

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the March 4, 2015 Board Meeting
Gifford Medical Center, Randolph, Vermont

Approved

1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:

William K. Hoser, PA-C called the meeting to order at 12:20 P.M.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Michael Drew, MD; Allen Evans; Robert G. Hayward, MD; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Joshua Plavin, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; Robert Simpson, Esq., Presiding Officer.

2. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:

Mr. Hoser welcomed Christine Payne, MD as a new physician member.

3. Public Comment:

None

4. Approval of Minutes of the February 4, 2015 Board Meetings:

Dr. King moved to accept the minutes of the February 4, 2015 meeting. Dr. Plavin seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

5. Board Issues (Mr. Hoser):

Mr. Hoser noted that he will be attending the annual Federation of State Medical Boards conference at the end of April and encouraged members to provide him with topics of interest at the next board meeting to bring to the conference.

6. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided an update on the investigator position. He noted that the investigator hired in February resigned his first week because he was offered a position in Florida and he had accepted. As a result, the investigator position was posted, again, for hire and Mr.

Herlihy hopes to conduct interviews within the next couple of weeks. He will keep the Board apprised of the recruitment status.

Mr. Herlihy also welcomed Dr. Payne and noted that she would be serving on the Central Investigative Committee. He also stated that the search was narrowing for another physician member to fill Dr. King's seat, and that Dr. King will continue to serve until the position has been filled.

Mr. Herlihy provided an update on legislative issues. He noted that the bill for the Interstate Compact for Medical Licensure was before the Senate Health and Welfare Committee and he will continue to monitor its progress; there have been no hearings to date. The Board's proposed changes to fees that were incorporated into the Fee Bill were approved, with the exception of the PA fee. The Board had proposed an increase to \$300 for initial and \$250 for renewal (from \$170), but House Ways and Means had reduced the figures to \$225 and \$215. No other bills affecting the Board have been the subject of hearings. However, Mr. Herlihy was asked to provide testimony to the House Human Services Committee on a bill regarding emergency involuntary procedures for individuals in the custody of the Commissioner of Mental Health. The Board does not have a direct interest in that bill; the Board was asked only to provide information about PA scope of practice to assist the Committee as it considered whether PAs should be added as professionals who are able to administer involuntary procedures.

Mr. Herlihy stated that he attended the February Vermont Medical Society Council meeting and reviewed the proposed rules regarding the Board investigative procedures, in the hopes of coming to a mutual understanding of the process. He stated that it was a very positive discussion and afforded the opportunity for exchange regarding areas of concern and rational for the Board's process. He noted that in the fall, there will be a joint meeting between VMS, the Physician Assistant Academy, Family Practice Association, and other provider groups, so that it might be good to schedule one of the public meetings on rule changes to coincide with that meeting to provide more opportunity for input.

Mr. Herlihy noted that, recently, there have been some cases raising issues about the Vermont Practitioner Health Program process and requested volunteers from the Board to serve on a VPHP sub-committee. The Board and VPHP have not had a meeting in some time. Dr. Plavin, Mr. Hoser and Mr. Evans volunteered.

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

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

8. Presentations to the Board (12:45 p.m. – 1:15 p.m.):

None

9. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)

- **In re: Cynthia A. Haselton, MD – MPS 12-0212 & MPS 42-0514 – Revised Stipulation and Consent Order**

Mr. Simpson and Mr. Reynolds addressed the Board, summarizing the facts leading up to the Revised Stipulation and Consent Order. Mr. Hoser made a motion to approve the Stipulation and Consent Order as modified. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: Ms. Hunter, Dr. Sproul and the South Investigative Committee.

- **In re: Philip P. Trabulsy, MD – MPS 161-1214 – Cessation of Practice Agreement**

Mr. Simpson and Ms. Deiderich addressed the Board, summarizing the facts leading up to the Cessation of Practice Agreement. Dr. Hayward made a motion to approve the Stipulation and Consent Order. Mr. Gill seconded the motion. The motion passed; opposed: none; abstained: none; recused: Dr. Bernstein, Dr. King and South Investigative Committee.

