

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the May 6, 2015 Board Meeting
Gifford Medical Center, Randolph, Vermont

Approved

1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:

William K. Hoser, PA-C called the meeting to order at 12:23 P.M.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Allen Evans; Faisal Gill; Robert G. Hayward, MD; David A. Jenkins; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG.

2. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:

Mr. Hoser welcomed Richard Clattenburg, MD as a new physician member.

3. Public Comment:

None

4. Approval of Minutes of the April 1 and April 15, 2015 Board Meetings:

Dr. Bernstein moved to accept the minutes of the April 1, 2015 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Ms. McClain moved to accept the minutes of the April 15, 2015 meeting. Mr. Jenkins seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

5. Board Issues (Mr. Hoser):

Mr. Hoser indicated that his comments all fell under the later agenda item regarding reports on the FSMB annual meeting.

6. Administrative Update (Mr. Herlihy):

Mr Herlihy also welcomed Dr. Clattenburg to the Board and noted that he would be serving on the Central Investigative Committee.

Mr. Herlihy provided an update on the investigator position. He stated that Christiana Coyner would be starting on Monday, May 11th and everyone would have an opportunity to meet her at the committee meetings.

Mr. Herlihy informed the members that the formal Rule Review process has commenced and it is anticipated that a final draft of the rules will be ready for review prior to November 2015.

Mr. Herlihy advised the Board that, over the next several months, he will be working with Meika DiPietro of VPMS to participate in Grand Rounds meetings at every Vermont Hospital. These sessions will focus on the use of VPMS, Board expectations for prescribing opioids, and rules regarding the use of VPMS. A representative of the State Police Diversion Unit will also be in attendance to speak about reporting criminal conduct surrounding prescription drugs.

7. Presentation of Applications (12:30 p.m. – 12:45 p.m.):

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

Ms. Vincent noted that Kimberly Sampson was approved by the Licensing Committee, which recommended granting a waiver regarding her medical school, which is on the California Board disapproved list. Ms. Vincent summarized the facts and explained the licensing statutes that relate to her application, 26 VSA §1391, 1395, & 1396. Ms. Vincent stated that the Committee noted that Dr. Sampson passed all Steps of the USMLE on the first attempt and had strong recommendations from a high-quality 4-year residency program. The Committee recommended approval of her application. The Board approved the waiver and approved her application.

8. Presentations to the Board (12:45 p.m. – 1:15 p.m.):

None

9. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)

- **In re: Christopher Bondi, MD – MPS 15-0209 – Request for Relief from Conditions**

Ms. Deiderich addressed the Board, summarizing the facts leading up to the Request for Relief from Conditions. Dr. Hayward made a motion to approve the Request for Relief from Conditions. Dr. Liebow seconded the motion. The motion

passed; opposed: none; abstained: none; recused: none.

10. Reconvene meeting; Executive Session to Discuss:

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

Ms. McClain made a motion at 12:41 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

11. Return to Open Session; Board Actions on matters discussed in Executive Session:

Mr. Gill made a motion at 1:47 p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

MPN 023-0215 – Letter #1
MPN 032-0315 – Special Letter #1

Mr. Jenkins made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

Mr. Jenkins, Central Investigative Committee, asked to close:

MPC 138-1114 – Special Letter #1
MPC 108-1014 – Letter #1
MPC 003-0115 – Letter #1
MPC 016-0215 – Letter #1
MPC 031-0315 – Letter #1; Dr. Sproul recused
MPC 029-0315 – Letter #1
MPC 005-0115 – Letter #1
MPC 024-0215 – Letter #1
MPC 017-0215 – Letter #1

Dr. Hayward made a motion to close the cases presented. Dr. Bernstein seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 & Central Investigative Committee.

Mr. Hoser, South Investigative Committee, asked to close:

MPS 007-0115 – Letter #1
MPS 038-0315 – Letter #
MPS 132-1114 – Special Letter #1

MPS 015-0115 – Letter #1
MPS 061-0714 – Letter #1
MPS 159-1214 – Letter #1
MPS 028-0315 – Letter #1
MPS 150-1214 – Special Letter #1
MPS 164-1214 – Special Letter #1; Dr. Sproul recused

Mr. Gill made a motion to close the cases presented. Dr. Bernstein seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 & South Investigative Committee.

12. Board Actions on Committee recommendations with regard to any non-confidential matters:

13. Discussion of proposed and possible vote on adoption of draft Telemedicine Policy.

Mr. Herlihy presented the final proposed draft of the Telemedicine Policy. He noted that the draft had been shared with VMS. When he followed up with Madeleine Mongan at the Vermont Medical Society, she stated she did not have any objections to the policy, but was not able to give “official” VMS support because it had not gone through a formal process with the membership. She agreed it was a good idea to have the policy and did not foresee any issues if the Board opted to adopt the policy.

