



MONTANA BOARD OF MEDICAL EXAMINERS

Issue 2 April 2011

News and Views

Read the latest news and find out about the most recent state regulatory changes for your occupation in the Board of Medical Examiners eNewsletter *News and Views*. Here are the Board's picks for important news.

Administrative Rule Changes

The Laws and Rules Committee of the Board of Medical Examiners will meet on May 10 to finalize recommendations that would change administrative rules related to the issuance of temporary physician licenses to residents in the Montana Family Medicine Residency program, elimination of the physician licensure status of inactive-retired, updating of EMT rules, and the reporting obligations of licensees. See the [committee agenda](#) for additional details. The committee will present recommendations on rule changes to the full board at the May 19, 2011 board meeting.

Disruptive behavior will be the topic of a [subcommittee meeting](#) on May 18. Subcommittee members will work on administrative rule changes and the updating of a [position paper](#) on this topic. Due to the number of cases involving disruptive behaviors by physicians, the board intends to clarify that such behavior is unprofessional conduct and to provide additional guidance on addressing disruptive behavior in the workplace, including a possible referral to the [MT Professional Assistance Program](#).

Legislative Update

Licensed acupuncturists now have a seat on the Montana Board of Medical Examiners with the passage of [SB 27](#). Acupuncturists interested in being appointed to the board by Governor Schweitzer can apply online through the [Governor's Office website](#). Qualifications include being a Montana resident, and a Montana licensed and practicing acupuncturist for at least five years.

The medical assistance programs operated by four licensing boards will be more consistent with the passage of [HB 25](#). Revisions included the requirement of boards to take disciplinary action against the license of a person if the licensee has three separate relapses while under a medical assistance program contract. The boards will also be required to conduct a performance audit of the program.

The laws related to medical marijuana were tightened up in [SB 423](#), and [Governor Schweitzer](#) saw partial success in his attempt to amend the bill. The bill will impact physicians by requiring physicians to have an office established in Montana, follow a statutorily defined standard of care, and include accompanying statements with an expanded written certification. Physicians will be able to sign a written certification for use of marijuana for less than one year, will not be able to solely use electronic means to obtain information for the written certifications, and are prohibited from having an affiliation with a medical marijuana provider. The names of physicians who sign written certifications for more than 15 patients will be given to the Board of Medical Examiners which is now charged with conducting a peer review to ensure standard of care was followed. A change suggested by Governor Schweitzer that was accepted includes requiring two physicians to certify the use of medical marijuana for minors. The bill is now headed to the Governor's desk where he could sign the bill into law, veto the bill or allow it to become law without his signature.

Montana will soon join the ranks of 34 other states that have operational prescription drug registries with the signing of [HB 83](#) into law. A prescription drug registry is a database of schedule II-V drugs filled in Montana that prescribers can reference when writing or filling prescriptions to verify their patients' medication history. The Board of Pharmacy is charged with the creation and maintenance of the registry which will be funded by a fee charged to licensees with prescribing authority. The Board of Medical Examiners will be represented on the advisory council established through this law.

Maintenance of Licensure (MOL)

Licensed physicians may not be familiar with this term yet, but soon will recognize it as a phrase that involves the setting of standards for ensuring the continued competence of physicians. Being one of only 6 licensing bodies in the U.S. that does not require continuing education, this national point of discussion is a concept the Montana Board of Medical Examiners has been monitoring. With the intent to better understand this national trend, the board has invited Jon Thomas, M.D., Federation of State Medical Boards ([FSMB](#)) Board of Directors and Frances Cain, Director MOL to the full board meeting set for May 20, 2011 to present information on the topics of [MOL](#) and Telemedicine.

Join us at a [2011 Board meeting!](#)

May 19 & 20

July 15

September 16

November 18

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