Vermont Board of Medical Practice
Minutes of the November 7, 2012 Board Meeting
Gifford Medical Center, Randolph, VT

Approved

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

Patricia King, MD, PhD, Chair, called the meeting to order at 12:16.

Members Present:
William K. Hoser, PA-C ; Toby Sadkin, MD; Janice Gallant, MD; Joshua Plavin, MD; Carol A. Diamond; Robert G. Hayward, MD; Sarah McClain; David A. Jenkins; Harvey Reich, MD; William H. Stouch, MD.

Others in Attendance:
David Herlihy, Executive Director; Paula Nenninger, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Margaret Vincent, AAG; Robert McDougal, AAG;Kurt Khuel, AAG; Robert Simpson, Esq, Presiding Officer; Harry Chen, MD, Commissioner, Department of Health; Madeline Mongan, Vice President, Vermont Medical Society.

2. Public Comment:

Ms. Mongan made the following comments to the Board:

a. CME for Palliative Care – provided at the VMS annual meeting every other year.
b. VMS is developing a list of courses for required CMEs and will share the list with the Board.
c. VMS is working with the Massachusetts Medical society to collaborate on CMEs to provide discounts for VT physicians
d. Cy Jordan report will be released 11/13/12 regarding Safe and Effective Treatment of Chronic Pain in Vermont

3. Approval of Minutes of the October 3, 2012 and October 17, 2012 Board Meetings:

Dr. Gallant moved to accept the minutes of the October 3, 2012 meeting. Dr. Plavin seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Ms. Diamond moved to accept the minutes of the October 17, 2012 meeting. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. **Board Issues (Dr. King):**

Dr. King summarized discussions that occurred during a Tri-Regulators meeting that involved nursing and pharmacy representatives as well as FSMB. Topics covered included national licensure and issues relating to multi-state practice; prescription drug abuse issues, including multistate sharing of prescription monitoring information, and collaboration between physicians and nurses.

5. **Administrative Update (Mr. Herlihy):**

Mr. Herlihy stated that a reminder has been sent out to those physicians who have not yet renewed and 2158 have been processed to date. More e-mails will be sent as we move closer to 11/30/12. He also advised that replacements for the 2 members in the North committee are on the horizon, and once they are announced Ms. Diamond will move to the Central committee to replace Ms. Young.

6. **CME Issues (Mr. Herlihy):**

Mr. Herlihy reminded members that we are entering the budget season and although the Board operates on Special Funds and the balance is good, we need to keep a balance to address unbudgeted costs, especially contested cases. He explained that he was bringing up the budget because he would like to discuss use of Board funds to support CME activities, now that there is a CME requirement. The Opioid CME was very successful and Mr. Herlihy was able to obtain some grant funding, but that won't always be the case. He explained that there are two CME funding issues. One is supporting training events in general, and the other is a specific request from VDH to support a training event on Lyme Disease. That request resulted from a proposal in the Legislature last year to have a provision about standard of care related to treatment for Lyme Disease in statute. During discussion of that issue, VDH committed to providing training on treatment of Lyme disease. That training occurred last year, but VDH seeks assistance with holding an additional event. VDH faces budgetary pressures and needs support to hold another event. Mr. Herlihy asked if there was support by the members to contribute to the cost. In addition to the idea that the Board generally supports CME, this training was part of the response that avoided having the standard of care set in statute.

Mr. Herlihy informed the Board that he had identified $30,000 for CME in a preliminary budget document for FY 14 -- up to $10,000 to be used to support the VHD training on Lyme Disease, and up to $20,000 to be used to support other CME events. He noted that pursuant to statute, the Commissioner of Health controls the Board's budget and that the Board's actions on these budget issues are advisory, not binding.

Mr. Herlihy requested the Board to make a motion to support the use of Board funds up to $20,000 for CME in general in SFY '14 and for up to $10,000 to be used to support the VDH event on Lyme Disease. After lengthy discussion, the Board

passed a motion to support use of up to $20,000 to support CME in FY 14, contingent on the creation of a subcommittee to establish criteria for identifying events to be supported by the Board. After creating criteria, the Committee would review events proposed for support and make recommendations to the full Board. Dr. Plavin made the motion and Mr. Jenkins seconded the motion. The motion passed; opposed: none; recused: none; abstained: none. It was decided that the Board would not have a motion regarding support for the Lyme disease event; VDH controls the Board's budget so it was not considered necessary to have a motion on the issue. It was noted that by not having a motion, the Board did not oppose the proposal to use $10,000 for that purpose.

