

**Vermont Board of Medical Practice
Minutes of the August 3, 2011 Board Meeting
Gifford Medical Center, Randolph, VT**

Approved

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

Patricia A. King, MD, Chair, called the meeting to order at 12:22.

Members Present:

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

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Karen LaFond, Licensing Administrator; Robert Simpson, Presiding Officer; Terry Lovelace, Esq. AAG; Jacob Humbert, Esq. AAG; Paul Herrington, Vermont Medical Society.

2. Public Comment: None

3. Approval of Minutes of the July 6 and July 20, 2011 Board Meetings:

Dr. Rinaldi made a motion to accept the minutes of the July 6, 2011 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Reich made a motion to accept the minutes of the July 20, 2011 meeting. Dr. Rinaldi seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King asked the board members who would be eligible to serve on the Bookwalter hearing panel and Porter hearing panel to state whether or not they are available to serve. Ms. LaFond recorded that Ms. Martin, Dr. Reich and tentatively Dr. Drew are available to serve on the Bookwalter hearing. Ms. LaFond will confirm with Dr. Drew. Ms. LaFond recorded that the eligible board members for the Porter hearing are not available, and she can proceed to petitioning adhoc board members.

Dr. King mentioned that she had a meeting with the Federation of State Medical Boards about the USMLE examinations and would be happy to provide details to anyone who wants more information.

Mr. Webber informed the board that Ms. Martin was named Citizen of the Year by the Central Vermont Rotary Club, and he felt the board should commend her for this achievement.

Mr. Herlihy suggested a motion should be made to formally recognize Ms. Martin. Dr. Hayward made the motion; Dr. King seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided an update to the board about the Radiologist Assistant rule making process. He stated that the rules have been approved by ICAR and that there will be a public hearing on Friday, August 26, 2011 from 8:30 a.m. to 10:00 a.m. to allow for public comment. It will be held in Burlington, 108 Cherry Street, Room 2C. Written comments will then be accepted, and then the rules will go through LCAR.

Mr. Herlihy also advised the members that he is proposing to form a subcommittee to take on the rule making process for the Continuing Medical Education requirement, as well as a separate committee to form the rules for the new PA statute.

Mr. Herlihy discussed a mandate within Act 48 that pertains to the board, which states that the board must work with RNs and OPR in relation to workforce issues in healthcare. This will be undertaken in a team focused approach led by physicians, to look at the parody of regulation to hold everyone to standards of care.

Mr. Herlihy also noted that the board has been mentioned in the Burlington Free Press in the prescription issues series. As a result, the Department of Health will be holding a strategic planning meeting with the Secretary of Human Services to propose how the departments within the Agency of Human Services can work better to prepare for scenarios when a the license of a physician who prescribes suboxone or subutex is revoked. The meeting will specifically focus on how to control the flow of prescription medication into the community while also supporting access to physicians who prescribe. Dr. Rinaldi noted that Phil Ciotti, investigator to the board, held two seminars at the Gifford Medical Center on prescription issues that were very well received and extremely informative. Mr. Herlihy agreed that Mr. Ciotti received outstanding feedback about the seminars and concurred that this could be an opportunity to promote CMEs. He also stated that the Vermont Medical Society is currently seeking grant funding to provide education and training to develop on-line training programs.

Upcoming meetings for Mr. Herlihy include a VPHP liaison meeting on August 29 and CAVU is currently scheduled to go live that same day. Mr. Herlihy thanked Ms. LaFond covering while Mr. Herlihy was out in July and for continuing with the CAVU implementation.

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

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 (12:45p.m. – 1:45 p.m.):

None

8. Recess; Convene Hearing to discuss any stipulations or disciplinary matters that are before the Board (1:45 p.m. – 2:15 p.m.): (Mr. Simpson)

In re: William A. O'Rourke, Jr., M.D. – MPN 101-0707 – Stipulation and Consent Order

Dr. Hayward made a motion to approve the Stipulation and Consent Order. Dr. Rinaldi seconded the motion. The motion passed: 7 in favor; opposed: none; recused: 2; abstained: North Investigative Committee.

