

**Vermont Board of Medical Practice
Minutes of the November 7, 2007 Meeting
Gifford Medical Center, Randolph, Vermont**

Approved

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

Dr. Clauss, Chair of the Board, called the meeting to order at 12:18 p.m.

Members Present:

James D. Cahill, MD; David W. Clauss, MD; Ezekiel S. Cross; Patricia A. King, MD, PhD; Margaret Martin; John J. Murray, MD; Sharon L. Nicol; Alexander Northern; Toby Sadkin MD, Katherine A. Silta PA-C; William H. Stouch, MD; Peter Thomashow, MD; John Webber, Esq.

Others in Attendance:

James Arisman, Assistant Attorney General; Philip Ciotti, Investigator; Paula Nenninger, Investigator; Phil Cykon, Presiding Officer; Roberta Downes, Licensing Administrator; Dixie Henry, Assistant Attorney General; Tracy Hayes, Administrative Assistant; John Howland, Jr, Director; Margaret Vincent, Assistant Attorney General;

2. Public Comment

None

3. Approval of the Minutes of the October 3 and 17, 2007 Board Meetings

Dr. King made a motion to accept the minutes of the October 3 and October 17, 2007 Board meetings. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained:

5. Board Matters (Dr. Clauss)

Ms. Nicol, Mr. Howland, Dr. Clauss, and Mr. Arisman met with VPHP a couple of weeks ago to discuss matters. VPHP is actively discussing expanding their services to include mental health and behavioral issues. They do not have any concrete plans at this time as to when that will be. The relationship between the Board and VPHP seems to be more open and collegial than in the past and we seem to be making progress with them. We are hoping that they will start to do more outreach with the hospitals and we will continue to meet with them.

Dr. King spoke as to policies that other states have when a physician has been out of practice for a period of time. Licensing is going to draft a policy for the Board on how we would treat those practitioners returning to practice. We are going to use the Federation policy as a working model. Once drafted, the policy would be brought to the

Board for approval. If anyone has any thoughts on this please let Dr. King or Mr. Howland know. This is a big issue on the federation level and was discussed at the FSMB meeting.

Mr. Howland said he has a 50 page draft report on this subject from the Federation and is going to forward this to the Licensing Committee. If anyone else would like a copy please let Mr. Howland know.

6. Administrative Update (Mr. Howland)

Welcome back to Paula Nenninger.

The position of Director has been posted in the Burlington Free Press and Seven Days. Mr. Howland took this position on an interim basis. Mr. Howland expects his successor to be chosen in the next couple of weeks. The Commissioner will consult with Dr. Clauss regarding the selection. Mr. Howland hopes to work with his successor for a period of time before leaving.

Act 80 passed in the last session. Ms. Henry provided a brief overview of Act 80, the new law relating to prescription data sharing. As required by the new law, prescriber consent forms and information sheets about the new law were included in the Board mailing of the renewal packets to Physician Assistants and Anesthesiologist Assistants in October. Ms. Henry thanked Mrs. Hayes, Ms. Downes and Lauren West for all their efforts to meet the requirements of the new law. There is a fact sheet, FAQ sheet, consent form and revocation form. The consent registry is kept at the Board office and is available to the public.

Dr. Thomashow and others expressed concern that the consent form was not clear enough. Ms. Henry said she would share those concerns with the committee that drafted the form.

At this time (12:40) Mr. Northern, Dr. Sadkin, Dr. Cahill, Ms. Nicol, and Mr. Cykon joined the meeting.

Mr. Howland handed out a memo from the Board of Pharmacy regarding the writing of prescriptions for Schedule II drugs. This is attached to the file copy of these minutes

The Health Department is completing new contracts for legal services with Mr. Cykon whose current contract runs out the end of this year, and with Ms. Marge Powers.

Dr. Richard Guerrero has left the board but has been appointed as an ad-hoc member to the South Committee to assist with five pending investigations.

There are currently two vacancies on the Board and Mr. Howland has nothing to report on those vacancies.

A reminder that the Central Committee meeting will be held at Redstone this month.

Dr. Murray gave brief report on the Advance Nurse Practitioner initiative discussed in September. They have nine people on a study committee. VMS has not yet offered an opinion on the proposal. Dr. Murray is our representative on the study committee, which must have a recommendation for the Legislature by January. The nurses are extremely well organized in this effort. The question was raised that if the nurses are to practice without collaborative agreement, what board should they be under? There will be much more discussion on this topic. If you have concerns please let Dr. Murray know so he may present them.

7. Presentation of applications

See Appendix A.

Dr. Cahill made a motion at 12:54 p.m to go into Executive Session to discuss confidential matters related to licensing. Mr. Cross seconded the motion. The motion passed, opposed: none; abstained: none.

Return to Open session at 1:14

The question arose that If the board feels terms of a stipulation are not being met, are we able to monitor this? Yes we are able to do this.

