

**Vermont Board of Medical Practice  
Minutes of the April 5, 2006 Meeting  
Gifford Medical Center, Randolph, Vermont**

**Approved**

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

James D. Cahill, Chair of the Board, called the meeting to order at 12:17 p.m., at Gifford Medical Center, Randolph, Vermont.

**Members Present:**

James D. Cahill, MD; David W. Clauss, MD; Ezekiel S. Cross; Richard L. Guerrero, MD; Patricia A. King, MD, PhD; Denis Lamontagne, DPM; Margaret F. Martin; Sharon L. Nicol; Alexander Northern; Toby Sadkin, MD; Katherine A. Silta, PA-C; William H. Stouch, MD; Peter Thomashow, MD; John B. Webber, Esq.; Florence Young

**Others in Attendance:**

James Arisman, Esq., Assistant Attorney General; Phil Ciotti, Investigator; Phil Cykon, Presiding Officer; Paula DiStabile, Executive Director; Peggy Langlais, Administrative Supervisor; Paula Nenninger, Investigator; Joseph Winn, Esq., Assistant Attorney General

**2. Public Comment**

Dr. Cahill welcomed Dr. Denis Lamontagne to the Board as the new podiatric Board member.

**3. Approval of the Minutes of the March 1 and 15, 2006 Board Meetings**

Ms. Martin made a motion to accept the minutes of March 1 and 15, 2006. Mr. Cross seconded the motion. The motion passed, opposed: none, abstained: none

Dr. Clauss made a motion to accept the minutes of the Executive Committee meeting of March 16, 2006. Ms. Nicol seconded the motion. The motion passed, opposed: none, abstained: none

**Discussion**

Can someone share with us the spirit of the meeting with VPHP?

Dr. Cahill said that the Committee had met with Paul Harrington, Madeleine Mongan and Coleen Magne of the Vermont Medical Society. He said the

purpose of the meeting was to discuss the Society's announcement that Dr. Parker had resigned her position as Medical Director of the Vermont Practitioner Health Program and would be leaving in June.

Dr. Cahill said the Executive Committee asked whether this might be an opportunity to expand the scope of VPHP's services beyond substance abuse issues. He said that the Medical Society is in a mode of stabilizing the situation at this point and not looking at expansion of services at this time. Dr. Cahill said that the Medical Society was discussing the position with some individuals who might be interested in the position.

Ms. DiStabile said that she had emphasized to Mr. Harrington that it is critical that there be a plan B in place to ensure that the program remains functional during the transition in the event there is a delay in identifying a permanent Medical Director.

Dr. Cahill said that there was also discussion in the Executive Committee about the possibility of asking to meet with the Vermont Association of Hospitals and Health Systems and individual hospitals throughout the state to discuss matters of mutual interest. Dr. Clauss has volunteered to create the agenda for this effort for the Board's review. Anyone with ideas to contribute should share them with Dr. Clauss or Dr. Cahill.

#### **4. Board Matters**

Dr. Cahill led a discussion regarding a letter received from Vincent Garbitelli, MD, FACP, related to prescribing practice.

##### **Discussion**

The Board's position is consistent with others, including the AMA ethics opinions.

The Board Rules are not aberrant.

The approach is a well-accepted mainstream approach.

Legislation allows the Board to promulgate rules that licensees are to follow.

Ms. DiStabile will draft a response to Dr. Garbitelli for Dr. Cahill's signature.

#### **5. Administrative Update (Ms. DiStabile)**

Ms. DiStabile provided the following updates.

- The Department of Health's website, including the Board's website, has been completely redesigned. Ms. DiStabile said that she has recommended changes to the text and has requested changes to the

format and structure of the profiles. She indicated that the site contents have been "frozen" pending completion of work at the central level and we have been informed that updates will be possible in the near future.

- She responded to a recent survey related to the Board's website from Public Citizen, Dr. Sidney Wolfe's organization. The survey is about the content and quality of Board websites; unfortunately, due to the fact that our website is currently being redesigned, we were unable to provide all of the information requested.
- A message from Dr. Chen was included in the Board packet at his request. The consensus of the Board was that no response was required.
- Also in the Board packet is a table from the Board of Pharmacy regarding prescription limitations, as offered by the Pharmacy Board when Dr. Sadkin met with them some months ago. She asked the Board to let her know if they felt this provided the clarity they were seeking.

Ms. DiStabile said that there are currently 2 legislative issues pending that may have implications for the Board.

- H.794 – The bill is intended to address concerns about challenges to timely renewal for licensees in the National Guard who are deployed or activated in circumstances impeding timely renewal. The original bill language was problematic for a variety of reasons and may actually create problems for physician licensees. Ms. DiStabile said that she has been working with the Office of Professional Regulation and BISHCA to try to come up with alternative language that would work for the licensees and for state agencies – she provided the Board with a copy of the draft language.

#### Discussion

What committee is it in? Senate Government Operations.

Ms. DiStabile asked the Board for its recommendation today – after some questions and discussion, Board members indicated support for the alternative language.

- S. 310 contains a number of items that may be of interest to the Board, but her focus has been the patient safety/adverse event reporting section that she shared with the Board previously. It is in the House Health Care Committee. She said that she has been working

with others to address the Committee's concerns about the confidentiality and reporting sections of the law.

Discussion related to Board member e-mail accounts:

- Are Board members going to be using the new accounts daily?
- We should not be e-mailing confidential committee information unless in the secure environment.
- Ms. DiStabile was asked if the status quo is unacceptable to her. She responded that there is no problem with using personal accounts for non-confidential Board business but that confidential committee information should not be going to home or office e-mail addresses.
- Board members may decide whether they wish to use the accounts for all or just confidential information. Board members are asked to think about what they want and let Ms. DiStabile know what they decide.
- The issue can be discussed at upcoming investigative committee meetings.

