

**Vermont Board of Medical Practice  
Minutes of the May 6, 2009 Board Meeting  
Gifford Medical Center, Randolph, Vermont**

**Revised**

**“Approved – July 1, 2009”**

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

David W. Clauss, MD, Chair, called the meeting to order at 12:16 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; Robert R. Rinaldi, DPM; Janice E. Ryan, RSM; William H. Stouch, MD; Peter Thomashow, MD; John B. Webber, Esq.; Florence Young.

**Others in Attendance:**

William E. Wargo, Director; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenninger, Investigator; James Arisman, Assistant Attorney General; Margaret Vincent, Assistant Attorney General; Bessie Weiss, Assistant Attorney General; Marjorie Power, Presiding Officer (joined meeting at approximately 1:00 p.m.); Mitchell R. Miller, MD; Debra L. Bouffard, Esq, attorney for Dr. Mitchell R. Miller; David Simmons, M.D., Medical Director for the Vermont Medical Society; Colleen Magne, Vermont Medical Society.

**2. Public Comments:**

None

**3. Approval of the Minutes of the April 1 and 15, 2009 Board Meetings:**

Dr. Rinaldi made a motion to accept the minutes of the April 1, 2009 Board meeting. Ms. Nicol seconded the motion. The motion passed, opposed: none; recused: none; abstained none.

Dr. Cahill made a motion to accept the minutes of the April 15, 2009 Board meeting. Dr. Rinaldi seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

**4. Board Matters (Dr. Clauss):**

None

#### **5. Administrative Update (Mr. Wargo):**

Mr. Wargo referred to the April 28, 2009 memo he had sent the Board regarding proposed federal legislation. Mr. Wargo asked Board members to contact Dr. Clauss or himself if they had any questions regarding the information.

Mr. Wargo informed Board members that the proposed change to 18 V.S.A. § 9408a (H.212), which 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Quality Healthcare (CAQH) credentialing application for licensing physicians in the State of Vermont, has been withdrawn at this time. The Board of Medical Practice will be working with the Vermont Association for Hospitals and Health Systems (VAHHS) regarding increasing the efficiency of the licensing process.

Mr. Wargo informed the Board that the Senate Committee on Government Operations has decided to set up a summer committee to look at laser use and will ask for input from the Board of Medical Practice.

Mr. Wargo informed the Board that it will be asked to report back to the legislature next January as to what the Board determines necessary for Continuing Medical Education (CME) requirements and a proposed continuing education program. Information about the legislation will be provided to the Board.

#### **6. 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.

#### **7. Presentation to the Board – David Simmons, M.D., Medical Director for the Vermont Practitioner Health Program (VPHP)**

Dr. Simmons invited the Board to ask questions regarding the Vermont Practitioner Health Program (VPHP) 2008 Annual Report they received in the May 6, 2009 Board packet.

Dr. Simmons mentioned three specific items that he felt were important:

- Relationships between VPHP staff, Board staff and Assistant Attorney General staff could not be better.
- VPHP is looking at expanding the professions they currently serve. Dentists and psychologists are interested in VPHP.

- VPHP is expanding the scope of services they provide. Impairing conditions are more than just those that result from abuse of drugs and alcohol.

At this time, VPHP is looking to malpractice carriers and Fletcher Allen Health Care for donations. VPHP is also considering approaching other hospitals for donations.

#### **8. Executive Session to Discuss Investigative Matters**

Dr. King made a motion at 12:57 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: 1:05 p.m.

#### **9. Recess; Convene Hearing (Ms. Power):**

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

**In re: Mitchell R. Miller, MD – MPC 76-1100 – Motion to Reconsider Summary Suspension and to Immediately Reinstate Dr. Mitchell R. Miller's License.**

Brought forth by and presented by Ms. Debra L. Bouffard, Attorney for Mitchell R. Miller, MD.

#### **Deliberative Session:**

Dr. Rinaldi made a motion at 2:09 p.m. to go into deliberative session to discuss confidential matters related to the Mitchell R. Miller, MD hearing. Sr. Ryan seconded the motion. The motion passed, opposed: none; recused: Central Committee (Dr. Clauss, Hon. D. Jenkins, Dr. Murray, Dr. Thomashow and Ms. Young): abstained: none.

Return to open session: 3:37 p.m.

The Board returned to deliberative session at 3:40 p.m. to discuss confidential matters related to the Mitchell R. Miller, MD hearing.

Return to open session: 4:05 p.m.

The Board approved a hearing to take place on May 20, 2009 at the Asa Bloomer Building in Rutland Vermont, regarding Mitchell R. Miller, MD – MPC 76-1100. The issue of the hearing is to focus on the oral testimony

Investigator Ciotti gave at the April 1, 2009 hearing and the amendment to his affidavit. A formal order will be issued.

**In re: Andrew C. Horrigan, MD – MPN 1-0305 – State's Response to Respondent's Petition for Relief from Conditions of Licensure**

Brought forth by and presented by Mr. Arisman.

Dr. Clauss made a motion to grant the petition, referring to the State's Response to Respondent's Petition for Relief from Conditions of Licensure. Dr. Rinaldi seconded the motion. The motion passed, opposed: none; recused: North Committee (Dr. King, Ms. Nicol, Sr. Ryan, and Dr. Stouch); abstained: none.

