

**Vermont Board of Medical Practice
Minutes of the June 1, 2011 Board Meeting
Gifford Medical Center, Randolph, VT**

Approved

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

Patricia A. King, M.D., Chair, called the meeting to order at 12:21 p.m.

Members Present:

Patricia A. King, M.D.; William K. Hoser, PA-C; Margaret F. Martin; Janice Gallant, M.D.; Robert G. Hayward, M.D.; Michael Drew, M.D.; Hon. David A. Jenkins; Joshua A. Plavin, M.D.; Harvey S. Reich, MD; Robert Rinaldi, DPM; Janice Ryan, RSM; Peter Thomashow, MD; Toby Sadkin, M.D.; Florence Young.

Others in Attendance:

David Herlihy, Executive Director; Presiding Officer; Philip Ciotti, Investigator; Paula Nenner, Investigator; Margaret Vincent, Assistant Attorney General; Karen LaFond, Licensing Administrator; Terry Lovelace, Assistant Attorney General; Joel Mumford, M.D., Secretary, Vermont Society of Anesthesiologists; Dr. Dina Levin, Gifford Medical Center; Bill Bress

2. Public Comments: In his role with the Vermont Society of Anesthesiologists, Dr. Mumford made a presentation to the Board about physician supervision of anesthesia for Medicare patients undergoing surgery. The Society wants the Board to be aware of this issue because the group anticipates that there will be a request to the Board from the Governor's Office for an opinion on whether the State of Vermont should elect an "opt-out" on a Medicare billing rule regarding anesthesiology. Federal law and CMS regulations allow states to elect an opt-out that relaxes the rules about anesthesiologist supervision of anesthesia for surgery patients. The regulations require the Governor to seek an opinion from the State's Medical Practice Board when doing so. The Society takes the position that better outcomes are had with more supervision by anesthesiologists, and thus the group advocates against election of the opt-out. Dr. Mumford explained a number of studies that he distributed to the Board that examine patient outcomes after surgeries that involve anesthesia.

3. Approval of the Minutes of the April May 4 and May 18, 2011 Monthly Board Meetings

Dr. Thomashow made a motion to accept the minutes of the May 4, 2011 Board meeting. Dr. Hayward seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

Sr. Ryan made a motion to accept the minutes of the May 18, 2011 Board meeting. Dr. Hayward seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

None

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided updates on the office move, which is slated for Friday June 11 and on the CAVU system, which is still scheduled for an 8/1/11 go-live date. There are concerns over the contractor CAVU being able to meet the 8/1 timetable; he and Karen LaFond are monitoring this situation closely.

Mr. Herlihy discussed a message that he had sent out about providing member contact information to the Federation of State Medical Boards (FSMB). The preceding Director had listed his own email address for each Board member on the FSMB contact list, rather than having FSMB email go directly to the members. Mr. Herlihy believes that members should be able to get information directly from FSMB and that the federation does not send an excessive amount of email. Unless members object, he will provide FSMB with individual contact information.

He also advised the board that the governor had yet to sign the H.369 bill, but would likely sign it on 6/2/11. The main impact on this meeting is that the board will be unable to present and approve medical licenses for those practitioners who have not had an interview because the board is still operating under the existing statute, which requires the interview. He stated that as soon as the bill passes, the board will need to hold a special meeting or wait until the mid-month board meeting to present the other applicants.

Mr. Herlihy noted that a number of changes to statute that relate to the Board's work will give rise to a need to conduct rulemaking for a number of topics. He will be requesting volunteers to serve on a committee that would focus on rulemaking.

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. Presentations to the Board:

Bill Bress gave a presentation on the recommendations by the Board of Health to include on the state regulated drug list:

- Synthetic Cannabinoids; JWH-018, JWH-073, JWH-019 and JWH-250 (commonly referred to as K2 or Spice)
- Salvia divinorum
- Methylenedioxypropylvalerone (known as MPDV) and mephedrone (sold as "bath salts" and under name of Ivory wave).
- Hu210 - a synthetic cannabinoid, which is also identified as

“(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol)”

Mr. Bress stated that the Board of Pharmacy is in support of regulating these substances.

Dr. Reich asked whether any synthetic cannabinoids would be included under the marijuana registry process and whether people may be using the cannabinoids for purposes akin to the purposes that underlie the marijuana registry program. He stated his general concern over expansion of the reach of the law against these cannabinoids when a registry program has been established.

Dr. Thomashow discussed the medical dangers of these substances.

Dr. Gallant inquired about the prevalence of the problem in Vermont.