Discussion related to opening and closing letters?

- There has been additional feedback and a bit more work being done.
- Dr. Clauss supports the feedback that has been shared.
- Anyone with feedback was asked to e-mail their comments to Ms. DiStabile.

## **6. Presentation of applications**

See Appendix A

## **7. Recess; Convene Hearing (Mr. Cykon)**

Mr. Cykon convened a hearing to consider a matter before the Board at 12:58 p.m.

In re: Noelle C. Thabault, MD, MPN 33-0206, Voluntary Temporary Partial Cessation of Practice Agreement

Dr. Stouch made a motion to go into executive session. Dr. Clauss seconded the motion. The motion passed. All in favor, opposed: none.

Executive Session began at 12:59 p.m.

Dr. Thomashow made a motion to return to open session. Dr. Clauss seconded the motion. The motion passed. All in favor, opposed: none.

Return to Open Session: 1:26 p.m.

Mr. Webber made a motion to accept the Voluntary Temporary Partial Cessation of Practice Agreement. Mr. Cross seconded the motion. The vote was all in favor, opposed: none, abstained: Dr. Guerrero.

Dr. King made a motion to approve PACE as the program to conduct the evaluation of Dr Thabault. Mr. Webber seconded the motion. The vote was all in favor, opposed: none, abstained: Dr. Guerrero.

In re: Peter K. McKenna, MD, MPS 74-0505, Entry Order

Dr. Sadkin made a motion to go into executive session. Dr. King seconded the motion. The motion passed. All in favor, opposed: none.

Executive Session began at 1:29 p.m.

Dr. King made a motion to return to open session. Ms. Nicol seconded the motion. The motion passed. All in favor, opposed: none.

Return to Open Session: 1:53 p.m.

The Board approved the Notice of Dismissal.

#### **8. Break 1:55**

#### **9. Executive Session**

Ms. Martin made a motion to go into executive session to discuss investigative matters. Dr. King seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Executive session began at 2:16 p.m.

#### **10. Return to Open Session**

Ms. Young made a motion to return to open session. The motion was seconded by Dr. King. The vote was all in favor, opposed: none, abstained: none.

Open session: 2:47 p.m.

Dr. Clauss. Central Investigative Committee, moved to close

MPC 28-0206

MPC 07-0106

Seconded: Dr. Stouch. Passed, opposed: none.

Ms. Silta, South Investigative Committee, moved to close  
MPS 182-1105  
MPS 25-0206  
MPS 189-1205

Seconded: Dr. Stouch. Passed, opposed: none.

Dr. King, North Investigative Committee, moved to close  
MPN 179-1105

Seconded: Mr. Webber. Passed, opposed: none.

### 11. Any Other Business

Ms. Langlais reported that Dr. Jarris announced his resignation from the Department of Health this morning.

#### Next meetings

##### Upcoming meetings

- May 11, 2006, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- May 12, 2006, Central Investigative Committee Meeting, 12 p.m., Montpelier
- May 17, 2006, Board meeting on pending applications, 12:10 p.m., Board Office, 101 Cherry Street, Burlington, (and via telephone)
- May 17, 2006, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland

**12. Next Regular Board meetings June 7, 2006, 12 p.m., Gifford Hospital, Randolph, Vermont, June 21, 2006, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont**

### 13. Adjournment

The motion to adjourn the meeting was made by Mr. Cross, seconded by Mr. Webber. The vote was all in favor, opposed: none, abstained: none. The meeting adjourned at 2:49 p.m.

Respectfully submitted,

  
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Peggy Langlais, Administrative Supervisor  
Attachments

## Presentation of Applications

Ms. Silta reported on interviews with  
Robin Buckingham, PA  
Rebecca Scholl, PA  
Maria Collette, PA

Recommended for physician assistant certification  
Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Stouch made a motion to go into executive session. Dr. Thomashow seconded the motion. The motion passed. All in favor, opposed: none.

Executive Session began at 12:51 p.m.

Dr. Stouch made a motion to return to open session. Mr. Northern seconded the motion. The motion passed. All in favor, opposed: none.

Return to Open Session: 12:53p.m.

Dr. Thomashow reported on interviews with  
David Crites, MD  
Eric Marsh, MD  
Jerome Cariaso, MD  
Guy Rochman, MD  
Mohit Kasibhatla, MD  
Stephen Plichta, MD – interviewed by Dr. Davignon

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

Dr. Guerrero reported on an interview with  
Kristofer Anderson, MD  
Recommended for physician licensure  
Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Stouch reported on interviews with  
Peter Ward, MD  
Susan Trost, MD  
Recommended for physician licensure  
Seconded by Ms. Nicol, passed, opposed: none, abstained: none

Dr. Clauss reported on an interview with  
Tariq Rehman, MD  
Recommended for physician licensure  
Seconded by Dr. King, passed, opposed: none, abstained: none

Dr. Sadkin reported on an interview with  
Monica Romanko, MD  
Recommended for physician licensure  
Seconded by Dr. King, passed, opposed: none, abstained: none

Dr. King reported on interviews with  
Jeremy Hatch, MD  
Michael Rogan, MD  
Recommended for physician licensure  
Seconded by Dr. Thomashow, passed, opposed: none, abstained: none

Dr. King made a motion to approve the withdrawal of the license application of  
Daniel Resop, MD  
Seconded by Dr. Stouch, passed, opposed: none, abstained: none