pharmacist Practitioner Applications—Marcie Bough, Board of Pharmacy (00:10:47)

- 1.) Megan Murphy (00:11:57)

MOTION: (00:13:17) Ms. Tammy Scott moved to approve the application for Ms. Murphy. Dr. Molly Biehl seconded. The motion carried.

- 2.) Tess Ritter (00:14:09)

MOTION: (00:15:53) Dr. Anna Earl moved to approve the application for Ms. Ritter. Dr. Molly Biehl seconded. The motion carried.

- 3.) Samuel Shell (00:16:56)

MOTION: (00:18:55) Mr. Abe Abramson moved to approve the application for Mr. Shell. Mr. Douglas Womack seconded. The motion carried.

- 4.) Kari Williams (00:19:27)

MOTION: (00:20:54) Ms. Tammy Scott moved to approve the application for Ms. Williams. Mr. Abe Abramson seconded. The motion carried.

b. MPAP Report—Mr. Mike Ramirez (00:22:04)

c. Non-routine applications requiring executive session (TBD by legal counsel and president)

2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions.

(3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

d. Non-Routine Applications (00:27:03)

1. John Cambra, EMT (00:27:09) Open Session

MOTION: (00:30:59) Mr. Brian Reed moved to issue a full and unrestricted license to Mr. Cambra. Mr. Abe Abramson seconded. The motion carried.

*****EXECUTIVE SESSION BEGINS AT 10:23 AM*****

2. Karson Rosander, EMR (00:00:00) Executive Session
3. Jesse Shepard, EMT (00:00:00) Executive Session
4. Quintin Glenn, EMT (tabled, no new information) (00:00:00) Executive Session

- e. **Ongoing Litigation (Executive Session)**—Ms. Sara Hansen-Baiamonte (00:12:10) Executive Session
 - 1. DV-20-251
- f. **Deadline Extension (00:53:51) Executive Session**
 - 1. David Loudermilk (00:00:00) Executive Session

*****EXECUTIVE SESSION ENDED AT 11:30 AM*****

*****Executive Session Summary*****

- Two applications were considered and two full and unrestricted licenses were issued.
- Ongoing litigation was discussed.

- g. **COVID-19 Updates and Issues (00:48:45)**
 - 1. Emergency Registration (00:49:00)
 - 2. Department Business Operations—Sam Hunthausen (00:51:05)
- h. **Rulemaking (00:57:45)**
 - 1. Rulemaking Procedure 6.1—Sam Hunthausen (00:57:51)
 - 2. MAR 24-156-87, PA Rules (01:08:56)

Definitions (01:24:15)

MOTION: (01:28:12) Dr. James Burkholder moved to accept the changes to ARM 24.156.1601. Mr. Abe Abramson seconded. The motion carried.

MOTION: (01:29:40) Dr. James Burkholder moved that the changes to ARM 24.156.1601 will not significantly and directly impact Montana small business. Dr. Gina Painter seconded. The motion carried.

PA Training (01:30:45)

MOTION: (01:31:07) Dr. James Guyer moved to approve the changes to ARM 24.156.1604. Dr. Gina Painter seconded. The motion carried.

MOTION: (01:31:39) Dr. James Guyer moved that the changes ARM 24.156.1604 will not significantly and directly impact Montana small business. Dr. Gina Painter seconded. The motion carried.

PA Application (01:32:30)

MOTION: (01:34:14) Ms. Tammy Scott moved to approve ARM 24.156.1617 as presented. Mr. Abe Abramson seconded. Ms. Scott amended her motion to approve ARM 24.156.1617 as discussed. Mr. Abe Abramson seconded. The motion carried.

MOTION: (01:36:44) Dr. James Burkholder moved that the change to ARM 24.156.1617 will not significantly and directly impact Montana small business. Dr. James Guyer seconded. The motion carried.

PA Fees (01:37:21)

MOTION: (01:38:03) Dr. James Guyer moved to accept the changes to ARM 24.156.1618. Dr. Gina Painter seconded. The motion carried.

MOTION: (01:38:39) Mr. Doug Womack moved that the changes to ARM 24.156.1618 will not significantly and directly impact Montana small business. Dr. James Burkholder seconded. The motion carried.

PA Renewal (01:39:15)

MOTION: (01:39:52) Mr. Doug Womack moved to accept the changes to ARM 24.156.1620. Dr. James Guyer seconded. The motion carried.

MOTION: (01:40:37) Dr. James Burkholder moved that the changes to ARM 24.156.1620 will not significantly and directly impact Montana small business. Mr. Doug Womack seconded. The motion carried.

Obligation To Report (01:41:23)

MOTION: (01:43:19) Dr. James Guyer moved to accept the changes to ARM 24.156.1621. Mr. Abe Abramson seconded. The motion carried.

MOTION: (01:44:02) Dr. James Guyer moved that changes to ARM 24.156.1621 will not significantly and directly impact Montana small business. Mr. Doug Womack seconded. The motion carried.

