

**Vermont Board of Medical Practice
Minutes of the April 1, 2009 Board Meeting
Gifford Medical Center, Randolph, Vermont**

“Approved – May 6, 2009”

1. Call to Order; Call the Roll; Acknowledge Guests:

David W. Clauss, MD, Chair, called the meeting to order at 12:22 p.m.

Members Present:

David W. Clauss, MD; Patricia A. King, MD; Margaret F. Martin; James D. Cahill, MD; William K. Hoser, PA-C; Hon. David A. Jenkins; John J. Murray, MD; Sharon L. Nicol; Harvey S. Reich, MD; Janice E. Ryan, RSM; Toby Sadkin, MD; William H. Stouch, MD; John B. Webber, Esq.; Florence Young.

Others in Attendance:

Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenner, Investigator; James Arisman, Assistant Attorney General; Margaret Vincent, Assistant Attorney General; Marjorie Power, Presiding Officer (joined meeting at approximately 1:00 p.m.).

2. Approval of the Minutes - of the March 4 and 18, 2009 Board Meetings:

Dr. King made a motion to accept the minutes of the March 4, 2009 Board meeting. Ms. Nicol seconded the motion. The motion passed, opposed: none; recused: none.

Ms. Martin made a motion to accept the minutes of the March 18, 2009 Board meeting. Dr. Reich seconded the motion. The motion passed, opposed: none; recused: none.

3. Board Matters (Dr. Clauss):

Amendment to 26 V.S.A § 1400(b) House's Palliative Care Bill, (H. 0435)

Dr. Clauss informed the Board that the House's Palliative Care Bill, (H. 0435) passed. The House's Palliative Care Bill did not include the proposed requirement that all physicians would need four continuing medical education (CME) credits in palliative care before their license could be renewed. The Board has been asked to report back to the legislators next January, as to what the Board has determined necessary for CME requirements and a plan to meet the proposed requirements.

The House's Palliative Care Bill, (H 0435) included Patients' Rights for Palliative Care and Pain Management.

Amendment to 18 V.S.A. § 9408a (H. 0212)

Dr. Clauss informed the Board that the amendment to 18 V.S.A. § 9408a (H. 0212) that would require the Board of Medical Practice to use the Council for Affordable Quality Healthcare (CAQH) credentialing application for licensing physicians in the State of Vermont is currently in the House Committee on Health Care.

4. Presentation of Applications:

Applications for physician licensure and physician assistant certification were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

Break: 2:30 p.m.

Return: 2:42 p.m.

5. Recess; Convene Hearing (Ms. Power):

Ms. Power convened a hearing to consider adjudicative matters before the Board.

In re: Roger J. Giroux, MD – MPSL 4-0408 – State's Response to Petition for Relief From Conditions of Licensure

Brought forth by and presented by Mr. Arisman

Sr. Ryan made a motion to grant the request for relief from conditions of licensure. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: South Committee (Dr. Cahill, Ms. Martin, Mr. Hoser, Mr. Webber, and Dr. Reich).

In re: Frederick Fries, MD – MPS 118-1008 & MPS 159-1208 – Stipulation and Consent Order

Brought forth by and presented by Mr. Arisman

Dr. Murray made a motion to grant the Stipulation and Consent Order. Dr. King seconded the motion. The motion passed, opposed: Ms. Young; recused: South Committee (Dr. Cahill, Ms. Martin, Mr. Hoser, Mr. Webber, and Dr. Reich).

In re: Mitchell R. Miller a/k/a Mitch Miller, MD – MPC 76-1100 – Motion for Summary Suspension

Brought forth by and presented by Mr. Arisman

Dr. Cahill made a motion to grant the Assistant Attorney General's request for a Motion to Seal. Sr. Ryan seconded the motion. The motion passed, opposed: none; recused: Central Committee (Dr. Clauss, Ms. Young, Hon. D. Jenkins and Dr. Murray). (Refer to the Motion to Seal attached for further information).

Sr. Ryan made a motion for Mr. Ciotti, Board investigator, to be sworn in for testimony. Mr. Hoser seconded the motion. The motion passed, opposed: none; recused: Central Committee (Dr. Clauss, Ms. Young, Hon. D. Jenkins and Dr. Murray).

Mr. Webber made a motion at 2:57 p.m. to go into Executive Session to discuss confidential matters related to the hearing for Mitchell R. Miller, MD, MPN 76-1100. Dr. King seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 3:25 p.m.

Mr. Webber made a motion that, based on the evidence presented by Mr. Ciotti earlier, the Board grant the State's Motion for Summary Suspension. Dr. Cahill seconded the motion. The motion passed, opposed: Dr. Sadkin and Mr. Hoser; recused: Central Committee (Dr. Clauss, Ms. Young, Hon. D. Jenkins and Dr. Murray).

