

**Vermont Board of Medical Practice
Minutes of the April 4, 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:

Michael Drew, MD; Hon. David A. Jenkins; Sarah McClain; Eileen Illuzzi; Harvey Reich, MD; Peter Thomashow, MD; Carol A. Diamond; John Webber, Esq., MD; Robert Rinaldi, DPM; Toby Sadkin, MD; William K. Hoser, PA-C; Janice M. Gallant, MD; Robert G. Hayward, MD

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Kurt Kuehl, AAG; Margaret Vincent, AAG; Robert McDougal, AAG; Madeleine Mongan, Vice President, VMS; Cyrus Jordan, MD, VMS.

2. Public Comment:

Cy Jordan of the VMS Foundation for Education and Research made a brief presentation to the Board requesting input on a study/training needs assessment that will be conducted in Franklin County concerning treatment of chronic pain. Mr. Jordan asked what Board members would want to learn from such a study. Suggestions provided included: linking prescribing and treatment of substance abuse; improve tracking of prescriptions and the sharing of information between providers; provide more education and training on the entire issue.

Madeleine Mongan accompanied Dr. Jordan. She briefly mentioned that VMS continues to track bills on immunization and VPMS.

3. Approval of Minutes of the March 7 and March 21, 2012 Board Meetings:

Dr. Thomashow moved to accept the minutes of the March 7, 2012 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Rinaldi made a motion to accept the minutes of the March 21, 2012 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King asked Dr. Sadkin (Chair, Nomination Committee) and Dr. Thomashow (Co-Chair, Nomination Committee) to present the nominees for the Board Officers. Dr. Sadkin and Dr. Thomashow made a motion to recommend continuation of the same officers; Dr. King as Chair; Mr. Hoser Vice Chair, and Dr. Hayward for Secretary. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided an update on the status of filing the Administrative Assistant A position. An offer was made but unfortunately the applicant had to decline, so the process will continue. Again he thanked Ms. LaFond for picking up the extra work and noted that Ms. Hayes and Ms. Lawler are also helping to keep the work flowing and again asked for continued patience.

Mr. Herlihy informed the board that there were approximately 200 attendees at the CME for Opioid Prescribing on March 31, 2012 and it was very successful overall. He stated that he is exploring options to have another conference in the southern part of Vermont and looking into providing more resources on the Medical Board website.

Mr. Herlihy requested a vote of the board to designate the new board members Carol Diamond and Sarah McClain to be able to access information provided from VPMS. He also asked for OPR Investigator Laura Pezzulo to be designated as she will be working on an ad hoc investigation for the Board. Dr. Hayward made a motion to add the members and Ms. Pezzulo to the list of those designated for access to VPMS information. Dr. King seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Mr. Herlihy brought forth the draft of the CME Rules and requested feedback from the board members. There was lengthy discussion of the number of hours required. Several members suggested increasing it from the minimum of ten required by statute to 30 hours in each cycle. It was also suggested that the rules address a requirement to maintain records for verification if the Board audits a licensee. Several members suggested rewording the requirement for palliative care training. Rather than paraphrasing the statutory language, it was suggested to simply say it must be on hospice, palliative care, or pain management services. It was suggested to make a DEA number the trigger for the requirement for training on prescribing. It was suggested to add language clarifying that "make-up" activity cannot be counted as both activity for the prior cycle and the present cycle. In general, Board members indicated that they supported the draft with those modifications. The Board did not vote on the draft; the changes would be incorporated and the draft redistributed by email for review prior to a vote during the mid-month meeting.

Mr. Herlihy stated he would be testifying on 4/6/12 on H745. He explained that the present version of the bill makes modifications that are supported by the Commissioner and that the changes would be good for the Board because they

would ensure continuation of the present access and allow for certain additional information to be more readily available to the Board. He mentioned one proposed amendment regarding the dispensing of Naloxone to family members of drug addicted patients. He expressed concern about the wording that would seem to make such prescriptions beyond review by the Board. Individual Board members expressed concern about that amendment.

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.

Ms. Vincent presented two licensing candidates for board approval of exemptions:

John Thomas Rolland, MD Adam Abodeely, MD

Mr. Webber made a motion to approve the exemption and license for John Thomas Rolland, MD. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Gallant made a motion to approve the exemption and license for Adam Abodeely, MD. Mr. Webber seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Ms. Vincent brought forth a recommendation of the licensing committee to Stay the Application of Scott Reuben, MD, pending action by the Massachusetts and New York Boards on cases concerning Dr. Reuben's license in each of those states. Hearings have been conducted and decisions should be issued as the next step in those proceedings.