PA Supervision (01:44:42)

MOTION: (02:02:41) Dr. James Burkholder moved to approve the changes to ARM 24.156.1622 as discussed. Dr. Anna Earl seconded. The motion carried.

MOTION: (02:03:29) Dr. James Burkholder moved that changes to ARM 24.156.1622 will not significantly and directly impact Montana small business. Mr. Abe Abramson seconded. The motion carried.

Patient Rights (02:04:41)

MOTION: (02:05:21) Ms. Tammy Scott moved to approve the changes to ARM 24.156.1624 as presented. Dr. Gina Painter seconded. The motion carried.

MOTION: (02:05:56) Dr. James Burkholder moved that changes to ARM 24.156.1624 will not significantly and directly impact Montana small business. Mr. Abe Abramson seconded. The motion carried.

Unprofessional Conduct (02:06:31)

MOTION: (02:16:16) Mr. Doug Womack moved to approve the changes to ARM 24.156.1625 as discussed. Dr. James Guyer seconded. The motion carried.

MOTION: (02:16:59) Dr. James Guyer moved that changes to ARM 24.156.1625 will not significantly and directly impact Montana small business. Mr. Brian Reed seconded. The motion carried.

Management of Infectious Waste (02:17:46)

MOTION: (02:18:10) Dr. James Guyer moved to approve the changes to ARM 24.156.1626 as proposed. Mr. Doug Womack seconded. The motion carried.

MOTION: (02:19:32) Mr. Doug Womack moved that the changes to ARM 24.156.1626 will not significantly and directly impact Montana small business. Mr. Abe Abramson seconded. The motion carried.

PA Performing Radiologic Procedures (02:20:07)

MOTION: (02:22:02) Dr. James Burkholder moved to approve the repeal of ARM 24.156.1701. Mr. Doug Womack seconded. The motion carried.

MOTION: (02:22:43) Dr. James Guyer moved that the change to ARM 24.156.1701 will not significantly and directly impact Montana small business. Mr. Abe Abramson seconded. The motion carried.

MOTION: (02:32:18) Ms. Tammy Scott moved to go back into rulemaking to redefine 24.156.1601(2). Dr. James Guyer seconded. The motion carried.

MOTION: (02:40:34) Ms. Tammy Scott moved to accept the changes to ARM 24.156.2601 as discussed. Mr. Abe Abramson seconded. The motion carried.

3. Supervision Agreement Board Member Interview replacement proposal—Sam Hunthausen (02:23:50)

MOTION: (02:42:04) Ms. Tammy Scott moved to approve the concept. Dr. James Burkholder seconded. The motion carried.

4. MAR 24-156-88, Published May 29, 2020 (02:42:31)

i. Proposal to Administratively Close Certain Complaints—Kevin Maki (02:43:03)

MOTION: (02:45:42) Mr. Abe Abramson moved that Department staff may administratively close allegations of a licensee convicted of a first offense DUI, where the licensee has completed a court-ordered treatment program and has been found not chemically dependent. Dr. James Guyer seconded. The motion carried.

MOTION: (02:49:07) Mr. Abe Abramson moved that Department staff may administratively close complaints based on allegations that a licensee allowed his or her license to expire, but the licensee has demonstrated corrective action to address the issue. Mr. Abramson amended his motion to include a timeframe of a three-month limit for licensees to take corrective action. Dr. James Burkholder seconded. The motion carried.

j. Correspondence (02:51:30)

1. National Board of Osteopathic Examiners
2. Federation of State Medical Boards
3. Federation of Podiatric Medical Boards

k. Travel (02:03:50) Second Session (02:51:39)

1. Montana Pain Conference, Oct. 1-2, Virtual

MOTION: (02:53:56) Dr. James Burkholder moved to pay for any and all board members who want to attend the Montana Pain Conference. Dr. Anna Earl seconded. The motion carried.

l. Scheduling of Next Meeting / Meeting Planning (02:56:48)

1. Screening Panel, Friday, August 21, 2020
-Dr. Molly Biehl assigned to the screening panel effect August 22, 2020
2. Screening, Adjudication, Full Board, September 18, 2020
3. Medical Direction Committee Meeting, TBD end of August/beginning of September

8. Committee Reports (03:10:47)

- a. Interstate Medical Licensure Compact—Dr. James Burkholder (03:10:47)
- b. Outreach Committee—Solicit Subjects for MMA Newsletter column, due August 21, 2020 (03:13:09)

9. Executive Officer Report—Sam Hunthausen (03:16:34)

- a. Budget Report (03:16:34)

10. Reports from Other Agencies (03:20:28)

a. DPHHS EMS/Trauma Section—Mr. Jim DeTienne (03:20:28)

11. Adjourn (03:43:38)

MOTION: (03:43:44) Ms. Tammy Scott moved to adjourn. Dr. Gina Painter seconded. The motion carried.