Discussion continued regarding concerns held by some members that some language in the policy might be perceived as vague, especially surrounding the issue that not all medicine can be conducted via modes of telemedicine, and also the methods of storing of electronic communications regarding patient encounters.

Mr. Gill made a motion to adopt the Policy on the Appropriate Use of Telemedicine Technologies in the Practice of Medicine as drafted on April 2, 2015. Dr. Hayward seconded the motion. The motion passed: 9 in favor; opposed: 2 - Mr. Jenkins and Dr. Clattenburg; abstained: none; recused: none.

14. Other Business:

- **Report on FSMB Conference from Mr. Hoser, Ms. McClain, and Mr. Herlihy.**

Mr. Herlihy provided an overview of the annual meetings of Administrators in Medicine (the Executive Directors’ association) and the Federation of State Medical Boards held in April in Fort Worth, Texas. He highlighted key points of interest including updates from the National Practitioner Data Bank (NPDB) regarding compliance and timeliness of notifications of actions taken in other states; coaching resources to effectively change behaviors of disruptive physicians; medical board use of electronic medical records systems; current national trends in drug-overdose deaths attributed to the prescribing practices of opioids in conjunction with benzodiazepines; and physician wellness studies that focus on the risk to physician wellness of being subject to a malpractice action. He

indicated that he will explore with the Federation Foundation the possibility of a project to study the impact on physician wellness of a medical board investigation, as well as recommendations of best practices to mitigate any risks.

Ms. McClain also attended the annual conference as a public member representative and was impressed by the event and the public members from other states who attended. She participated in discussions focused on public member representation on medical boards and found the Vermont Board structure to be more open and encompassing of the public members, in comparison to other states. She also recognized the dedication of other public members and felt the overall experience gave her a broader outlook on the role of medical boards.

Mr. Hoser attended as the new Board Chair and recognized the theme of "Team Approach" and collaboration with stakeholders in many of the presentations. He found the conference to be informative and encouraged other members to attend next year.

15. Other Business:

16. Upcoming Board meetings, committee meetings, hearings, etc.: (Locations are subject to change. You will be notified if a change takes place.)

- **May 14, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **May 15, 2015, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6th Floor of the Deane C. David Building, Montpelier, VT**
- **May 20, 2015, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **May 20, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **June 3, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **June 3, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

17. Open Forum:

18. Adjourn:

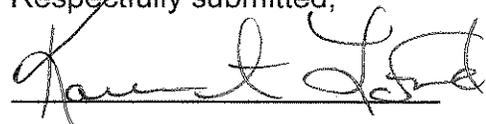
Dr. Hayward made a motion to adjourn. Ms. McClain seconded the motion. The motion

passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 3:02 p.m.

Attachments: Appendix A

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Karen A. LaFond", written over a horizontal line.

Karen A. LaFond
Medical Licensing & Operations Administrator

APPENDIX A

Presentation of Applications

Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses, and anesthesiologist assistant certifications for:

Christine Bentz, PA-C	Heather Bixler, MD	Sarah Blanchard, PA-C
Reynaldo Dizon, PA-C	Loic Fabricant, MD	Amelia Fisher, MD
Jonathan Halevy, MD	Brianne Hodge, PA-C	Alexandra Hoppe, PA-C
Xiangtian Hu, MD	Benjamin Keveson, MD	Jehanzeb Khan, MD
Sarah Kokko, MD	Alan Kono, MD	Crystal Labbe-Hasty, PA-C
Robin Liston, MD	Richard Maenza, MD	Cameron McCoin, MD
Samuel McWilliams, MD	Katie Miller, MD	Christopher Niles, MD
Gavin Noble, MD	Andrew Pachner, MD	Sharon Rosenthal, MD
Kimberley Sampson, MD	Adam Shain, PA-C	Aref Sobhani-Mahdabi, MD
Sasha Stiles, MD	Abigail Tattersall, PA-C	Donovan Thompson, MD
Allin Vesa, MD		

Recommended by Dr. Sproul for licensure and certification. Seconded by Mr. Gill. The motion passed; opposed: none; abstained: none; recused: none.

Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:

David Cleary, MD	Paul El Azoury, MD	Emily Farrell, MD
Brett Kemp, MD	Sergey Kulikov, MD	Ryan Kunkle, MD
Lucy Lane, MD	Nicholas Lehnertz, MD	Ivy Norris, MD
Radhika Parikh, MD	Bhargavi Pulluri, MD	Alycia Reppel, MD
Syeda Sayeed, MD	Fatemeh Sobhani, MD	Kathleen Witbread, MD
Chi-Gang Yen, MD	Evan Yoo, DPM	

Recommended by Dr. Hayward for licensure and certification. Seconded by Dr. Liebow. The motion passed; opposed: none; abstained: none; recused: none.