Dr. Drew made a motion to convey the Board’s support of the request to add the substances to the regulated drug list. Dr. Gallant seconded the motion. Motion passed; 11 voted in favor; 1 opposed.

Mr. Herlihy led a separate discussion about Physician Assistant (PA) licensing procedures during transition period resulting from the statute changes. He advised the board that licenses would be given to new applicants and current PAs will keep certificates until the renewal period. Board staff is considering the impact of PAs having only 1 license number in CAVU and will send a letter to all of the PAs explaining the new process when the system goes on-line. For the time being, the intent is to continue to recognize the currently filed PA documentation; changes and additions of new practice sites will only have to be filed with the Board and will not be subject to Board approval.

Mr. Herlihy also discussed the new process for MD licensing resulting from the statute changes. Interviews will no longer be required except for those applicants who must go to the Licensing Committee because of a “yes” answer in the series of questions on the application, and who are identified the Licensing Committee as an applicant who should be interviewed. If any member becomes aware of a reason they believe there should be an interview, he or she can recommend that there be an interview. As with PAs, the new rules and process will be further developed this summer.

Mr. Herlihy inquired as to whether or not the members would be interested to have ADAP (Alcohol and Drug Abuse Program) come in and do a presentation on the new rules for medication assisted therapy for opioid dependence. It was suggested that they could send information for the members to review and then decide if they want a presentation.

8. Convene Hearing (Mr. Simpson): None

9. Executive Session to Discuss Investigative Matters:

Dr. Thomashow made a motion at 1:25 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.

10. Open Session:

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

MPS 29-0311 – Letter #1 – Dr. Thomashow recused
MPS 126-1110 – Letter #1 – Dr. Thomashow recused
MPS 42-0311 – Special Letter #1
MPS 53-0411 – Special Letter #1
MPS 161-1210 – Letter #1

Sr. Ryan made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed, opposed: none; abstained: none; recused: South Investigative Committee, 2 – see above.

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

MPC 25-0211 – Letter #1
MPC 7-0111 – Special Letter #1 w/copy of law
Mr. Hoser made a motion to close the cases presented. Dr. Plavin seconded the motion. The motion passed, opposed: none; abstained: none; recused: Central Investigative Committee.

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

MPN 41-0311 – Special Letter #1
MPN 94-0910 – Letter #1
MPN 45-0411 – Special Letter #1

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

11. Board Actions on Committee Recommendations With Regard to Any Non-confidential Matters:

None

12. Any Other Business: Next meetings:

Upcoming meetings: (Locations are subject to change, you will be notified if a change takes place.)

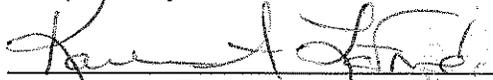
- **June 2, 2011, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT**
- **June 8, 2011, Special Meeting to present applicants for licensure, 12:10pm, Board of Medical Practice office, 101 Cherry Street, 3rd Floor Burlington, VT (and via telephone)**
- **June 10, 2011, Central Investigative Committee Meeting, 12 p.m., The Pavilion, 109 State Street, Montpelier, VT**
- **June 15, 2011 Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 101 Cherry Street, 3rd Floor Burlington, VT (and via telephone)**
- **June 15, 2011 South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **July 6, 2011, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **July 6, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

13. Adjournment

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

Meeting adjourned at 2:47 p.m.

Respectfully submitted,



Karen A. LaFond, Licensing Administrator

Attachments: Appendix A

Appendix A

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

Dr. King reported on behalf of Dr. Gallant, who conducted an interview with:

Michael Hehir, MD

Recommended by Dr. Gallant for physician licensure. Seconded by Sr. Ryan, passed, opposed: none, recused: none; abstained: none.

Dr. King reported on behalf of Dr. Rinaldi, who conducted an interview with:

Robert Litt, MD

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

Dr. King reported on interviews conducted with:

Hishala Zvulon, MD

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

Dr. King moved for the issuance of a limited temporary license for:

Brent Borodic, MD	Kossivi Dantey, MD	David Greenhouse, MD
Damon Houghton, MD	Abdulquader Khan, MD	Jessica Kim, MD
Panupong Lisawat, MD	Maureen McDonald, MD	Billy Mahaney, MD
Jacqueline Malekirad, MD	Bryan Monier, MD	Victor Mwansa, MD
Daniel Olsen, MD	Kiran Rajneesh, MD	Timothy Rogers, MD
Deva Sharma, MD	Kanayo Tatsumi, MD	Huma Vahora, MD
Cornelia Withington, MD	Michael Wright, MD	Neil Xbanez, MD

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