

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the August 3, 2016 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, Chair called the meeting to order at 12:21 P.M.

**Members Present:**

Richard Bernstein, MD; Brent Burgee, MD; Michael Drew, MD; David A. Jenkins;  
Leo LeCours; Christine Payne, MD; Ryan Sexton, MD; Marga Sproul, MD;

**Others in Attendance:**

Paula Nenner, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; Tracy Hayes – via phone; Bridget Asay, Vermont Solicitor General – via phone; George Belcher, Esq., Presiding Officer; Steven Fox, MD.

**2. Public Comment:**

None

**3. Approval of Minutes of the July 6 and July 20, 2016 Board Meetings:**

Dr. Bernstein moved to accept the minutes of the July 6, 2016 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Bernstein moved to accept the minutes of the July 20, 2016 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Members noted the July 20<sup>th</sup> minutes reflecting the resignation of Christiana Coyner, Investigator, and expressed their gratitude for her service to the board.

**4. Board Issues (Mr. Hoser):**

Mr. Hoser thanked Dr. Hayward for covering as Chair during the July meeting. He also noted that former Board Chair, Patricia King, MD will be attending the meeting in September for the retreat to provide members with an update on relevant issues in her capacity as a representative of the Federation of State Medical Boards (FSMB). He advised that if there are particular topics of interest the members would

like to discuss to contact him or Mr. Herlihy. Mr. Hoser also informed members that the Opioid Task Force has convened and Mr. Herlihy recently gave a presentation that was well received.

Ms. Hayes reminded members that the Licensing Committee is in need of one Public Member and encouraged those interested in serving on this committee to contact Mr. Herlihy.

**5. Discussion to consider changing application questions to add “integrity agreements.”**

Mr. Hoser, Ms. Hayes and Ms. Vincent provided members with background information about integrity agreements. Staff proposed adding the term to the application forms to avoid missing relevant information about applicants and licensees who are renewing. Essentially, the Office of the Inspector General will enter into integrity agreements with health care providers as part of settlement of Federal health care program investigations arising under a variety of civil false claim statutes. The providers or entities agree to the integrity agreement and in exchange, OIG agrees not to seek their exclusion from participation in Medicare, Medicaid or other Federal health care programs.

Members agreed that it would be beneficial to include language on the applications and suggested providing a definition of “Integrity Agreements” to reduce the potential for confusion.

Dr. Payne made a motion to include the language regarding Integrity Agreements and the definition on the applications. Ms. McClain seconded. The motion passed; opposed: none; recused: none; abstained: none.

**6. Designation of new Board Member to have access to VPMS information: Ryan Sexton, MD**

Dr. Sproul made a motion to designate Ryan Sexton, MD to have access to VPMS information in his capacity as a board member. Ms. McClain seconded. The motion passed; opposed: none; recused: none; abstained: none.

**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.

**8. Executive Session to Discuss: (12:45 p.m. – 1:15 p.m.)**

- **Investigative cases recommended for closure**

- **Other matters that are confidential by law, if any:**
  - i. **Bridget Asay, Vermont Solicitor General to discuss the lawsuit filed by the Vermont Alliance for Ethical Healthcare Inc. and the Christian Medical and Dental Associations, Inc.**

At 12:48PM, Mr. Jenkins moved that the Board have the discussion with the Solicitor General in executive session because at this juncture of the lawsuit, any premature general public knowledge would clearly place the Board at a substantial disadvantage regarding this lawsuit and because the Board will be receiving confidential attorney-client communications in regards to this pending lawsuit. Mr. LeCours seconded. The motion passed; opposed: none; recused: none; abstained: none.

At 1:05 p.m, Dr. Drew made a motion to return to open session. Dr. Payne seconded. The motion passed; opposed: none; recused: none; abstained: none.

Ms. McClain made a motion at 1:09 p.m. to enter into Executive Session to discuss confidential matters related to investigations. Dr. Bernstein seconded the motion. The motion passed: opposed: none; abstained: none; recused: none.

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

Ms. McClain made a motion at 1:24 p.m. to return to Open Session. Mr. LeCours 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**

**Mr. LeCours, North Investigative Committee, asked to close:**

MPN 083-0516 – Letter #1  
MPN 095-0616 – Special Letter #1  
MPN 084-0516 – Letter #1  
MPN 094-0616 – Special Letter #1  
MPN 082-0516 – Letter #1  
MPN 054-0316 – Letter #1

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

**Ms. McClain, South Investigative Committee, asked to close:**

MPS 040-0216 – Letter #1  
MPS 096-0616 – Letter #1

Mr. LeCours made a motion to close the cases presented. Ms. Sproul seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee.

**11. 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: Stephen H. Fox, MD – Licensing Matter**

Mr. Belcher and Ms. Vincent addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Drew, in his capacity as the Chair of the Licensing Committee, informed the Board that the Licensing Committee supported the order as presented. Mr. Belcher noted that members of the Licensing Committee would recuse from the vote.

Mr. Hoser made a motion to approve the Stipulation and Consent Order. Mr. LeCours seconded the motion. The motion passed; opposed: none; abstained: none; recused: Licensing Committee.

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

None

**13. Other Business:**

None

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

- **August 11, 2016, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 2C, Burlington, VT**
- **August 12, 2016, Approve change to application questions to add “integrity agreements.” This is specifically for the physician renewal application, but would be applied to all applications.**

- **August 17, 2016, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2<sup>nd</sup>, Floor Burlington, VT (and via telephone)**
- **August 17, 2016, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **September 7, 2016, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **September 7, 2016, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**15. Open Forum:**

**16. Adjourn:**

Mr. Hoser declared the meeting adjourned at 1:38PM.

**Attachments: Appendix A**

Respectfully submitted,  
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 for:**

Jessica Crothers, MD  
Patricia Hammond, PA-C  
Joshua Kornbluth, MD  
Lanny Littlejohn, MD  
Gary Miller, MD  
Anahita Parsee, MD  
Andrea Schulze, MD

Theodore Faber, MD  
James Hermann, Sr., MD  
Ricky Kue, MD  
Victoria Martin, MD  
Mary Murphy, MD  
Ripal Patel, MD  
Matthew Way, MD

Stephen Fox, MD  
Jason Kiner, MD  
Job Larson, MD  
Jessica McNally, MD  
Norman Paradis, MD  
Victor Sawhney, MD

Recommended by Dr. Drew for licensure. Seconded by Mr. LeCours. The motion passed; opposed: none; abstained: none; recused: none.

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

Derek Donovan, MD

Shazia Savul, MD

Recommended by Mr. Jenkins for licensure. Seconded by Dr. Drew. The motion passed; opposed: none; abstained: none; recused: none.