

**Vermont Board of Medical Practice  
Minutes of the August 5, 2009 Board Meeting  
Gifford Medical Center, Randolph, Vermont**

**“Approved – September 2, 2009”**

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

David W. Clauss, M.D., Chair, called the meeting to order at 12:12 p.m.

**Members Present:**

David W. Clauss, M.D.; Patricia A. King, M.D.; Michael Drew, M.D.; Hon. David A. Jenkins (arrived at 12:28 p.m.); John J. Murray, M.D.; Sharon L. Nicol; Harvey S. Reich, M.D.; Robert R. Rinaldi, DPM; Sr. Janice Ryan; William H. Stouch, M.D.; John B. Webber, Esq.; Florence Young.

**Others in Attendance:**

William E. Wargo, Director; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenner, Investigator; Margaret Vincent, Assistant Attorney General; James Arisman, Assistant Attorney General; Bessie Weiss, Assistant Attorney General; Bill Griffin, Chief Assistant Attorney General; Steven L. Shapiro, M.D., Chief Medical Examiner; Madeleine Mongan, Esq., Vice President for Policy, Vermont Medical Society.

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**2. Public Comments:**

None

**3. Approval of the Minutes of the July 1 and 15, 2009 Board Meetings:**

Dr. King made a motion to accept the minutes of the July 1, 2009 Board meeting. Dr. Rinaldi seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

Dr. Reich made a motion to accept the minutes of the July 15, 2009 Board meeting. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

**4. Board Matters (Dr. Clauss):**

Dr. Clauss informed the Board that Ms. Nicol was stepping down from the Vermont Practitioner Health Program (VPHP) Committee. Dr. Clauss asked if any Board members were interested in joining the VPHP Committee to please let himself or Mr. Wargo know.

Dr. Clauss informed the Board that Anne Doremus, Chair of the Connecticut Medical Board, is planning to attend one of the monthly Board meetings.

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

Mr. Wargo informed the Board that President Obama has nominated Regina M. Benjamin, M.D., as U.S. Surgeon General. Dr. Benjamin was formerly the Chair of the Federation of State Medical Boards. Mr. Wargo told the Board he would like to invite Dr. Benjamin to one of the Board's monthly meetings after Dr. Benjamin's appointment has been confirmed.

Mr. Wargo informed the Board that the Laser Use Study Committee met on July 20, 2009.

Mr. Wargo informed the Board that Vermont Practitioners' Health Program (VPHP) Committee met on July 21, 2009. VPHP has proposed some changes to the current contract.

Mr. Wargo informed the Board that he and Ms. Downes are looking into video conferencing for the Board.

Mr. Wargo informed the Board that Gilbert J. Fanciullo, M.D., Director, Section of Pain Medicine, at Dartmouth-Hitchcock Medical Center, is planning to attend the Board's September 2, 2009 Board meeting.

Mr. Wargo informed the Board that Mary Botter, Executive Director of the Vermont Board of Nursing, is planning to attend the October 7, 2009 Board meeting. Ms. Botter is planning to give a brief description of what the process is when the Vermont Board of Nursing investigates a complaint.

**6. Presentation of Applications:**

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:**

**Bill Griffin, Chief Assistant Attorney General:**

Mr. Griffin spoke to the Board in regard to possible legislation that would change the current Board statutes. Mr. Griffin asked that three or four members of the Board and the Attorney General's (AG's) office form a

workgroup to look at possible changes suggested by the AG's office. The Board members participating in the work group could then report back to the full Board.

The AG's office has suggested creating a separate hearing panel made up of professionals and public members in addition to an investigating Board.

Some questions, concerns and opinions of Board members:

- How would a new hearing panel be funded?

Mr. Griffin believes that the hearing panel would be funded by the Board, and would not increase expenses to the Board other than the normal expenses of conducting a hearing with a panel.

- Some Board members felt that a person sitting on a hearing panel for the Board of Medical Practice should have prior experience with the Board.

Mr. Griffin agreed that was a requirement the workgroup may want to consider.

- Workgroup would be an excellent idea.

**Steven L. Shapiro, M.D., Chief Medical Examiner:**

Dr. Shapiro gave a presentation to the Board on the following:

- The duties of the Office of the Chief Medical Examiner (OCME).
- Issues dealt with by the OCME: cause of death; mechanism of death; and manner of death.
- Between 2004 and 2008:
  - Total Vermont deaths; the number investigated by OCME; and percentage of deaths investigated.
  - The different types of accidental deaths: motor vehicle; drugs and overdoses; elderly falls (age  $\geq$  65); and other accidental deaths.
  - The number of childhood fatalities < 18. Those types of deaths resulting from the following: suicides, accidents, homicides and undetermined.

- OCME's operations cost.
- Title 18, Chapter 107: Deaths, 18 V.S.A. § 5202. Death certificate; duties of physicians.
- The responsibilities of physicians being regarding deaths:
  - Is this a reportable death?
  - Is there someone better suited to certify the death?
  - How to certify the death as accurately as possible?
- The electronic death registration system, which provides real time reporting.
  - Physician enters certification data.
  - OCME reviews page.
    - Is there a cause of death?
    - Does it make sense?
    - No concerns of violence?
- Title 12: Court Procedure, Chapter 61: Witness, 1612. Patients' privilege.
- The capacity of the OCME in the event of a disaster or pandemic flu outbreak. The OCME's role in such an event; which is:
  - Identification of the deceased
  - Certification of the deceased
  - Disposition of the deceased
- The number of drug related accidental overdoses for 2008.
- Drug related fatalities for the dates ranging between January 1, 2009 and April 30, 2009.

