

**Vermont Board of Medical Practice
Minutes of the September 6, 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 12:06 p.m., at Gifford Medical Center, Randolph, Vermont.

Members Present:

James D. Cahill, MD; David W. Clauss, MD; Ezekiel S. Cross; Russell P. Davignon, MD; Patricia A. King, MD, PhD; Denis J. Lamontagne, DPM; Margaret F. Martin; John J. Murray, MD; Sharon L. Nicol; Alexander Northern; Toby Sadkin, MD; Katherine A. Silta, PA-C; William H. Stouch, MD; John B. Webber; 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 Nenner, Investigator; Joseph Winn, Esq., Assistant Attorney General

2. Public Comment

None.

3. Approval of the Minutes of the August 2 and 23, 2006 Board Meetings

Dr. King made a motion to accept the minutes of August 2 and 23, 2006. Ms. Martin seconded the motion. The motion passed, opposed: none, abstained: none

4. Board Matters

Dr. Cahill said that the Executive Committee of the Board would be meeting following the Board meeting. Anyone interested in attending is welcome.

Dr. Cahill said that David Swankin, Director of the Citizen Advocacy Center (CAC), has been invited to attend our November Board meeting to provide the Board an overview of CAC's "Practitioner Remediation and Enhancement Partnership (PreP 4 Patient Safety)" initiative. The idea is to get state medical boards and hospitals to work together to try to identify and remediate licensed professionals in need of remediation related to quality of care issues that do not rise to the level of discipline.

5. Administrative Update (Ms. DiStabile)

Ms. DiStabile asked Board members for guidance in responding to the letter in the Board packet from Dr. Ronald Citron.

Discussion

- The issue may be more complex than described
- The answer to what action your board has taken is self evident – none.

Ms. DiStabile said that, by law, the Board is required to adopt resolutions designating regular meeting times. She asked the Board if they were so inclined, to consider and adopt the resolutions in the Board packet today.

Dr. King made a motion to adopt the first Wednesday of every month at 12 p.m. and the third Wednesday of each month at 12:10 p.m. as the regular meeting times of the Board of Medical Practice. Ms. Nicol seconded the motion. The vote was all in favor.

Ms. DiStabile provided the following updates:

We have received the brochure for the Vermont Medical Society annual meeting, scheduled for October 14, 2006.

The Citizen Advocacy Center has sent a brochure for their annual meeting. She said the Board does not have sufficient funds to cover the costs of attendance but the brochures are available.

The Secretary of State's Office has requested an opinion from the Board regarding whether they should institute formal licensure of genetic counselors.

Discussion

- Some Board members felt this is a good idea.

Pandemic flu ventilator triage discussions update – Dr. Guerrero and Mr. Northern were unable to attend the first meeting so Ms. DiStabile did. She said direction on the ultimate product is very unclear. Other states have been working on the same issue. More information and discussion will be needed. The date of the meeting of hospital ethics committees at which this topic will be discussed is September 25th at Dartmouth-Hitchcock Medical Center. Board members are welcome to attend.

Ms. DiStabile provided the following handouts.

- Master Provider Index meeting request (and final language of H.861) from the University of Vermont Area Health Education Center. Ms. DiStabile will attend.

- DEA proposed rule – Distributing Controlled Substances for the Treatment of Pain; Notice of Issuance of Multiple Prescriptions for Schedule II Controlled Substances; Proposed Rule.
- Arkansas State Medical Board's sample Controlled Substance Agreement (patient narcotic contract)

6. Presentation of applications

See Appendix A

7. Recess; Convene Hearing (Mr. Cykon)

Mr. Cykon convened a hearing to consider matters before the Board at 12:26 p.m.

In re: Eric A. Pillemer, MD, Licensing Board Matter Stipulation and Order II

Mr. Webber made a motion to accept the Stipulation and Order. Dr. Clauss seconded the motion. The vote was all in favor, opposed: none, abstained: Mr. Cross.

In re: Noelle Thabault, MD MPN 33-0206 Stipulation and Consent Order

Dr. Murray made a motion to accept the Stipulation and Order. Dr. Cahill seconded the motion. The vote was all in favor, opposed: none, abstained: North Investigative Committee.

