

**Vermont Board of Medical Practice  
Minutes of the August 6, 2008 Meeting  
Gifford Medical Center, Randolph, Vermont**

**“Approved September 3, 2008”**

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

Dr. Clauss, Chair of the Board, called the meeting to order at 12:21 p.m.

**Members Present:**

David W. Clauss, MD; Patricia A. King, MD, PhD; John J. Murray, MD; John Webber, Esq; William H. Stouch, MD; Robert R. Rinaldi, DPM; Russell P. Davignon, M.D.; Janice E. Ryan, RSM; Florence Young; William K. Hoser, PA-C; Honorable David A. Jenkins; Toby Sadkin, MD; Peter Thomashow, MD;

**Others in Attendance:**

William E. Wargo, Director; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenninger, Investigator; Margaret Vincent, Assistant Attorney General; Marjorie Power, Legal Counsel and Presiding Officer; Michael McShane, Attorney General's Office; Glenn Goldman, MD, FAHC Dermatology;

**2. Approval of the Minutes of the July 2 and 16, 2008 Board Meetings:**

Dr. Davignon made a motion to accept the minutes of the July 2, 2008 Board meeting. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: none.

Dr. Davignon made a motion to accept the minutes of the July 16, 2008 Board meeting. Dr. King seconded the motion. The motion passed, opposed: none; abstained: none.

**3. Board Matters (Dr. Clauss)**

Dr. Clauss briefly spoke about the issue surrounding social security numbers brought up at the July 16<sup>th</sup> mid-month meeting. Dr. Clauss informed the Board that Mr. Wargo and others found that there are no legal requirements for the Board to collect an applicant's social security number.

**4. Administrative Update (Mr. Wargo)**

Mr. Wargo told the Board that he has been sending emails to Board members as certain issues arise.

Mr. Wargo informed that Ms. Hayes has worked with Dr. Rinaldi and others in creating the Limited Temporary License for Podiatrist application, which can be found on the Board of Medical Practice web site under forms or applications.

**5. 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.

**6. Dr. King presented the following items from Licensing for approval by the Board.**

Dr. King made a motion to approve both Dr. Azar Rahim and Dr. Khaled Shahrour to take the USMLE Step 3 exam for Vermont. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: none.

Dr. King made a motion to accept Dr. Vivienne-Elizabeth E. Smith's request to withdraw from the application process. Sr. Ryan seconded the motion. The motion passed, opposed: none; abstained: none.

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

None

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

Sr. Ryan made a motion at 12:46 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: none.

**9. Open Session**

Return to open session: 1:01 p.m.

**Dr. Rinaldi, South Investigative Committee, presented the following cases for closure:**

MPS 64-0608

MPS 56-0307

MPS 57-0508

MPS 53-0404

Dr. King made a motion to close the cases presented. Dr. Clauss seconded the motion. The motion passed, opposed: none; abstained: South Committee (Mr. Hoser, Dr. Rinaldi and Mr. Webber).

**Dr. Murray, Central Investigative Committee, presented the following case for closure:**

MPC 33-0308

Dr. Stouch made a motion to close the case presented. Dr. Rinaldi seconded the motion. The motion passed, opposed: none; abstained: Central Committee (Dr. Murray, Dr. Clauss, Dr. Davignon, and Dr. Thomashow).

**Dr. King, North Investigative Committee, moved to close:**

None

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

Dr. Murray made a motion at 1:05 p.m. to go into Executive Session to discuss confidential matters related to investigations. Sr. Ryan seconded the motion. The motion passed, opposed: none; abstained: none.

#### **11. Open Session**

Return to open session: 1:06 p.m.

#### **12. Open discussion:**

Dr. Clauss explained the purpose of today's presentation regarding laser use. The information being presented is intended to help the Board take a stand on the issue of laser use and whether it constitutes the practice of medicine.

Mr. Wargo informed the Board that the Massachusetts Board has organized a Med Spa Task Force to address the issues of laser use and that Massachusetts hopes to issue a comprehensive report on laser use issues soon.

Break: 1:15 p.m.

Return: 1:35 p.m.

#### **13. Presentation to the Board:**

Dr. Glenn Goldman from the Department of Dermatology at Fletcher Allen Health Care spoke to the Board regarding the use of lasers.

Dr. Goldman informed the Board that he has noticed an explosion of laser use in the State of Vermont. He suggested people are interested in this area because

of the money. People having these procedures are required to pay cash, and these types of procedures are not covered by health insurance.

Dr. Goldman told the Board that there are people performing laser surgery and injuring specific clients, currently in Vermont. Laser use is not expressly regulated by any current state statute. Therefore people are performing these procedures with little or no training and causing injuries and, in some cases jeopardizing life.