Dr. Cahill made a motion to have a stay of suspension and Dr. Miller be notified should he prescribe narcotics to anybody the stay will be lifted and the suspension will be effective. Mr. Hoser seconded the motion. The motion did not pass due to a tie vote; recused: Central Committee (Dr. Clauss, Ms. Young, Hon. D. Jenkins and Dr. Murray).

6. Executive Session to Discuss Investigative Matters

Mr. Webber made a motion at 12:48 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Cahill seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 1:10 p.m.

Sr. Ryan made a motion at 3:30 p.m. to go into Executive Session to discuss confidential matters related to investigations. Mr. Hoser seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 3:56 p.m.

7. Open Session

Dr. Reich, South Investigative Committee, asked to close:

MPS 118-0807

Sr. Ryan made a motion to close the case presented. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: South Committee (Mr. Webber, Mr. Hoser, Ms. Martin, Dr. Reich, and Dr. Cahill).

Dr. Murray, Central Investigative Committee asked to close:

MPC 138-1007 MPC 3-0109

Dr. Cahill made a motion to close the cases presented. Sr. Ryan seconded the motion. The motion passed, opposed: none; recused: Central Committee (Dr. Clauss, Hon. D. Jenkins, Dr. Murray, and Ms. Young); MPC 3-0109 – Dr. Reich.

Dr. Sadkin, North Investigative Committee, asked to close:

MPN 154-1208 MPN 162-1208 MPN 122-1108

Dr. Cahill made a motion to close the cases presented. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: North Committee (Dr. King, Ms. Nicol, Sr. Ryan, Dr. Sadkin and Dr. Stouch); MPN 122-1108 – Ms. Martin and Dr. Reich.

8. Any Other Business:

9. Next meetings:

Upcoming meetings:

- **May 6, 2009**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph

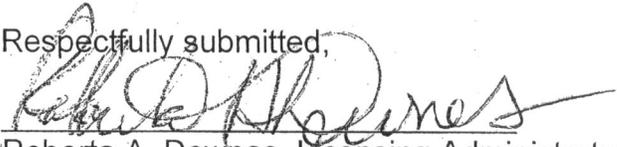
- **May 6, 2009**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **May 14, 2009**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **May 8, 2009**, Central Investigative Committee Meeting, 12 p.m., Pavilion Building, 4th Floor Conference Room, 109 State Street, Montpelier
- **May 20, 2009**, Board meeting on pending applications, 1:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **May 20, 2009**, South Investigative Committee Meeting, 1:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

10. Adjournment

Dr. Reich made a motion to adjourn. Hon. D. Jenkins seconded the motion. The vote was all in favor, opposed: none, recused: none.

Meeting adjourned at 4:00 p.m.

Respectfully submitted,



Roberta A. Downes, Licensing Administrator I

Attachments:

Appendix A

Presentation of Applications (Recommendations were in the form of motions by the member making the recommendation)

Dr. Clauss reported on interviews conducted with

Michael Klein, MD Jimmy Paulo, MD
Rebecca Wilcox, MD

Recommended by Dr. Clauss for physician licensure
Seconded by Dr. Cahill, passed, opposed: none, recused: none

Mr. Hoser reported on interviews conducted with

Ronald Kelter, PA-C Cynthia Vail, PA-C
Katja Von Sitas, PA-C Jessica Sarinelli, PA-C

Recommended Mr. Hoser for physician assistant certification
Seconded by Dr. Reich, passed, opposed: none, recused: none

Mr. Hoser moved for the issuance of secondary certifications for:

Cheryl Gagnon, PA-C Fred Staples, PA-C

Recommended Mr. Hoser for secondary physician assistant certifications
Seconded by Dr. King, passed, opposed: none, recused: none

Dr. King reported on interviews conducted with

Argyrios Moustakas, MD David Tinling, MD

Recommended by Dr. King for physician licensure
Seconded by Dr. Murray, passed, opposed: none, recused: none

Dr. Reich reported on an interview conducted with

Anthony Donaldson, MD

Recommended by Dr. Reich for physician licensure
Seconded by Dr. Cahill, passed, opposed: none, recused: none

Dr. Sadkin reported on an interview conducted with

Jessica Rouse, MD

Recommended by Dr. Sadkin for physician licensure
Seconded by Dr. Murray, passed, opposed: none, recused: none

Dr. Stouch reported on interviews conducted with

Jean Anderson, MD Mattie Towle, MD

Recommended by Dr. Stouch for physician licensure
Seconded by Dr. Cahill, passed, opposed: none, recused: none