

**Vermont Board of Medical Practice
Minutes of the February 1, 2012 Board Meeting
Gifford Medical Center, Randolph, VT**

Approved

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

Patricia King, MD, Chair, called the meeting to order at 12:20.

Members Present:

William Hoser, PA-C; Michael Drew, MD; Robert Hayward, MD; Hon. David A. Jenkins; Sarah McCLain; Harvey Reich, MD; Peter Thomashow, MD; Carol A. Diamond; John Webber, Esq.; Janice M. Gallant, MD; Joshua Plavin, MD; Robert Rinaldi, DPM; Toby Sadkin, MD; Florence Young.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenner, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Kurt Kuehl, AAG; Margaret Vincent, AAG; Robert McDougal, AAG; Robert Simpson, Esq.; Madeline Mongan, Vermont Medical Society; Linda Davidson, MS, APRN, Nursing Board Executive Director.

2. Public Comment:

None

3. Approval of Minutes of the January 4 and January 18, 2012 Board Meetings:

Mr. Hoser moved to accept the minutes of the January 4, 2012 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Hayward made a motion to accept the minutes of the January 18, 2012 meeting. Dr. Gallant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King advised the board members that a vote was needed to select the new Secretary of the Board of Medical Practice. Dr. King made a motion to accept Robert Hayward, MD as the new Secretary. Dr. Gallant seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy informed the board members that Julie Green submitted her two-week notice and stated her last day would be 2/3/12.

Mr. Herlihy provided an update on the Physician Assistant renewal cycle that ended 1/31/12. The PAs who did not submit their information on time have been contacted.

Mr. Herlihy also informed the board that Ms. McClain will be transferred to the South Investigative Committee and Ms. Diamond will be serving on the North Investigative Committee.

Mr. Herlihy stated that CAVU is still working and we are still working out several bugs. Applicants have been applying on-line and they are now able to pay on-line as well. The PA renewals data entered into the system by Tracy and others, but the next cycle of the Limited Temporary Licenses (LTLs) will be able to renew on-line. It remains as a work in progress.

Mr. Herlihy provided an update on the CME on Opioid Prescribing – it will be held on Saturday March 31, 2012 from 7:30am to 1:30pm at the Sheraton in Burlington, and all board members are free. You can sign up through our office.

6. Presentation of Applications (12:30 p.m. – 12:45p.m.):

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 (12:45p.m. – 1:45 p.m.):

Madeleine Mongan, Vermont Medical Society, came to the meeting to provide an update on 3 bills that are at the legislature this year. All of them are related to the Prescription Drug problem in Vermont. 1) H.745 – an act relating to the Vermont Prescription Monitoring System – proposes to require health care providers to search the VPMS prior to prescribing a controlled substance and also proposes to create a unified pain management system advisory council. 2) S.191 – an act relating to rational treatment of chronic pain – proposes to create a commission to develop training programs for health care and human services professionals and to advise the governor and the general assembly on matters related to the appropriate use of controlled substances in treating chronic pain, and to the prevention of prescription drug abuse and diversion. It would also require health care and human service professionals to receive training on these issues. 3) S.242 – an act relating to prescribing a controlled substance – proposes to require a physician to write a patient's date of birth and the amount prescribed both in numeric and word form to indicate quantity when prescribing a controlled substance; require identification when picking up a prescription from a pharmacy; and establish a security code for each doctor to use when ordering a prescription for a controlled substance over the phone.

Ms. Mongan stated that she welcomes feedback from board members about any concerns they may have about these 3 bills and she will keep the board updated on the progress.

Ms. Mongan also stated that the philosophical exemption clause related to vaccinations is also under review by the Senate Health and Welfare Committee. VMS supports the removal of the clause because "herd immunity" is at risk.

Linda Davidson, MS, APRN, Nursing Board Executive Director came to the Board meeting to discuss a request that the Nursing Board had received with regard to establishment of a policy that would allow nursing staff to sign off on reports or lab work and consultations that MDs order. The Nursing Board felt that it was important to get the Medical Board's input on this issue because of the impact on physician practice.

Dr. Plavin, Dr. Reich, Dr. King, Dr. Sadkin, and Dr. Hayward all expressed different concerns relating to communications, physician responsibility and liability, difficulty creating a standard for what can be signed by nursing staff, and need for the physician to be aware of results. The Board did not vote on a motion regarding the Nursing Board's inquiry, but it was clear that the Board would not recommend that the Nursing Board endorse a policy that would call for nursing staff to sign off on reports in lieu of the ordering provider.