Dr. Goldman gave information on what some other states require for a person to perform laser procedures. Dr. Goldman made reference to the article "DELEGATING LASER HAIR REMOVAL Dermatologists' views on and practices regarding delegation vary – not just because of regulation." Florida requires "Professional specific supervision – Level of supervision from direct to general depends on professional performing the procedure." Kentucky requires "Immediate supervision – The supervising physician must be in the same room overseeing activities at all times." New York has "Not addressed – Supervision is not addressed in statute or regulation." (See attachment: DELEGATING LASER HAIR REMOVAL Dermatologists' views on and practices regarding delegation vary – not just because of regulations.)

Dr. Goldman raised the issue of what constitutes the practice of medicine. Certain lasers being used are FDA approved because they are considered medical equipment.

Dr. Goldman spoke about ablative lasers that destroy tissue and non-ablative lasers. Dr. Goldman went on to explain about some of the different types of lasers to remove hair, tattoo, and port-wine stains.

Dr. Goldman believes that laser use is the practice of medicine, one reason being that external energy is being used on living tissue. In his opinion, laser use should be restricted to physicians, physician assistants, and nurses. However, with physician assistants and nurses, the physician should be on site.

The following questions were raised during the presentation:

- What does the Board consider the practice of medicine?
- Should physicians performing laser procedures have limited training?
- Are there any guidelines for training and supervising requirements?
- If a person crosses the line, who is going to prosecute the case?
- Who should regulate this profession?
- Where can the Board of Medical Practice go from here regarding this issue?
- What does the Board of Medical Practice want to do?
- What is the desired outcome of the Board of Medical Practice?

Ms. Power made a suggestion to wait and see what the State of Massachusetts determines once their report is published.

**14. Any Other Business:**

None

**15. Next meetings:**

Upcoming meetings:

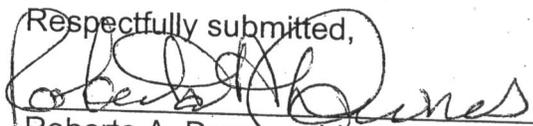
- **September 3 2008**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **September 3, 2008**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **September 11, 2008**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **September 12, 2008**, Central Investigative Committee Meeting, 12 p.m., Liquor Control Conference Room, 13 Green Mountain Drive, Montpelier
- **September 17, 2008**, Board meeting on pending applications, 1:10p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **September 17, 2008**, South Investigative Committee Meeting, 1:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

**16. Adjournment**

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

Meeting adjourned at 3:00 p.m.

Respectfully submitted,



Roberta A. Downes, Licensing Administrator

**Attachments:**

- Memo dated July 24<sup>th</sup>, 2008 from William E. Wargo, Director
- AD | DS - Position statement on the practice of medicine
- Articles:
  - Hair ignition by dye laser for port-wine stain: risk factors evaluated
  - Ocular Complication of PhotoDerm VL Therapy for Facial Port-Wine Stain
  - Dry Eyes and Superficial Punctate Keratitis: A Complication of Treatment of Glabellar Dynamic Rhytides with Botulinum Exotoxin A
  - Facial Cutaneous Ulcers Following Mesotherapy
  - Pigmentary Changes After Alexandrite Laser Hair Removal
  - Iris atrophy and posterior synechiae as a complication of eyebrow laser epilation
  - Photos

## Appendix A

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

**Dr. Clauss reported on interviews conducted with**  
Maruf Haider, MD  
Suzanne Schermerhorn, MD

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

**Dr. Clauss moved on a limited temporary license for**  
Shagun Sagger, MD

Seconded by Mr. Hoser, passed, opposed: none, abstained: none

**Dr. Clauss reported on interviews conducted by Dr. Reich with**  
Eitan Sobel, MD  
Vered Sobel, MD

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

**Dr. Davignon reported on interviews conducted with**  
Brian Aros, MD  
Joseph Brock, MD  
Marinshine, Gentler, MD  
David Glembocki, MD  
Thomas D. Horn, MD

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

**Mr. Hoser reported on interviews conducted with**  
Jared Leavitt, PA-C  
Katherine Macko, PA-C  
Mary Ann O'Beirne, PA-C  
Patrick Schembri, PA-C  
Christopher Winner, PA-C

Recommended by Mr. Hoser for physician assistant certification  
Seconded by Sr. Ryan, passed, opposed: none, abstained: none

**Mr. Hoser reported on interviews conducted by Dr. Cahill with**  
Ezequiel Lopez-Presas, MD  
H. Todd Spencer, MD

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

**Dr. King reported on an interview conducted with**  
Jaina Clough, MD

Recommended by Dr. King for physician licensure  
Seconded by Dr. Thomashow, passed, opposed: none, abstained: none

**Dr. Murray reported on interviews conducted with**  
Jing Liu, MD  
Susan Smiga, MD

Recommended by Dr. Murray for physician licensure  
Seconded by Dr. Davignon, passed, opposed: none, abstained: none

**Dr. Murray reported on an interview conducted with**  
Kevin Wyne, PA-C

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