

**Vermont Board of Medical Practice  
Minutes of the March 7, 2007 Meeting  
Gifford Medical Center, Randolph, Vermont**

**Approved**

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

David W. Clauss, MD, Chair of the Board, called the meeting to order at 12:19 p.m., at Gifford Medical Center, Randolph, Vermont.

**Members Present:**

David W. Clauss, MD; Ezekiel S. Cross; Russell P. Davignon, MD; Richard L. Guerrero, MD; Patricia A. King, MD, PhD; Denis J. Lamontagne, DPM; John J. Murray, MD; Sharon Nicol; Alexander Northern; Toby Sadkin, MD; Katherine A. Silta, PA-C; William H. Stouch, MD; Peter Thomashow; MD; John Webber; Florence Young

**Others in Attendance:**

James Arisman, Assistant Attorney General; Phil Cykon, Presiding Officer; Dixie Henry, Assistant Attorney General; John Howland, Jr, Director; Peggy Langlais, Administrative Supervisor; Ion Laskaris, member of the public; Joseph Winn, Assistant Attorney General

**2. Public Comment**

None.

**3. Approval of the Minutes of the February 7 and 21, 2007 Board Meetings**

Mr. Webber made a motion to accept the minutes of the February 7 and 21, 2007 Board meetings. Ms. Nicol seconded the motion. The motion passed, opposed: none, abstained: none.

**4. Board Matters**

Dr. Clauss said that he considers it a privilege to take over as Chair of the Board. He said that there are several issues that he would like the Board's thoughts on.

- Goals and initiatives
  - Dr. Clauss said he would like to continue the service level we are providing, the process we use and to consider potentially expanding our role by becoming more proactive in the state. He said this would include improving working relationships with hospitals in the areas of credentialing, at risk physicians, information sharing and working in teams with any outreach possible to increase awareness of the Board and professional expectations.

### Discussion

- How are we going to reach those goals?
- Working with at risk physicians is commendable especially if we could do it effectively. It would help the overall standing of patient relationships.
  - Help needs to be available for physicians, podiatrists, and physician assistants that do not fall under the areas/services provided by VPHP. This really needs to be addressed.
  - As a Board, we need to be more aware.
  - The goals sound helpful.
  - What about a web page for physicians on health issues?
    - The Bar Association has an Employee Assistance Plan available on the web that provides referrals and covers many subjects to include confidentiality which is a big issue.
    - How do we connect to the web page? (Mr. Webber will get the information.)
  - There is a history of this kind of contact with the Vermont Medical Society related to the issue of professionals under a great deal of stress. The physicians are thought to be above this type of need or more than human.
    - What about developing a relationship with the Medical Society to help physicians get the help they need? Dr. Thomashow is willing to help with this effort.
- The Board had a visitor here a couple of months ago (Dr. David Swankin) about hospitals and physicians working better together. Are you thinking of using that program?
  - Are board members interested in exploring that program?
  - It may be worth reviewing again.
- There is the possibility of good for the Board to communicate with licensees about informational pointers in areas that the Board is aware of.
  - Many other states do have a newsletter.
  - The Vermont Medical Society has a newsletter. Is it possible that the Board could we have a column?
- Other areas of interest/concern
  - In a recent disaster training table top exercise there was virtually no medical representation from the hospitals. There needs to be some representation and this should be on the Board's radar screen.
  - Initiation of fines for some things, i.e. administrative fines.
    - Instituting a system of fines would require legislation.
    - The Office of Professional Regulation has recently instituted fines.

Dr. Clauss said that the VPHP Liaison committee met on February 20<sup>th</sup> and met Dr. Simmons. He said that it was a good meeting and that both Board members and VPHP staff are continuing to build relations based on mutual trust. Dr. Clauss said that in order to have that happen Dr. Simmons will come to a Board meeting and walk the Board through the process used and invite discussion. He

said that it is possible to do similar presentations at hospitals. Dr. Clauss said that the Board's contract with VPHP is up for renewal.

Dr. Clauss said that currently the opening letter that goes out to complainants links the licensee name with the case. He said that this represents a weak spot in our process. Ms. Langlais said that a change to address this issue had been made. Dr. Clauss asked that Board members get a copy of the letter now being used in the next Board meeting packet.

## **5. Administrative Update (Mr. Howland)**

Mr. Howland said that Mr. Ciotti and Ms. Nenninger were not in attendance today as they were at a national certified investigator training sponsored by the Council on Licensure, Enforcement and Regulation (CLEAR). He said that CLEAR is to all licensing authorities the equivalent of what the Federation of State Medical Boards is to the Board.

Mr. Howland said that Mr. Ciotti and Ms. Nenninger were working with the Secretary of State's Office and the Medicaid Fraud Unit to prepare a half day presentation for the police academy. He said the purpose is to better acquaint law enforcement with what we do. Mr. Howland said it is an attempt to increase awareness in the police community, outreach. He said that an example would be the law that requires court clerks to notify the board when a licensee has been convicted of something.

