



Legislative Background Brief

for the
Economic Affairs Interim Committee

October 2011

Board of Medical Examiners

Prepared by Pat Murdo, Legislative Research Analyst

Board = 13 members appointed by the governor with the consent of the Senate. Of these, 5 members must have a degree of doctor of medicine and 1 of these must have experience in emergency medicine; 1 member with a degree of doctor of osteopathy; 1 member who is a licensed podiatrist; 1 member who is a licensed nutritionist; 1 member who is a licensed physician assistant (PA); 1 member who is a volunteer emergency medical technician (EMT); and 1 member who is a licensed acupuncturist.

Board Members (end of term in parentheses)

Licensed Representatives:	Public Members:
Tanja Brekke, Bozeman -- Acupuncturist (9/1/2015)	Carole Erickson, Missoula (9/1/2013)
Ryan Burke, Great Falls -- Volunteer EMT (9/1/2013)	
Dwight Thompson, Harlowton -- PA-Certified (9/1/2013)	
Pat Bollinger, Helena -- Nutritionist (9/1/2013)	
Bruce Hayward, McAllister -- Osteopath (9/1/2014)	
Dean Center, Bozeman -- Physician (9/1/2012)	
Anna Earl, Chester -- Physician (9/1/2014)	
Mary Anne Guggenheim, Helena -- Physician (9/1/2015)	
Kris Spanjian, Billings -- Physician (9/1/2013)	
James Upchurch, Hardin -- Physician (9/1/2015)	
Nathan Thomas, Missoula -- Podiatrist (9/1/2013)	

Number of Licensees, FY2010	9,794	FY 2009
.....	9,472	
Emergency Medical Technicians-Basic	3,156	
Emergency Medical Technicians-First Responder... 741		Acupuncturists
147		
Emergency Medical Technicians-Intermediate	61	Nutritionists
Doctors of Osteopathy	263	Physician Assistants ...
Doctors of Osteopathy - Telemedicine	8	Podiatrists.....
Medical Doctor - Telemedicine	154	
Physicians (Medical Doctors)	4,006	

Revenues/Expenditures FY2009-2010 and Budgets for FY2012-2013

	Revenues		Expenditures	
	Licensing	Other	Personal Services	Operating
FY 2009	\$1,029,272		\$919,901	
FY 2010			\$509,364	\$113,853
Budgets				
FY 2012			\$1,355,149	

FY 2013		\$1,353,248
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Expenditures, FY 2010	Direct	Indirect	
		Admin	Div. IT/Bureau
Personal Services, incl. per diem	\$432,706	\$26,729	\$49,929
Operating Expenses			
Consulting, Printing, IT, Other	\$197,141		\$14,259
Supplies, incl. Computer	\$33,146		\$9,029
Postage, mailing, IT network, voice srv	\$29,037		\$15,471
Travel for Board Members	\$23,889		--
Rent and other expenses*	\$31,715		\$75,818
Legal and hearings	\$153,684		--

*Includes office equipment and meeting room rent of \$725 and dues, education & training and fee collection expense of \$29,867 for direct expenses and rent of \$24,961, DLI OIT expense of \$14,614, and indirect agency of \$36,243 for indirect expenses.

Number of Complaints

FY 10 195
 FY 09 143

Disciplinary Action (may be from other years)

5 licenses revoked, 1 suspended, 185 dismissed
 16 other sanctions and 38 investigations

Scope of Practice

Acupuncturists: diagnose, treat, or correct "human conditions, ailments, diseases, injuries, or infirmities by... mechanical, thermal, or electrical stimulation" using solid needles or acupressure and oriental food remedies and herbs. 37-13-103, MCA.

Emergency Medical Technicians: scope of practice set by rule by the board, which may (and has) established different levels of practice.

Nutritionists: assesses nutrition needs of individuals and groups and determines "resources and constraints in the practice setting"; establishes priorities and objectives for nutritive needs that are consistent with available resources and constraints; provides nutrition counseling; develops, implements, and manages nutrition care systems; and evaluates, adjusts, and maintains appropriate quality standards in food/nutrition services. 37-25-301

Physician Assistants: examines, diagnoses, prescribes medications, and treats human conditions, either physical or mental, by any means under the direct or indirect supervision of a board-licensed physician. A supervision agreement is required. 37-20-401, 403 & 404.

Podiatrists: diagnoses and treats ailments of the human functional foot and ankle. 37-6-101 and 37-6-102. May administer only local anesthetics. May prescribe/administer drugs.

Physicians (Doctors of Osteopathy/Medical Doctors): the practice of medicine involves "the diagnosis, treatment, or correction of or the attempt to or the holding of oneself out as being able to diagnose, treat, or correct human conditions... whether physical or mental, by any means...."

Telemedicine DO or MD: a physician located outside the state who has a telemedicine license granted by the board for the practice medicine through any means... under conditions listed in 37-3-342.

2011 Legislation Impacting Board or Profession

- HB 94, sponsored by Rep. Arntzen at the request of the Department of Labor and Industry, generally revises reciprocity and other board functions. (Became law)

Other References in Statute to the Board of Medical Examiners

- Regulation of Emergency Medical Technicians in Title 50, chapter 6.
- Approval of a statewide, standardized method for a living will protocol in Title 50, chapter 9 and a Do-Not-Resuscitate Protocol as provided in Title 50, chapter 10.
- Disciplinary actions against physicians for various prescriptions of compounds regulated under Title 50, chapters 42, 43, and 46 (the latter deals with marijuana used for debilitating medical conditions).
- The Department of Fish, Wildlife, and Parks or a person who disagrees with a determination of disability for a permit to hunt from a vehicle may request a review by the Board of Medical Examiners. (Title 87, chapter 2)

Summary of Responses from Survey as made through September 16, 2011:

of Responses from Board of Medical Examiners' licensees - 68 (roughly 30 or more from nutritionists/dieticians)