

**Vermont Board of Medical Practice
Minutes of the December 2, 2009 Board Meeting
Gifford Medical Center, Randolph, Vermont**

“Approved – January 6, 2010”

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

David W. Clauss, M.D., Chair, called the meeting to order at 12:10 p.m.

Members Present:

David W. Clauss, M.D.; Patricia A. King, M.D.; Margaret F. Martin; James D. Cahill, M.D.; Michael Drew, M.D.; William K. Hoser, PA-C; Hon. David A. Jenkins; Sharon L. Nicol; Robert R. Rinaldi, M.D.; Toby Sadkin, M.D.; William H. Stouch, M.D.; Peter Thomashow, M.D.; John B. Webber, Esq.

Others in Attendance:

William E. Wargo, Director; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenninger, Investigator; James Arisman, Assistant Attorney General; Bessie Weiss, Assistant Attorney General; Margaret Vincent, Assistant Attorney General; Terry Lovelace, Assistant Attorney General; Tracy Hayes, Administrative Assistant; Marjorie Power, Presiding Officer (joined meeting at approximately 1:00 p.m.); Madeleine Mongan, Esq., Vice President for Policy, Vermont Medical Society;

2. Public Comments:

None

3. Approval of the Minutes of the November 4 and 18, 2009 Board Meetings:

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

Ms. Martin made a motion to accept the minutes of the November 18, 2009 Board meeting. Mr. Hoser seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

4. Board Matters (Dr. Clauss):

Dr. Clauss informed Board members that at this time there have been no proposed changes in the statute to change the structure of the Board.

Dr. Clauss informed the Board that this was Dr. Cahill and Ms. Nicol's last Board meeting and they would be missed.

Dr. Clauss introduced Terry Lovelace, Assistant Attorney General, taking on Mr. Arisman's position with the Board.

Dr. Clauss read aloud the letter Mr. Wargo drafted in response to Dr. Murray's motion made at the November 4, 2009 Board meeting:

"Dr. Murray made a motion that the Vermont Board of Medical Practice submits a letter of support for the development of Radiology Assistants (RAs); and that the Board of Medical Practice should regulate and oversee RAs. Dr. Stouch seconded the motion. The motion passed, opposed: none; abstained: none; recused: none."

Dr. Drew made a motion that the letter read by Dr. Clauss represents the Board of Medical Practice's current position regarding Radiology Assistants (RAs). Mr. Webber seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

5. Administrative Update (Mr. Wargo):

Mr. Wargo informed Board members that the Vermont Practitioners Health Program needed two new Board members to join the Liaison committee. This committee meets two times a year and the next meeting is set for January 19, 2010.

Mr. Wargo also asked for input and questions regarding the Board report due to the Legislature by January 15, 2010. Comments and question regarding the report were as followed:

- How many physicians were surveyed?
- Using a number of physicians surveyed would be helpful in understanding the data collected.
- There were some questions and concerns around *Recommendation #4*, specifically around the following: "*The Board recommends that the Bill of Rights for Palliative Care and Pain Management be incorporated into all routine provider visits and on admission to any health care facility in Vermont.*" Board members were concerned that adding this to the normal routine would detract

from the visit itself. One suggestion was to have the information readily available in the physician's office for patients.

Mr. Wargo also informed Board members that he had been contacted in regard to Osteopaths being overseen by the Board of Medical Practice. The opinion of the Board was that it would make sense to have Osteopaths overseen by the Board of Medical Practice.

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:

None

Break: 12:53 p.m.

Return: 1:03 p.m.

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

Ms. Power convened a hearing to consider adjudicative matters before the Board (approximately 1:03 p.m. – 1:19 p.m.).

In re: Pierre A. Delfausse, PA-C, Docket No. MPN 60-0609 – Stipulation and Consent Order

Dr. Cahill made a motion to grant the Stipulation and Consent Order. Hon. D. Jenkins seconded the motion. The motion passed, opposed: none; recused: North Investigative Committee (Dr. King, Ms. Nicol, Dr. Sadkin and Dr. Stouch); abstained: none.

In re: Mitchell R. Miller, M.D., Docket No. MPC 76-1100 – Stipulation and Consent Order

Dr. King made a motion to grant the Stipulation and Consent Order. Dr. Cahill seconded the motion. The motion passed, opposed: none; recused: Central Investigative Committee (Dr. Clauss, Hon. David Jenkins, Dr. Rinaldi, and Dr. Thomashow) and Ms. Martin; abstained: none.

In re: James I. Okoh, M.D., Docket No. MPS 75-0609 – Stipulation and Consent Order

Dr. Stouch made a motion to grant the Stipulation and Consent Order. Dr. Thomashow seconded the motion. The motion passed, opposed: none; recused: South Investigative Committee (Ms. Martin, Dr. Cahill, Dr. Drew, Mr. Hoser and Mr. Webber); abstained: none.