8. Recess; Convene Hearing to discuss any stipulations or disciplinary matters that are before the Board (1:45 p.m. – 2:15 p.m.): (Mr. Simpson)

- **In re: Robert Hemm, MD – MPN 77-0999 – Board Action on Consideration of Request (to be presented by David Herlihy)**

Mr. Webber made a motion to accept the request. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: North Investigative Committee; recused: none.

- **In re: Pierre A. Delfausse, PA-C – MPC 35-0311 – Stipulation and Consent Order**
- **In re: Pierre A. Delfausse, PA-C – MPC 60-0609 – Stipulation and Consent Order**

Dr. Hayward moved to accept the Stipulation and Consent Order. Mr. Webber seconded the motion. The motion failed; opposed: 7; in favor: 3; abstained: none; recused: none.

Related to both Stipulation and Consent Orders for Pierre A. Delfausse, PA-C, Hon. Jenkins moved to table the vote until the attorney for PA-C Delfausse had reviewed and considered proposed changes. Dr. Gallant seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

9. Reconvene Meeting; Executive Session to Discuss:
a. Investigative cases recommended for closure

b. Other matters that are confidential by law, if any

Dr. Plavin made a motion at 1:23 p.m. to go into Executive Session to discuss confidential matters related to investigations. Mr. Webber seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

10. Return to Open Session; Board Actions on Matters Discussed in Executive Session:

Mr. Webber made a motion at 2:38 to return to open session. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

11. Board Actions on Committee Recommendations with Regard to any Non-confidential Matters:

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

MPS 71-0611 – Special Letter #1
MPS 125 – 1011 – Special Letter #1

Dr. Hayward made a motion to close the cases presented. Hon. Jenkins seconded the motion. The motion passed, opposed: none; abstained: none; recused: none.

Hon. Jenkins, Central Investigative Committee, asked to close:

MPC 154-1210 – Letter #1
MPC 91-0711 – Special Letter #1: Mr. Hoser recused
MPC 87-0711 – Letter #1: Mr. Hoser recused
MPC 129-1011 – Letter #1
MPC 138-1110 – Special Letter #1
MPC 142-1110 – Letter #1
MPC 127-1011 – Letter #1
MPC 100-0711 – Special Letter #1

Dr. Reich made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed, opposed: none; abstained: none; recused: 2.

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

MPN 122-1011 – Letter #1: Dr. Reich and Ms. McClain recused
MPN 36-0311 – Letter #1: Ms. McClain

Dr. Plavin made a motion to close the cases presented. Dr. Reich seconded the motion. The motion passed, opposed: none; abstained: none; recused: 2.

12. Other Business:

13. Upcoming Board meetings, committee meetings, hearings, etc.: (Locations are subject to change, you will be notified if a changes takes place.)

- February 9, 2012, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT
- February 10, 2011, Central Investigative Committee Meeting, 12 p.m., Liquor Control, Conference Room 13, Green Mountain Drive, Montpelier, VT
- February 15, 2012, Board Meeting on pending applications, 12:10 p.m., Board of Medical Practice office 108 Cherry Street, 2nd Floor, Burlington, VT (and via telephone)
- February 15, 2012, South Investigative Committee Meeting, 12 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- March 7, 2012, Licensing Committee Meeting 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT
- March 7, 2012, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT

14. Adjournment:

Dr. Hayward made a motion to adjourn. Mr. Webber seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Meeting adjourned at 2:41 p.m.

Attachments: Appendix A

Respectfully submitted,



Karen LaFond
Licensing Administrator

Appendix A

Presentation of Applications

Dr. King moved for the issuance of licenses/certifications for:

Edward Mrewer, MD	Kendall Capecci, MD	Carl DeMatteo, MD
David J. Gilliland, MD	Emiliano Mugnaini, MD	Daryl Parker, MD
Timothy Rowland, MD	Aneek Singh-Fisher, MD	William Zuber, PA-C

Recommended by Dr. Plavin for licenses/certifications. Seconded by Dr. Reich.
The motion passed; opposed: none; recused: none; abstained.

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

Sonya Mariano, MD LTL

Recommended by Dr. Drew for limited temporary physician licensure. Seconded by Dr. Reich. The motion passed; opposed: none; recused: none; abstained: none.