**In re: Karen Preis, MD – MPS 135-1108 – Specification of Charges and Motion to Suspend or Revoke Medical Licensure**

Hearing was postponed until the June 3, 2009 Board meeting.

**In re: Mark E. Logan, MD – MPNL 1-0205 – Amendment to Stipulation and Consent Order**

Brought forth by and presented by Mr. Arisman

Dr. Rinaldi made a motion to grant the Amendment to Stipulation and Consent Order. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: North Committee (Dr. King, Ms. Nicol, Sr. Ryan, and Dr. Stouch), Dr. Reich and Dr. Cahill; abstained: none.

**In re: Deborah Ann Bristol, PA-C – MPCL 1-0907 – State's Response to Petition for Relief from Conditions of Certification**

Brought forth by and presented by Mr. Arisman

Dr. Stouch made a motion to grant the petition, referring to the State's Response to Respondent's Petition for Relief from Conditions of Licensure. Sr. Ryan seconded the motion. The motion passed, opposed: none; recused: Central Committee (Dr. Clauss, Hon. D. Jenkins, Dr. Murray, Dr. Thomashow and Ms. Young); abstained: Dr. Reich.

**10. Executive Session to Discuss Investigative Matters**

Dr. Murray made a motion at 4:25 p.m. to go into Executive Session to discuss confidential matters related to investigations. Sr. Ryan seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 4:27 p.m.

## 11. Open Session

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

MPS 97-0908

MPS 102-0908

MPS 36-0309

Dr. Stouch made a motion to close the cases presented. Dr. Thomashow seconded the motion. The motion passed, opposed: none; recused: South Committee (Mr. Webber, Mr. Hoser, Ms. Martin, Dr. Reich, Dr. Rinaldi and Dr. Cahill); abstained: none.

**Central Investigative Committee closed no cases.**

**North Investigative Committee closed no cases.**

## 12. Any Other Business:

## 13. Next meetings:

Upcoming meetings:

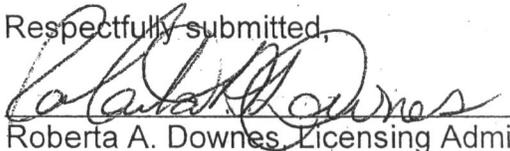
- **June 3, 2009**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **June 3, 2009**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **June 11, 2009**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **June 12, 2009**, Central Investigative Committee Meeting, 12 p.m., Liquor Control Conference Room, 13 Green Mountain Drive, Montpelier
- **June 17, 2009**, Board meeting on pending applications, 1:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **June 17, 2009**, South Investigative Committee Meeting, 1:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

#### 14. Adjournment

Dr. Murray made a motion to adjourn. Dr. Rinaldi seconded the motion.  
The vote was all in favor, opposed: none, recused: none; abstained: none.

Meeting adjourned at 4:28 p.m.

Respectfully submitted,



Roberta A. Downes, Licensing Administrator I

**Attachments:** Appendix A

## 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:**

John Burch, MD  
Melissa Covington, MD

David Diaz, MD  
Nikoletta Sidiropoulos, MD

Recommended by Dr. Clauss for physician licensure  
Seconded by Hon. D. Jenkins, passed, opposed: none, recused: none;  
abstained: none.

**Dr. Clauss moved for the issuance of limited temporary licenses for:**

Annie-Kamerleen Bouhairie, MD  
Sara Brownschidle, MD  
Grace Chi, MD  
Anne Dougherty, MD  
Douglas Eplett, Jr., MD  
Alison Fitzgerald, MD  
Emily Glick, MD

Abel Luksan, MD  
Kelli Lund, MD  
Brian Monroe, MD  
Russell Meyer, MD  
Amy O'Connell, MD  
Brian Turner, MD  
Katherine Wayman, MD

Recommended by Dr. Clauss for limited temporary physician licensure  
Seconded by Dr. Reich, passed, opposed: none, recused: none;  
abstained: none.

**Mr. Hoser reported on interviews conducted with:**

Amos Hare, PA-C  
Matthew Wark, PA-C

Trina Wilson, PA-C

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

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

Patrick Kearney, PA-C

Diane Tabachnick, PA-C

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

**Dr. King reported on an interview conducted with:**

Stephen Bender, MD

Recommended by Dr. King for physician licensure  
Seconded by Dr. Thomashow, passed, opposed: none, recused: none;  
abstained: none.

**Dr. Murray reported on an interview conducted with:**

David Thomas, MD

Recommended by Dr. Murray for physician licensure  
Seconded by Dr. Cahill, passed, opposed: none, recused: none;  
abstained: none.

**Dr. Reich reported on interviews conducted with:**

Peter Morawiecki, MD

Paula Nelson, MD

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

**Dr. Rinaldi reported on an interview conducted with:**

Paul Smith, DPM

Recommended by Dr. Rinaldi for physician licensure  
Seconded by Mr. Webber, passed, opposed: none, recused: none;  
abstained: none.

**Dr. Stouch reported on interviews conducted with:**

Hector deLeon, MD

John Pershing, MD

Ithiel Fuller, MD

Geoffrey Scriver, MD

Alison Jaquith, MD

Lindsay Zeeb, MD

Lawrence Parsley, MD

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