9. Executive Session to Discuss Investigative Matters:

Dr. Cahill made a motion at 1:19 p.m. to go into Executive Session to discuss confidential matters related to investigations. Hon. D. Jenkins seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 1:58 p.m.

10. Open Session

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

MPS 118-1009 MPS 80-0709 MPS 99-0809

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

Dr. Clauss, Central Investigative Committee, asked to close:

MPC 134-0907 MPC 165-1107 MPC 110-0909 MPC 54-0509

Mr. Hoser made a motion to close the cases presented. Dr. King seconded the motion. The motion passed, opposed: none; abstained: none; recused: Central Committee (Dr. Clauss, Hon. David Jenkins, Dr. Rinaldi, and Dr. Thomashow); MPC 134-0909 & MPC 165-1107 – Ms. Martin; MPC 54-0509 – Dr. Cahill.

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

MPN 71-0609

Dr. Cahill made a motion to close the case presented. Mr. Hoser seconded the motion. The motion passed, opposed: none; abstained: none; recused: North Committee (Dr. King, Ms. Nicol, Dr. Sadkin and Dr. Stouch).

11. Board Actions on Committee Recommendations With Regard to Any Non-confidential Matters:

None

12. Any Other Business:

None

13. Next meetings:

Upcoming meetings:

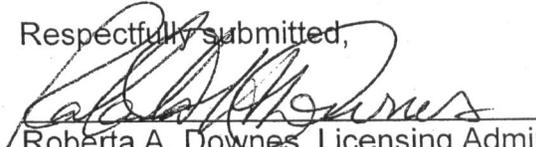
- **January 6, 2010**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **January 6, 2010**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **January 14, 2010**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **January 8, 2010**, Central Investigative Committee Meeting, Pavilion Building, 4th Floor Conference Room, Montpelier
- **January 20, 2010**, Board meeting on pending applications, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **January 20, 2010**, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

14. Adjournment

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

Meeting adjourned at 2:06 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 an interview conducted with:

Nita Mahajan, M.D.

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

Dr. Clauss reported on an interview conducted by Dr. Reich with:

Bruce Weinstein, M.D.

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

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

Christopher Guyer, M.D. Amy MacQueen, M.D.

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

Mr. Hoser reported on an interview conducted with:

Michele Lareau, PA-C

Recommended Mr. Hoser for physician assistant certification
Seconded by Hon. D. Jenkins, passed, opposed: none, recused: none.

Mr. Hoser reported on an interview conducted with:

Pierre Delfausse, PA-C

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

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

Jeffrey Donnelly, PA-C Kari Marley, PA-C James Picone, PA-C
Andrea Rickards, PA-C

Recommended Mr. Hoser for secondary physician assistant certifications
Seconded by Hon. D. Jenkins, passed, opposed: none, recused: none.

Mr. Hoser moved that the addendum to the scope of practice submitted for the following physician assistant be approved by the Vermont Board of Medical Practice. The addendum will allow them to perform "evaluations on patients with influenza symptoms in Building D located on the Central Vermont Medical Center (CVMC) campus under the supervision of Dr. Mark Depman, Emergency Department Medical Director at CVMC during the 2009-2010 influenza season".

Lindsey Bilger, PA-C

Recommended by Mr. Hoser for approval of addendum to scope of practice. Seconded by Hon. D. Jenkins, passed, opposed: none, recused: none.

Mr. Hoser moved that the addendums to the scope of practice submitted for the following physician assistants be approved by the Vermont Board of Medical Practice. Addendums will allow them to perform "evaluations on patients with influenza symptoms in the Occupational Health/Physiatry Department on the campus of Rutland Regional Medical Center, under the supervision of Kirk Dufty, M.D., Emergency Department Medical Director at RRMCM during the 2009-2010 influenza season".

Andrea Larson, PA-C William Zuber, PA-C

Recommended by Mr. Hoser for approval of addendum to scope of practice. Seconded by Hon. D. Jenkins, passed, opposed: none, recused: none.

Dr. King presented Martha Vail's, M.D. request for withdrawal of initial physician license application.

Request for withdrawal of initial physician license application for Martha Vail, M.D., presented by Dr. King. Seconded by Dr. Cahill, passed, opposed: none, abstained: none

Dr. King presented Susan Markush's, PA-C request for withdrawal of initial physician assistant certification application.

Request for withdrawal of initial physician assistant certification application for Susan Markush, PA-C, presented by Dr. King. Seconded by Dr. Cahill, passed, opposed: none, abstained: none

Dr. Rinaldi reported on an interview conducted with:

Martin Pomphrey, M.D.

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