10. Reconvene meeting; Executive Session to Discuss:

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

The Board began discussion of this topic out of order, before the scheduled time for the beginning of the public hearing. Ms. McClain made a motion at 12:38 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Plavin seconded the motion. The motion passed; opposed: none; recused: none; abstained: none. Dr. Bernstein made a motion at 1:05 p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Gill made a motion at 1:24 p.m. to return to Executive Session to continue to discuss confidential matters related to investigations. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none

11. Return to Open Session; Board Actions on matters discussed in Executive Session:

Mr. Gill made a motion at 1:38 p.m. to return to Open Session. Mr. Jenkins seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Mr. LeCours, North Investigative Committee, asked to close:

MPN 146-1214 – Letter #1

MPN 165-1214 – Special Letter #1
MPN 129-1014 – Letter #1
MPN 152-0613 – Special Letter #1
MPN 062-0714 – Letter #1: Mr. Hoser recused
MPN 141-1114 – Letter #1
MPN 142-1114 – Letter #1
MPN 157-1214 – Special Letter #1

Dr. Reich made a motion to close the cases presented. Dr. Drew seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and North Investigative Committee.

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

MPC 075-0714 – Letter #1: Dr. Hayward recused
MPC 002-0115 – Letter #1; Mr. Hoser recused
MPC 162-1214 – Letter #1
MPC 163-1214 – Letter #1
MPC 099-0914 – Letter #1: Dr. Reich and Dr. Hayward recused

Dr. Bernstein made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and Central Investigative Committee.

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

MPS 155-1214 – Letter #1: Dr. Hayward recused
MPS 013-0113 – Special Letter #1: Dr. Sproul recused

Mr. Gill made a motion to close the cases presented. Me. LeCours seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and South Investigative Committee.

12. Board Actions on Committee recommendations with regard to any non-confidential matters:

13. Other Business:

- **Request for approval of retroactive renewal of license that was renewed after lapse (Dr. David Podell).**

Mr. Herlihy stated that the information he prepared for this topic had not been disseminated prior to the meeting and the Board should be prepared to discuss this during the mid-month meeting on March 18th, 2015.

- **Consideration of Draft Policy on Telemedicine.**

Mr. Herlihy provided copies of the Draft Policy on Telemedicine and requested members review it and contact him with proposed edits, which he would incorporate into the final draft for discussion at the April meeting.

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

- **March 12, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **March 13, 2015, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6th Floor of the Deane C. David Building, Montpelier, VT**
- **March 18, 2015, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **March 18, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **April 1, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **April 1, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

15. Open Forum:

16. Adjourn:

Dr. Reich made a motion to adjourn. Dr. King seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 2:23 p.m.

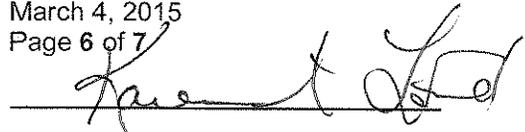
Attachments: Appendix A

Respectfully submitted,

Minutes Board of Medical Practice

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

Karen A. LaFond

Medical Licensing & Operations Administrator

APPENDIX A

Presentation of Applications

Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses, and anesthesiologist assistant certifications for:

William Anast, MD	Adam Corrado, MD	Anthony Dinizio, MD
Rodney Dorand, MD	Alvin Fineman, MD	Peter Fisk, MD
Sara Graves, MD	Kelly Graziadei, PA-C	Marie Grill, MD
Daniel Gwan-Nulla, MD	William Hayes, MD	Elizabeth Houle, MD
Ashwin Kumar, PA-C	Benjamin Lee, MD	Walter Lovern, MD
Kathryn Montagne, MD	Andrew Newman, PA-C	Kimberly Pedigo, PA-C
Timothy Rooney, MD	Robert Seward, MD	Alissa Thomas, MD
Torrence Wilson, MD		

Recommended by Dr. Drew for licensure and certification. Seconded by Dr. Hayward. The motion passed; opposed: none; abstained: none; recused: none.

Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:

Regan Murchison, MD-LTL

Recommended by Dr. Hayward for licensure and certification. Seconded by Mr. Gill. The motion passed; opposed: none; abstained: none; recused: none.