Mr. Howland said that the Attorney General's Office has been making some changes. He said that Mr. Winn will be taking on a new role with the Department for Children and Families and we wish him the best. Mr. Howland said that Mr. Winn will continue with some matters. He said that Ms. Margaret Vincent, former Chittenden County Deputy State's Attorney, will be assigned to the Board. He said that Mr. Arisman will continue with the Board in his full time assignment and that Ms. Vincent will work with the Board 60% of her time. Mr. Howland said that he, Mr. Ciotti and Ms. Nenninger had met with Ms. Vincent last week.

Mr. Howland said that the Board's contract with the Vermont Practitioners Health Program is up at the end of this month and that it is possible to extend it with few if any changes. He said that there had been some concerns taken to VPHP that he felt had been taken seriously and that things were now on track.

Mr. Howland said that the Board packets contained a memorandum regarding authorization in nursing and physician licensing laws to permit physicians and advance practice registered nurses to hold shares in the same professional corporation. He said that he did not see it as an issue for the Board but if Board members felt differently to let him know.

## **6. Presentation of applications**

See Appendix A.

## **7. Recess; Convene Hearing (Mr. Cykon)**

Mr. Cykon convened a hearing to consider matters before the Board.

In re: Andrew C. Horrigan, MD, Licensing Board Matter, Stipulation and Consent Order

Dr. Clauss made a motion to accept the Stipulation and Consent Order effective the same date as that of licensure. Dr. Murray seconded the motion. The vote was all in favor, opposed: none, abstained: Dr. Thomashow.

Dr. King, as Chair of the North Investigative Committee, made a motion to approve Glen MacKenzie, MD as the new monitor and mentor for Noelle C. Thabault, MD. Mr. Webber seconded the motion. The vote was all in favor, opposed: none, abstained: Dr. Guerrero.

## **8. Break**

1:12 p.m.

## **9. Executive Session to Discuss Investigative Matters**

Mr. Webber made a motion to go into executive session to discuss investigative matters. Dr. Stouch seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Executive session began at 1:29 p.m.

Open session resumed at 2:19 p.m.

## **10. Open Session**

Dr. Murray, Chair of the Central Investigative Committee, moved to close  
MPC 06-0107

Seconded: Mr. Cross. Passed, opposed: none. Abstained: none.

Ms. Silta, Chair of the South Investigative Committee, moved to close  
MPS 18-0207  
MPS 124-0906  
MPS 123-0906  
MPS 122-0906  
MPS 05-0107

MPS 09-0107  
MPS 115-0806  
MPS 130-0906  
MPS 85-0606  
MPS 137-0906  
MPS 04-0107

Seconded: Dr. Stouch. Passed, opposed: none. Abstained: MPS 124-0906, 123-0906, 122-0906 - Dr. Stouch; MPS 137-0906 - Dr. Davignon, Dr. Thomashow and Dr. Clauss; MPS 04-0107 – Dr. King and Dr. Thomashow.

#### 11. Next meetings

Upcoming meetings

- March 9, 2007, Central Investigative Committee Meeting, 12 p.m., Montpelier
- March 15, 2007, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- March 21, 2007, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland
- March 21, 2007, Board meeting on pending applications, 12:10 p.m., Board Office, 101 Cherry Street, Burlington, (and via telephone)

**12. Next Regular Board meetings April 4, 2007, 12 p.m., Gifford Medical Center Vermont, Randolph, Vermont, April 18, 2007, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont**

#### 13. Any Other Business

None.

#### 14. Adjournment

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

Adjourned at 2:26 p.m.

Respectfully submitted,

  
Peggy Langlais, Administrative Supervisor  
Attachment

Appendix A

**Presentation of Applications**

Dr. Davignon reported on interviews with  
Cindy Nguyen, MD  
Vytas Semogas, MD  
Richard Henry, MD  
Dmitry Bolkhovets, MD  
Eduard Michel, MD

Recommended for physician licensure

Seconded by Dr. King, passed, opposed: none, abstained: none

Dr. Lamontagne reported on an interview with  
James Graham, MD

Recommended for physician licensure

Seconded by Dr. Stouch, passed, opposed: none, abstained: none

Ms. Silta reported on interviews Dr. Cahill conducted with

Lisa Furmanski, MD

Bethany Foster, MD

Recommended for physician licensure

Seconded by Dr. Murray, passed, opposed: none, abstained: none

Ms. Silta reported on an interview with

Mary Hughes, PA

Recommended for physician assistant certification

Seconded by Dr. Davignon, passed, opposed: none, abstained: none

Dr. Guerrero reported on interviews with

Sam Toney, MD

Dr. Guerrero made a motion to go into Executive Session. Dr. Murray seconded the motion. The vote was all in favor.

Executive session began at 12:50 p.m.

Return to open session: 12:55

Dr. King said that the Licensing Committee goes over all issues on applications for licensure/certification using the same procedures as an investigative committee. She said that on rare occasions, applicants come in to interview with the Committee and on other occasions, the Committee recommends an applicant not to given a license/certificate.

Dr. King said that if the interviewer feels uncomfortable about any aspect of the interview, please bring it up, but know that if the application passed through the Licensing Committee, it is OK to interview. She said that if more information comes to light in the interview, it is appropriate to bring it to the Board but if the

interviewer is happy with applicant, the interviewer does not have to do anything additional.

Dr. Guerrero continued with a report on  
Andre Bell, MD

Recommended for physician licensure

Seconded by Dr. Davignon, passed, opposed: none, abstained: none