

**Vermont Board of Medical Practice
Minutes of the May 2, 2007 Meeting
Gifford Medical Center, Randolph, Vermont**

Approved

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

Dr. King, Vice-Chair of the Board, called the meeting to order at 12:30 p.m., at Gifford Medical Center, Randolph, Vermont. She said that she is sitting in for Dr. Clauss who is at the Federation of State Medical Boards annual meeting in San Francisco along with Paula Nenner.

Dr. King acknowledged two guests, Mr. Ion Laskasis and Ms. Gloria Gill.

Members Present:

Ezekiel S. Cross; Russell P. Davignon, MD; Richard L. Guerrero, MD; Patricia A. King, MD, PhD; Denis J. Lamontagne, DPM; Margaret Martin; John J. Murray, MD; Sharon Nicol; Alexander Northern; Toby Sadkin, MD; Katherine A. Silta, PA-C; William H. Stouch, MD; Peter Thomashow, MD; Florence Young

Others in Attendance:

James Arisman, Assistant Attorney General; Philip Ciotti, Investigator; Phil Cykon, Presiding Officer; Gloria Gill, member of the public; Dixie Henry, Assistant Attorney General; John Howland, Jr, Director; Peggy Langlais, Administrative Supervisor; Ion Laskaris, member of the public; Margaret Vincent, Assistant Attorney General

2. Public Comment

Mr. Howland noted that during recent public comment periods, we have heard questions posed to the Board that were not answered at the time but subsequently answered by staff. He said that this is a time for taking public comment but not a time for answering questions. Mr. Howland said the procedure is to take note of any questions and treat them as public record requests. He said that Board staff will respond after the meeting not during the public comment section to any questions.

Mr. Laskaris said that he was here today with no questions but that he wanted to remind the entire Board that by July 2007 it will have been four long years that have passed in the case of David Chase. He said the case has gone on at an endless length. He said that when he asked the question in April regarding when the 60 day period ended he later understood that the period in theory ends May 15th. Mr. Laskaris said that it has gone on for more than 8 months at a cost of \$250,000 to Dr. Chase trying to get his license restored. He said that he does

not believe that the Hearing Board will meet the deadline but will ask for a further delay.

Mr. Laskaris said that the purpose of the Attorney General's Office is to bankrupt Dr. Chase. He said that he will be back on June 6 to remind the Board of the attack of the Attorney General's Office and the Board. He said that it will be before the Vermont Supreme Court. Mr. Laskaris said that it is a very poor job. He said that to see that law and justice is done in this case, it will become political in 2008 and will impact a review of this Board's performance which in his judgment is very poor. Mr. Laskaris said that he will continue as a public citizen to see change is made.

Ms. Gill said that Dr. Chase was her eye doctor. She said that she wrote to Judge Dier about the fact that the Board had closed him down with denial of due process and that now 4 years have gone by. Ms. Gill said that she had written to Bill Wargo as well. She asked if there were timetables for such actions. Ms. Gill asked Ms. Henry for the rules. She asked why this is happening when the primary witness had recanted her testimony in Federal court? Ms. Gill asked what timetables are being followed.

3. Approval of the Minutes of the April 4 and 18, 2007 Board Meetings

Ms. Martin made a motion to accept the minutes of the April 4 and 18, 2007 Board meetings. Dr. Davignon seconded the motion.

Mr. Howland said that while he had been adding a comment of praise for Ms. Hayes that she had not included in the April 4th minutes, he had said that Peggy was on vacation when she was not. He said that Ms. Hayes had asked him to make the change.

Dr. Murray made a motion to accept the minutes with the amendment. Dr. Thomlashow seconded the motion. The motion passed, opposed: none, abstained: none.

4. Board Matters

None.

5. Administrative Update (Mr. Howland)

Mr. Howland said there had been a recent LTL with an alleged substance abuse problem. He said that there would be a meeting with Fletcher Allen Health Care to discuss resources that are available. He said the meeting would be next Tuesday and that the two prosecutors, two investigators, himself and Dr. Simmons would be participating in the meeting.

Mr. Howland said that he has a meeting scheduled for Tuesday regarding the Memorandum of Understanding the Board has with the Attorney General's Office. He said that the Health Department pays Mike McShane, James Arisman 100% and Margaret Vincent 60%. Mr. Howland said that this would be the first of quarterly meetings to check in on how things are going. He said next week is to discuss workload, barriers, things between the offices.

Mr. Howland said that one problem had been the e-mail addresses created by the Health Department. He said this issue had been addressed and that as the e-mail addresses were never used and recently caused a problem the e-mail addresses have been deactivated.

Mr. Howland said that the Maine Board had sent an invitation to a meeting scheduled for late June inviting New England and New York Boards. He said that this will be a chance to meet with colleagues in other states to discuss shared issues. He said the gathering will be in Manchester on the evening of June 25th with workshops on June 26th. Mr. Howland said the invitation is for Board members only and asked anyone interested to let him know.

Dr. King asked Mr. Howland to send an e-mail message to the Board members that were not present.

6. Presentation of applications

See Appendix A.

