

**Vermont Board of Medical Practice  
Minutes of the December 3, 2008 Board Meeting  
Gifford Medical Center, Randolph, Vermont**

**“Approved – January 7, 2009”**

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

David W. Clauss, MD, Chair, called the meeting to order at 12:23 p.m.

**Members Present:**

David W. Clauss, MD; Patricia A. King, MD; Margaret F. Martin; 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; 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; Marjorie Power, Legal Counsel and Presiding Officer; Bessie Weiss, Assistant Attorney General; Margaret Vincent, Assistant Attorney General; Paul Harrington, Executive Vice President of the Vermont Medical Society.

**2. Approval of the Minutes of the November 5 and 19, 2008 Board Meetings:**

Sr. Ryan made a motion to accept the minutes of the November 5, 2008 Board meeting. Hon. Jenkins seconded the motion. The motion passed, opposed: none; abstained:

Hon. Jenkins made a motion to accept the minutes of the November 19, 2008 Board meeting. Dr. Reich seconded the motion. The motion passed, opposed: none; abstained: none.

**3. Public Comments:**

Paul Harrington, Executive Vice President for the Vermont Medical Society.

Mr. Harrington spoke with the Board about the Vermont Medical Society's (VMS) thoughts regarding Continuing Medical Education (CME) requirements.

Mr. Harrington also spoke about the letter Mr. Wargo, Dr. Clauss, Dr. Murray, Dr. Swartz and he drafted to Senator Virginia Lyons and Representative William Frank of the Palliative Care, End-of-Life Care, and Pain Management Legislative Study Committee about Continuing Medical Education (CME). (See letter to Senator Virginia Lyons and Representative William Frank)

Mr. Harrington and the Board both emphasized that there are real differences among Palliative Care, End-of-Life Care, and Pain Management.

The Board and Mr. Harrington discussed the effects of mandated CME requirements.

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

None

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

Mr. Wargo reminded the Board members that the location of the Central and North Committee meetings have been changed for the December meetings.

Mr. Wargo also informed the Board that the Centers for Medicare and Medicaid Services may appeal the decision of the administrative law judge regarding the Riley Elliott, D.D.S. case. Mr. Bennett has put together some proposed legislation and may try to get it into the Office of Professional Regulation bill. If so, Mr. Bennett and Dr. Riley may request to come before the Board of Medical Practice again and ask for support.

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

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

Dr. Clauss made a motion at 1:54 p.m. to go into Executive Session to discuss confidential matters related to the Robert W. Murray, MD hearing. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: none.

Return to open session at 2:11 p.m.

**In re: Robert W. Murray, MD - MPN 123-0804 & MPN 37-0207 – Stipulation & Consent Order**

Brought forth by and presented by Mr. Arisman.

Dr. Cahill made a motion to accept the Stipulation and Consent Order as presented. Dr. Rinaldi seconded the motion. The motion passed, opposed: none; abstained: North Committee (Dr. King, Ms. Nicol, and Sr. Ryan), and Dr. Thomashow.

**In re: Herbert H. Scherzer, MD - Licensing Committee Matter – 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 accept the State's Response to Respondent's Petition for Relief from Conditions of Licensure. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: South Committee (Ms. Martin, Dr. Cahill, Mr. Hoser, Dr. Reich, Dr. Rinaldi and Mr. Webber).

**Break:** 2:16 p.m.

**Return:** 2:32 p.m.

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

Dr. Murray made a motion at 2:33 p.m. to go into Executive Session to discuss confidential matters related to investigations. Mr. Webber seconded the motion. The motion passed, opposed: none; abstained: none.

**9. Open Session**

Return to open session: 3:22 p.m.

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

MPS 127-0907      MPS 105-0908  
MPS 111-1008      MPS 01-0105

Dr. Murray made a motion to close the cases presented. Dr. King seconded the motion. The motion passed, opposed: none; abstained: South Committee (Mr. Hoser, Ms. Martin, Dr. Reich, Dr. Rinaldi and Mr. Webber), MPS 01-0105 – Dr. Murray, MPS 111-1008 – Dr. Thomashow.

**Dr. Murray, Central Investigative Committee, asked to close:**

MPC 115-1008                      MPC 100-0908                      MPC 80-0708  
MPC 109-0908                      MPC 112-1008                      MPC 117-1008

Dr. Cahill made a motion to close the cases presented. Dr. Reich seconded the motion. The motion passed, opposed: none; abstained: Central Committee (Dr. Murray, Hon. Jenkins, Dr. Clauss and Ms. Young).

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

MPN 107-0908

Dr. Murray made a motion to close the cases presented. Dr. Cahill seconded the motion. The motion passed, opposed: none; abstained: North Committee (Dr. King, Ms. Nicol and Sr. Ryan),

**10. Any Other Business:**

**11. Next meetings:**

Upcoming meetings:

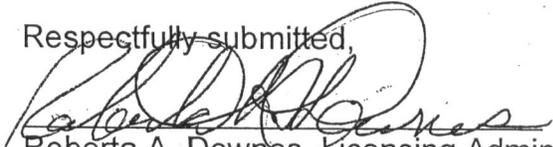
- **January 7, 2009**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **January 7, 2009**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **January 15, 2009**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **January 9, 2009**, Central Investigative Committee Meeting, 12 p.m, Liquor Control Conference Room, 13 Green Mountain Drive, Montpelier
- **January 21, 2009**, Board meeting on pending applications, 1:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **January 21, 2009**, South Investigative Committee Meeting, 1:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

## 12. Adjournment

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

Meeting adjourned at 3:32 p.m.

Respectfully submitted,



Roberta A. Downes, Licensing Administrator

**Attachments:**

## Appendix A

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

**Dr. Cahill reported on an interview conducted with**  
Robert Abeyta, MD

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

**Dr. Clauss reported on an interview conducted with**  
Perry Kaneriya, MD

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

**Dr. Clauss moved for the issuance of limited temporary licenses for**  
Brian Anderson, MD  
Carey Field, MD  
Jonas Gricius, MD  
Jake Veigel, MD

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

**Mr. Hoser reported on interviews conducted with**  
Ruth Cody, PA-C  
Jody Houghton, PA-C

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

**Mr. Hoser reported on an interview conducted with**  
Pierre Delfausse, PA-C

Recommended Mr. Hoser for physician assistant certification  
Seconded by Dr. Murray, passed, opposed: Dr. Reich, Dr. Rinaldi, Ms. Martin, Dr. King,  
Ms. Nicol, abstained: Sr. Ryan.

**Dr. Murray reported on interviews conducted with**  
Susan Klein, MD  
Martin Lucenti, MD

Recommended by Dr. Murray for physician licensure  
Seconded by Dr. Reich, passed, opposed: none, abstained: none

**Dr. Thomashow reported on an interview conducted with**  
Christopher Darcey, MD

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