Dr. Cahill made a motion to table the application from Dr. Richard Crandall III until further information is received by the Board. Dr. Murray seconded the motion. Dr. Stouch made an amended motion to table this application until further information is received by the Board, and that a copy of the stipulation and a letter of assurance on how stipulation will be met be sent to Board members. Dr. Murray seconded the amended motion. The motion passed. Opposed: none; Abstained: none

After a letter of assurance is sent to the Licensing Committee an interview with that committee will be scheduled.

8. Recess; Convene Hearing (Mr. Cykon)

Mr. Cykon expressed his appreciation the members of the Chase hearing committee for their time and work.

Board Recessed at 1:36

Mr. Cykon convened a hearing to consider adjudicative matters before the Board.

In re: Joseph H. Kratzer, MD, Docket no. MPC 84-0507 Stipulation and Consent Order.

Ms. Vincent brought this matter before the board.

Dr. Cahill made a motion to go into Executive Session to discuss matters that are confidential regarding stipulations. Dr. Murray seconded the motion. The motion passed. Opposed: none; Abstained: Central Committee

Return to open session 1:37

Dr. Cahill made a motion to approve the Stipulation and Consent Order. Ms. Martin seconded the motion. The motion passed. Opposed: none; Abstained: Central Committee

In re: Vernon S. Kellogg, MD, Docket no. MPC 138-1007 Interim Stipulation and Consent Order.

Mr. Arisman brought this matter before the board.

Dr. Webber made a motion to approve the Interim Stipulation and Consent Order. Mr. Cross seconded the motion. The motion passed. Opposed: none; Abstained: Central Committee

The hearing concluded and the Board resumed its meeting.

9. Executive Session to Discuss Investigative Matters

Mr. Webber made a motion at 1:44 p.m to go into Executive Session to discuss confidential matters related to investigations. Dr. Thomashow seconded the motion. The motion passed, opposed: none; abstained: none.

9. Open Session

Open session resumed at 2:10 p.m.

Ms. Silta, South Investigative Committee, moved to close

MPS 110-0707

MPS 41-0207

MPS 40-0207

MPS 38-0207

MPS 42-0207

MPS 128-0907

MPS 135-0907

MPS 124-0807

MPS 125-0907

MPS 87-0507

MPS 39-0207

Seconded: Dr. Murray. Passed, opposed: none. Abstained: Dr. King MPS 110-0707

10. Next meetings

Upcoming meetings

- December 5, 2007, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph,
- December 5, 2007, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph,
- December 13 , 2007, North Investigative Committee Meeting, 12 p.m., Stanley Hall, State office Complex, Waterbury
- December 14, 2007, Central Investigative Committee Meeting, Pavilion Building 4th Floor Conference Room, Montpelier
- December 19, 2007, Board meeting on pending applications, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- December 19, 2007, South Investigative Committee Meeting, 12:20 p.m., Asa Bloomer Building, Rutland

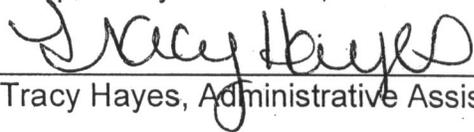
11. Any Other Business

12. Adjournment

Mr. Cross made a motion to adjourn. Dr. Thomashow seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Adjourned at 2:11 p.m.

Respectfully submitted,



Tracy Hayes, Administrative Assistant

Attachments

Appendix A

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

Dr. Cahill reported on interviews with
John Burrell, MD
Jerome Lang, MD
Recommended for physician licensure
Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Thomashow reported on interviews Dr. Davignon conducted with
Karim Abouelenin, MD
Kenneth Marvin, MD
Ngoc-Lan Nguyen-Knoff, MD
Spencer Sands, MD
Maruthi Sunkara, MD
Recommended for physician licensure
Christopher Padgett, PA-C
Recommended for physician assistant certification
Seconded by Dr. Cahill, passed; opposed: none, abstained: none

Dr. Thomashow reported on an interview Dr. Lamontagne conducted with
Bernard Engelberg, MD
Recommended for physician licensure
Seconded by Dr. Cahill, passed, opposed: none, abstained: none

Dr. Thomashow reported on interviews with
Marda Donner, MD
Wichard Van Héuven, MD
Recommended for physician licensure
Seconded by Dr. Cahill, passed, opposed: none, abstained: none

Dr. Murray reported on an interview with
Niels Giddins, MD
Recommended for physician licensure
Seconded by Dr. Cahill, passed, opposed: none, abstained: none

Dr. Sadkin reported on an interview with
Izabela Tarasiewicz, MD
Recommended for physician licensure
Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Stouch reported on interviews with
Chad Brown, MD
Ronni Levy, MD

William Pace, MD

Recommended for physician licensure

Jennifer Hall, PA-C

Recommended for physician assistant certification

Seconded by Dr. Cahill, passed, opposed: none, abstained: none

Ms. Silta reported on interviews conducted with

Edward Durling, PA-C

Michael Goesch, PA-C

Patrick Kearney, PA-C

Cary Stratford, PA-C

Recommended for physician assistant certification

Seconded by Dr. Murray, passed, opposed: none, abstained: none

Dr. Clauss moved on limited temporary licenses for

Brea Lipe, MD

Abby Reineck, MD

Seconded by Dr. Murray, passed, opposed: none, abstained: none