7. Recess; Convene Hearing (Mr. Cykon)

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

In re: Ned L. Shulman, MD, Docket No. MPS 64-0602, Petition for Relief from Conditions of Licensure

Dr. King made a motion to approve Respondent's Petition for Relief from Conditions of Licensure. Ms. Nicol seconded the motion. The vote was all in favor. Opposed: none; Abstained: South Investigative Committee.

In re: James A. Most, MD, Docket no. MPN 94-0902, Petition Regarding Frequency of Medical Care

Dr. Davignon made a motion to approve Respondent's Petition Regarding Frequency of Medical Care. Dr. Murray seconded the motion. The vote was all in favor. Opposed: none; Abstained: Dr. Guerrero and North Investigative Committee.

In re: David S. Chase, MD, Docket No. MPC 15-0203, *et al.*, Request for Extension of Time

Dr. Murray made a motion to approve the Board Hearing Committee's Request for Extension of Time. Dr. Lamontagne seconded the motion. The vote was all in favor. Opposed: none; Abstained: Central Investigative Committee, Ms. Nicol and Mr. Northern.

In re: Noelle Thabault, MD, Docket No. MPN 33-0206, Amended Stipulation and Consent Order

Ms. Martin made a motion to approve the Amended Stipulation and Consent Order. Mr. Cross seconded the motion. The vote was all in favor. Opposed: none; Abstained: North Investigative Committee and Dr. Guerrero.

8. Break

1:16 p.m.

9. Executive Session to Discuss Investigative Matters

Dr. Davignon made a motion to go into executive session to discuss investigative matters that are confidential by law. Dr. Murray seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Executive session began at 1:24 p.m.

Open session resumed at 2:48 p.m.

10. Open Session

Ms. Silta, Chair of the South Investigative Committee, moved to close
MPS 49-0307
MPS 30-0207
MPS 31-0207

Seconded: Ms. Martin. Passed, opposed: none. Abstained: none.

Dr. Murray, Chair of the Central Investigative Committee, moved to close
MPC 33-0207
MPC 45-0207
MPC 15-0107
MPC 16-0107
MPC 48-0307
MPC 28-0207

Seconded: Mr. Cross. Passed, opposed: none. Abstained: none.

Dr. King, Chair of the North Investigative Committee, moved to close
MPN 47-0307
MPN 53-0307
MPN 23-0207
MPN 43-0207
MPN 54-0307

Seconded: Dr. Murray. Passed, opposed: none-0207 Abstained: MPN 23-0207
and MPN 43 - Dr. Thomshow and Dr. Davignon.

11. Next meetings

Upcoming meetings

- May 10, 2007, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- May 11, 2007, Central Investigative Committee Meeting, 12 p.m., Montpelier
- May 16, 2007, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland
- May 16, 2007, Board meeting on pending applications, 12:10 p.m., Board Office, 101 Cherry Street, Burlington, (and via telephone)

12. Next Regular Board meetings June 6, 2007, 12 p.m., Gifford Medical Center Vermont, Randolph, Vermont, June 20, 2007, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont

13. Any Other Business

Ms. Henry addressed an earlier question regarding recusals. She said that in the Board's Orientation Manual there is an August 4, 2004 document, guidelines concerning disqualification or mandatory recusal.

Discussion

- The number of people left to vote should not be a consideration.
- If you ever feel conflicted then recuse.
- You can't always know until you know what it is about.
- Conflict is the appearance of a conflict.
- If in practice where there is monetary gain.
- Topic remains ill defined.
- If it comes to mind as a question you should do it.
- It is a judgment call at what point one would recuse themselves.

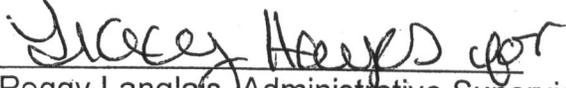
Mr. Howland said that in the past there had been an Executive Committee meeting that followed the regular Board meeting. He said that now there is an item on the agenda for any other business. He asked if it should be eliminated from the agenda. The decision was to keep it just in case there is ever a need.

14. Adjournment

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

Adjourned at 2:59 p.m.

Respectfully submitted,



Peggy Langlais, Administrative Supervisor
Attachment

Appendix A

Presentation of Applications

Dr. Davignon reported on interviews with
Timothy Daly, MD
Alison Nielsen, AA
Harald Becker, MD
Andrew Campbell, MD
John Hoy, MD

Recommended for physician licensure and anesthesiologist assistant certification

Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Lamontagne reported on interviews with
Phillip Cusano, MD
Carey Weiss, MD

Recommended for physician licensure

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

Dr. Guerrero reported on interviews with
Steven Lefebvre, MD
Christopher Bevin, MD
Deborah Henley, MD

Recommended for physician licensure

Seconded by Ms. Martin, passed, opposed: none, abstained: none

Dr. Stouch reported on interviews with
Jillian Geider, MD
Jon Yamaguchi, MD

Recommended for physician licensure

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

Dr. Murray reported on interviews with
Monika Modlinski, MD
Candadai Sundaram, MD

Recommended for physician licensure

Seconded by Mr. Cross, passed, opposed: none, abstained

Dr. Sadkin reported on interviews with
Rachel DiSanto, MD
James Ulager, MD

Recommended for physician licensure

Seconded by Ms. Martin, passed, opposed: none, abstained

Dr. King reported on an interview Dr Clauss conducted with
Karen Chrshire, MD

Recommended for physician licensure