**8. Executive Session to Discuss Investigative Matters:**

Mr. Webber made a motion at 2:05 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 3:44 p.m.

**9. Recess; Convene Hearing (Ms. Power):**

None

## 10. Open Session

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

MPS 44-0409      MPS 52-0509      MPS 185-1204

Dr. King made a motion to close the cases presented. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: South Committee (Dr. Drew, Dr. Reich, and Mr. Webber); abstained: MPS 52-0509 – Hon. David Jenkins.

### Dr. Murray, Central Investigative Committee, asked to close:

MPC 59-0609      MPC 54-0509      MPC 70-0609      MPC 13-0109

Dr. Reich made a motion to close the cases presented. Sr. Ryan seconded the motion. The motion passed, opposed: none; recused: Central Committee (Dr. Clauss, Hon. David Jenkins, Dr. Murray, Dr. Rinaldi and Ms. Young); abstained: none.

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

MPN 56-0609      MPN 51-0509      MPN 76-0609  
MPN 160-1208      MPN 41-0409      MPN 12-0109

Dr. Reich made a motion to close the cases presented. Dr. Rinaldi seconded the motion. The motion passed, opposed: none; recused: North Committee (Dr. King, Ms. Nicol, Sr. Ryan and Dr. Stouch); abstained: none.

## 11. Any Other Business:

None

## 12. Next meetings:

Upcoming meetings:

- **September 2, 2009**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **September 2, 2009**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph

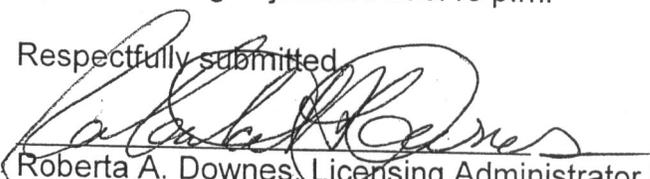
- **September 10, 2009**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **September 11, 2009**, Central Investigative Committee Meeting, Liquor Control Conference Room, 13 Green Mountain Drive, Montpelier
- **September 16, 2009**, Board meeting on pending applications, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **September 16, 2009**, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

### 13. Adjournment

Dr. Reich made a motion to adjourn. Dr. Murray seconded the motion. The vote was all in favor, opposed: none, recused: none; abstained: none.

Meeting adjourned at 3:48 p.m.

Respectfully submitted,

  
Roberta A. Downes, Licensing Administrator I

**Attachments:** Appendix A

## Appendix A

**Presentation of Applications** (Recommendations were in the form of motions by the member making the recommendation)

**Dr. Clauss reported on an interview conducted by Dr. Cahill with:**

Molly Gormley, PA-C

Recommended by Dr. Clauss for physician assistant certification. Seconded by Dr. Murray, passed, opposed: none, recused: none; abstained: none.

**Dr. Clauss moved for the issuance of secondary certifications for:**

Molly Gormley, PA-C

Cynthia Vail, PA-C

Susan Whitman, PA-C

Warren Montgomery, PA-C

Leah Villemarie, PA-C

Recommended by Dr. Clauss for secondary physician assistant certifications. Seconded by Dr. Murray, passed, opposed: none, recused: none; abstained: none.

**Dr. Clauss reported on interviews conducted with:**

Laima Bendel, M.D.

Julia Trumbo, M.D.

Jennifer Harper, M.D.

Roy Trumbo, M.D.

Recommended by Dr. Clauss for physician licensure. Seconded by Dr. Murray, passed, opposed: none, recused: none; abstained: none.

**Dr. Clauss reported on an interview conducted by Dr. Thomashow with:**

Michael Mendelson, M.D.

Recommended by Dr. Clauss for physician licensure. Seconded by Dr. Murray, passed, opposed: none, recused: none; abstained: none.

**Dr. Clauss moved for the issuance of limited temporary licenses for:**

Marjorie Affel, M.D.

Thomas Kim, M.D.

Sunil Thummala, M.D.

Laura Chamberlain, M.D.

Caroline Pahk, M.D.

Recommended by Dr. Clauss for limited temporary physician licensures. Seconded by Dr. Reich, passed, opposed: none, recused: none; abstained: none.

**Dr. King reported on an interview conducted with:**

Andrea Solomon, PA-C

Recommended by Dr. King for physician assistant certification. Seconded by Dr. Murray, passed, opposed: none, recused: none; abstained: none.

**Dr. King reported on interviews conducted by Dr. Sadkin with:**

Jonathan Jared Cooperman, M.D.                      Michael D. Lareau, M.D.

Recommended by Dr. King for physician licensure. Seconded by Dr. Murray, passed; opposed: none, recused: none; abstained: none.

**Dr. Murray reported on an interview conducted with:**

William Miller, M.D.

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

**Dr. Reich reported on interviews conducted with:**

Bruno F. Dantas, M.D.                                      Simon Lee, M.D.

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

**Dr. Rinaldi reported on interviews conducted with:**

Philip S. Benjakul, M.D.                                      Jason Yeh, M.D.

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