Dr. King presented the recommendation of the North Investigative Committee In re: Noelle Thabault, MD MPN 33-0206. The Committee recommends approval of Dr. John McLellan as Dr. Thabault's surgical mentor and proctor.

Dr. Murray made the motion to approve the recommendation. Dr. Cahill seconded the motion. The vote was all in favor, opposed: none, abstained: North Investigative Committee.

8. Executive Session to Discuss Investigative Matters

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

Executive session began at 12:40 p.m.

9. Open Session

Ms. Power convened a hearing to consider a matter before the Board at 1:07 p.m.

In re: Lynne August – Review of Preliminary License Denial (continued from May 3, 2006)

10. Return to Executive Session

Return to executive session 3:24 p.m.

11. Return to Open Session

Dr. Stouch 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: 3:44 p.m.

12. Open Session

Dr. King, North Investigative Committee, moved to close
MPN 84-0606

Seconded: Dr. Clauss. Passed, opposed: none. Abstained: none.

Dr. Clauss, Central Investigative Committee, moved to close
MPC 93-0706

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

Ms. Silta, South Investigative Committee, moved to close

MPS 19-0105

MPS 17-0105

MPS 18-0105

MPS 38-0206

MPS 43-0206

MPS 44-0206

MPS 37-0206

MPS 79-0606

MPS 77-0506

MPS 78-0506

MPS 06-0106

MPS 178-1205

MPS 168-1105

Seconded: Dr. King. Passed, opposed: none. Abstained: Dr. King MPS 38-0206, Dr. Clauss MPS 78-0506.

13. Next meetings

Upcoming meetings

- October 12, 2006, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- October 13, 2006, Central Investigative Committee Meeting, 12 p.m., Montpelier
- October 18, 2006, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland
- October 18, 2006, Board meeting on pending applications, 12:10 p.m., Board Office, 101 Cherry Street, Burlington, (and via telephone)

14. Next Regular Board meetings October 4, 2006, 12 p.m., Gifford Hospital, Randolph, Vermont, October 18, 2006, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont

15. Any Other Business

Dr. Lamontagne said that the Board recently approved an application for licensure in which the individual was qualified but had not been engaged in hands-on clinical practice for some 15 years. This raised questions for him – is this a concern?

Discussion

- The Board did grant a conditioned license in one case in which it was requested.
- Dr. King gave Ms. DiStabile an article for distribution that addresses this issue and describes what other states have done.
- If someone retires, there is a question as to whether this is of more concern than those in active practice doing clinically-related work such as case review.
- Perhaps continuing medical education requirements would help address this issue.
- The statute describes a variety of things that are wide and encompassing.
- Several Board members who have retired maintain their licenses.
- Many retirees volunteer and maintain training.
- Vermont does have licensees who have not practiced medicine in a while.
- Is there a potential or definite impact on care?
- This is a topic that will need more discussion

16. Adjournment

Adjourned at 4:11PM

Respectfully submitted,



Peggy Langlais, Administrative Supervisor
Attachment

Appendix A

Presentation of Applications

Ms. Martin reported on an interview Dr. Guerrero conducted with
Jennifer Lipfert, MD
Recommended for physician licensure
Seconded by Dr. King, passed, opposed: none, abstained: none

Ms. Silta reported on interviews with
Jennifer Tinsman, PA-C
Sarah Bushweller, PA-C
Recommended for physician assistant certification
Seconded by Ms. Martin, passed, opposed: none, abstained: none

Dr. King reported on an interview with
Diane Haddock, MD
Recommended for physician licensure
Seconded by Dr. Murray, passed, opposed: none, abstained: none

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

Dr. Murray reported on interviews with
Robert Cochrane, MD
Monique Morneault, PA-C
Recommended Dr. Cochrane for physician licensure and Ms. Morneault for
physician assistant certification
Seconded by Dr. King, passed, opposed: none, abstained: none

Dr. King made a motion that the Petition for Withdrawal of Application of
Licensure for Holly L. Desrosiers, MD be approved. Seconded by Dr. Stouch,
passed, opposed: none, abstained: none