Dr. Hayward made the motion to approve the licensing committee's recommendation. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Ms. Vincent brought forth recommendations of the licensing committee regarding Richard Crandall, III, MD to: 1) withdraw the 2007 Stipulation and Consent Order; and 2) grant Dr. Crandall a license without conditions or a Stipulation and Consent Order.

Dr. Hayward made a motion to accept the recommendation of the licensing committee to withdraw the 2007 Stipulation and Consent Order. Dr. Gallant seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Hayward made a motion to accept the recommendation of the licensing committee to grant Dr. Crandall a license without conditions or a Stipulation

and Consent Order. Dr. Gallant seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

7. Presentation to the Board (12:45p.m. – 1:45 p.m.):

None

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

Dr. Drew made a motion to accept the Stipulation and Consent Order. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: North Investigative Committee; abstained: none.

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

Dr. Hayward made a motion to reject the Stipulation and Consent Order. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: North Investigative Committee; abstained: none.

9. Reconvene Meeting; Executive Session to Discuss:
a. Investigative cases recommended for closure
b. Other matters that are confidential by law, if any

Ms. Illuzzi made a motion at 3:05 p.m. to go into Executive Session to discuss confidential matters related to investigations. Mr. Hoser 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:

Dr. Thomashow made a motion at 3:53 to return to open session. Mr. Hoser 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 143-1211 – Letter #1
MPS 105-0811 – Letter #1
MPS 119-0911 – Letter #1
MPS 146-1211 – Letter #1

MPS 72-0810 – Special Letter #2
MPS 92-0910 – Special Letter #2
MPS 8-0112 – Letter #1: Dr. Gallant recused.
MPS 116-0911 – Letter #1
MPS 16-0212 – Letter #1
MPS 14-0212 – Special Letter #1

Dr. Rinaldi made a motion to close the cases presented. Dr. Thomashow seconded the motion. The motion passed, opposed: none; abstained: none; recused: 1.

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

MPC 93-0711 – Special Letter #2
MPC 121-1011 – Letter #1

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

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

MPN 139-1111 – Letter #1: Dr. Thomashow recused.

Dr. Reich made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed, opposed: none; abstained: none; recused: 1.

12. Other Business:

None

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

- April 12, 2012, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT
- April 13, 2012, Central Investigative Committee Meeting, 12 p.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT
- April 18, 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)
- April 18, 2012, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- May 2, 2012, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph
- May 2, 2012, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph

14. Adjournment:

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

Meeting adjourned at 3:56 p.m.

Attachments: Appendix A

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Karen LaFond", written over a horizontal line.

Karen LaFond
Licensing Administrator

Appendix A

Presentation of Applications

Dr. King moved for the issuance of licenses for:

James Allen, MD	Rosalie Auster, MD	Danny Ballentine, PA-C
Feyza Basoglu, MD	Robert Caper, MD	Dan Cole, PA-C
Richard Cordero-Cordero, MD	Michael Csaszar, MD	Grigorios Delaportas, MD
Steven Dorsky, MD	John ellis, MD	Joshua Farkas, MD
Emily Glick, MD	Gary Green, MD	Kristin Hampers, PA-C
Tarek Hanna, MD	Laura Harris, MD	Douglas James, MD
Erin Kurek, MD	Marc Natter, MD	John Pelliccia, MD
Deborah Puckhaber, MD	James Ruff, MD	Neal Saxe, MD
Peter Schlosshaur, MD	Robert Smith, MD	Donna Sneed, MD
Bryan Suchecki, MD	Alexandra Thran, MD	Thomas Varney, MD

Recommended by Dr. Gallant for licensure. Seconded by Mr. Hoser. The motion passed; opposed: none; recused: none; abstained.

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

Madiha Alvi, MD-LTL	Jab Harb, MD-LTL	Shahab Moossavi, MD-LTL
Jin Qian, MD-LTL		

Recommended by Mr. Hoser for limited temporary physician licensure. Seconded by Dr. Gallant. The motion passed; opposed: none; recused: none; abstained: none.