Mr. Herlihy also noted that the CME Committee could review and make recommendations to the Board regarding modification of CME requirements. There have already been requests to make changes to the subject-specific requirements.

Last on CME, Mr. Herlihy advised Board members of a free CME opportunity regarding safe injection practices, which relates to a presentation that had been made by VDH at an earlier meeting. The Board will be posting information on a CDC Grand Rounds web event regarding safe injection practices.

7. 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.

Dr. King presented the Petition for Withdrawal of Application for Licensure by Robert Modarelli, MD. She stated that the petition was approved by the Licensing Committee to move forward for a vote by the full Board.

Dr. Hayward made a motion to approve the Petition for Withdrawal of Application for Licensure by Robert Modarelli, MD. Dr. Plavin seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

Dr. Chen Wished to thank the Board members for all of the work they do and to provide an update from the Department of Health on several issues relevant to the work of the Board. Dr. Chen reminded members that his role is to provide administrative support to the Board, to submit budget proposals and to support the Board has the needed resources to conduct business. For instance, Dr. Chen recently submitted the proposal for 2 new positions in the office, and although there will be challenges to move these forward given the current economic climate, he knows that the need is clear and he will do his best to ensure that the Board will get the resources it needs.

He also mentioned the bill that was presented during the last legislative session which would have established a standard of care for treatment of Lyme Disease.

The issue may come up again in the coming session. A similar bill has passed in other states and it is possible the Legislature may seek input from the Board on this issue. Last year, VDH put on a symposium on this issue and there will be another one this year, with the help and support of the Board.

Dr. Chen discussed the proposed legislation to address the on-going Prescription Drug Abuse issue. Legislators want to improve prescription monitoring as well as to identify and create a clear process to investigate these cases. The legislation did not pass last year due to concerns about privacy issues, but this year they hope to better address the problems.

Dr. Chen also provided an overview of the Health Department's perspective on Health Care Reform.

Dr. Chen will continue to keep the Board informed of these topics either via Mr. Herlihy or in person. He thanked the members for their time.

9. 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: Theodore L. Johnson, MD – MPN 112-1010 – Stipulation and Consent Order**

  Dr. Hayward made a motion to accept the Stipulation and Consent Order. Mr. Jenkins seconded the motion. The motion passed 5 to 1; opposed: 1; recused: North Investigative Committee and 1; abstained: 1.

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

Dr. Gallant made a motion at 2:02 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Gallant made a motion at 2:49 to return to Open Session. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

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

MPS 140-1111 – Letter #1

MPS 111-0812 – Letter #1
MPS 95-0711 – Special Letter #2 – Dr. Stouch recused
MPS 107-0812 – Letter #1
MPS 61-0412 – Letter #1
MPS 60-0412 – Letter #1

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

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

MPC 97-0712 – Letter #1
MPC 54-0312 – Special Letter #2
MPC 119-0912 – Letter #1
MPC 81-0612 – Letter #1

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

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

MPN 94-0712 – Special Letter #1 – Mr. Hoser recused
MPN 90-0712 – Special Letter #1 – Mr. Hoser recused
MPN 105-0812 – Letter #1 – Mr. Hoser recused

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

13. Other Business:

None

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

- **November 14, 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)**

- **November 14, 2012, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**

- **November 15, 2012, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**

- **November 16, 2012, Central Investigative Committee Meeting, 9 a.m.,**

Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT

- **December 5, 2012, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

- **December 5, 2012, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

15. Adjournment:

Ms. McClain made a motion to adjourn. Dr. Sadkin seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Meeting adjourned at 2:52 p.m.

Attachments: Appendix A

Respectfully submitted,

Karen LaFond
Licensing Administrator

Appendix A

Presentation of Applications

Dr. King moved for the issuance of physician licenses and physician assistant licenses for:

Sadhanasree Chandramouli, MD
Karen Cusato, PA-C
Pierre Delfausse, PA-C
Paul Dunn, III, AA-C
Tracie Hammond, PA-C
Lynn Hassan Jones, MD
Sarah Hudson, MD
Brian Krawitt, MD
Jonathan Kulbersh, MD
Leandra Lynch, MD
Kathleen McGraw, MD
Louis Meyers, MD
Elizabeth Owens, PA-C
Michael Rhodes, MD
Harneet Sethi, MD
Jessica White, PA-C

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 Physician licenses for:

Tiffany Bohon, MD-LTL

Recommended by Mr. Jenkins for physician licensure. Seconded by Dr. Reich, passed, opposed: none; recused: none; abstained: none.