9. Reconvene Meeting; Executive Session to Discuss:

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

Sr. Ryan made a motion at 1:04 p.m. to go into Executive Session to discuss confidential matters related to investigations. Ms. Illuzzi seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Reich made a motion at 1:20 to move back into Executive Session to further discuss confidential matters related to investigations. Ms. Illuzzi seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

10. Return to Open Session; Board Actions on Matters Discussed in Executive Session:

Mr. Webber made a motion at 1:12 to return to open session. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Webber made a motion at 1:43 to return to open session. Dr. Stouch seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

11. Board Actions on Committee Recommendations with Regard to any Non-confidential Matters:

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

No South cases were closed.

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

MPC 65-0511 – Letter #1

Sr. Ryan made a motion to close the cases presented. Dr. Reich seconded the motion. The motion passed, opposed: none; abstained: none; recused: none.

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

MPN 93-0910 – Special Letter 2

Dr. Hayward made a motion to close the cases presented. Dr. Plavin seconded the motion. The motion passed, opposed: none; abstained: none; recused: Dr. Reich.

12. Other Business:

The Board wished to recognize Sister Janice Ryan for her service on the board.

Hon. Jenkins brought up the concerns about the current lawsuit that Mr. Bill Wargo brought against the Department of Health and wanted clarification about the responsibility of the Board considering confidentiality of matters that were brought before the board during the time period noted in the lawsuit.

Ms. Vincent stated that the State Attorney Generals office is handling the lawsuit, and if board members want information then she will inquire about how information will be provided if the situation arises. She stated that a hearing was scheduled for August 8, 2011. Mr. Herlihy stated that he will also continue to keep the board updated as the lawsuit proceeds.

General discussion continued on this topic and covered areas related to:

- 1) 3 VSA 973 - state employees can freely make reports of wrong-doing without fear of ramifications;
- 2) The 2 cases noted in the lawsuit and whether or not there are implications for the board, specifically around confidentiality issues and the level of access the AG will have to information as it pertains to the lawsuit;
- 3) How and where a member of the board should report concerns about obstruction of board investigations;
- 4) How board members should handle inquiries if approached by press or other entities about the lawsuit.

13. Upcoming Board meetings, committee meetings, hearings, etc.: (*Locations are subject to change, you will be notified if a changes takes place.*)

- **September 7, 2011, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT**
- **September 7, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT**

- September 15, 2011, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 2nd Floor, Conference Room 2D, Burlington, VT
- September 16, 2011, Central Investigative Committee Meeting, 12 p.m., The Pavilion, 109 State Street, Montpelier, VT
- September 21, 2011, Board Meeting on pending applications, 12:10 p.m., Board of Medical Practice office 108 Cherry Street, 2nd Floor, Burlington, VT (and via telephone)
- September 21, 2011, South Investigative Committee Meeting, 12 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- October 5, 2011, Licensing Committee Meeting 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT
- October 5, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT

14. Adjournment:

Sr. Ryan made a motion to adjourn. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Meeting adjourned at 2:58 p.m.

Attachments: Appendix A

Respectfully submitted,



Karen LaFond
Licensing Administrator

Appendix A

Presentation of Applications

Dr. King moved for the issuance of physician licenses for:

Raiel Barlow, MD	Maria Carracino, MD	Allison Christie, MD
Pejman Firouztale, MD	Sarah Kemble, MD	John Lawrence, MD
Gladys Lee, MD	Rongshan Li, MD	Mark McGee, MD
Sara Rasmussen, MD	Michael Thwing, MD	Jim Trione, MD
Dorothy Wortmann, MD	Eiad Youssef, MD	

Recommended by Dr. King for physician licensure. Seconded by Mr. Hoser. The motion passed; opposed: none; recused: none; abstained.

Dr. King moved for the issuance of physician assistant licenses for:

Christopher Winner, PA-C

Recommended by Dr. King for physician licensure. Seconded by Mr. Hoser. The motion passed; opposed: none; recused: none; abstained.

Dr. King moved for the issuance of limited temporary licenses for:

Michelle Shepard, LTL MD
John McDougall, LTL MD

Recommended by Dr. King for limited temporary physician licensure. Seconded by Mr. Hoser. The motion passed; opposed: none; recused: none; abstained: none.