

**Vermont Board of Medical Practice
Minutes of the January 2, 2013 Board Meeting
Gifford Medical Center, Randolph, VT**

Approved

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

Patricia King, MD, PhD, Chair, called the meeting to order at 12:16.

Members Present:

William K. Hoser, PA-C ; Allen Evans; Joshua Plavin, MD; Carol A. Diamond; Robert G. Hayward, MD; Leo LeCours; Patricia Hunter; Sarah McClain; David A. Jenkins; Robert Rinaldi, DPM; Harvey Reich, MD; William H. Stouch, MD; Toby Sadkin, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Margaret Vincent, AAG; Robert McDougal, AAG; Kurt Khuel, AAG.

2. Public Comment:

None

3. Approval of Minutes of the December 5, 2012 Board Meetings:

Mr. Hoser moved to accept the minutes of the December 5, 2012 meeting. Dr. Plavin 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 the members with an update on going paperless. He stated that the Board has been approved to use the web portal and the next step is getting formal approval of purchasing the tablets. He hopes to have more information soon.

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. Discussion of Prescribing for individuals Who Are Not Patients (Mr. Herlihy):

The Board of Medical Practice discussed at length the issue of prescribing for non-patient, close contacts of patients diagnosed with pertussis, in response to inquiries from VDH regarding the issuance of a statement encouraging or endorsing the practice. As background,

the Board considered 26 V.S.A. § 1369, which authorizes prescribing for the partners of those diagnosed with chlamydia without examination. The Board also noted an opinion by the American College of Obstetricians and Gynecologists on the same subject. The Board discussed the role of the Department of Health in issuing Public Health Orders in response to public health emergencies, and the broader question of whether the Board should take on a role akin to that by making advisory opinions about the standard of care in the absence of a declared public health emergency. Dr. Hayward noted that the circumstances in the case of pertussis are different from those presented with chlamydia. The treatment and dosing for chlamydia is different and the CDC recommends prescribing for the non-patient partners of the patient with chlamydia, whereas the CDC does not make that recommendation for treatment of pertussis. He also noted that protocol for chlamydia was developed in response to the pattern of reinfection that inevitably arises when partners are not treated. Dr. Sadkin noted that someone from her practice had called VDH and their impression was that VDH had encouraged the practice. Dr. Sadkin and Dr. Plavin noted that malpractice carriers have issues with the practice of prescribing for non-patients. Dr. Plavin noted that these prescriptions are most often going to be written by pediatricians, who are less likely to know about the potentially fatal drug interactions that are a problem for some patients, patients who typically are not in a pediatrician's patient population. Ms. Diamond raised the question of how the Board would react if a statement were to be issued, and then the Board received a complaint about harm caused to a non-patient who was prescribed a prophylactic dose for pertussis. Dr. Reich raised questions about whether it would be wise to set a precedent of making a precedent of reacting in this way, and questioned whether it would be an appropriate role for the Board to take on. Most every member of the Board present commented. No members made comments supportive of endorsing prescribing for non-patients. Twice members were reminded that this would be the opportunity to raise a motion to support the practice. No member made such a motion.

8. Presentation to the Board (12:45p.m. – 1:45 p.m.):

None

9. 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)

10. Executive Session to Discuss:

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

Ms. Diamond made a motion at 1:01 p.m. to go into Executive Session to discuss confidential matters related to investigations. Ms. Hunter seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Ms. McClain made a motion at 2:08 to return to Open Session. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

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

MPS 14301912 – Special Letter #1
MPS 136-0912 – Letter #1
MPS 139-0912 – Letter #1
MPS 126-0912 – Letter #1
MPS 112-0812 – Special Letter #1
MPS 123-0912 – Letter #1
MPS 138-0912 – Letter #1
MPS 120-0912 – Letter #1

Dr. Hayward made a motion to close the cases presented. Mr. Jenkins seconded the motion. The motion passed, opposed: none; abstained: none; recused: 2.

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

MPC 125-0912 – Special Letter #1
MPC 110-0812 – Special Letter #1

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

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

MPN 176-1112 – Letter #1 – Mr. Hoser recused; Ms. Diamond recused
MPN 175-1112 – Letter #1 – Mr. Hoser recused; Ms. Diamond recused
MPN 106-0812 – Letter #1 – Dr. Reich recused; Ms. Diamond recused
MPN 137-0912 – Letter #1 – Ms. Diamond recused
MPN 177-1112 – Letter #1 – Dr. Reich recused; Ms. Diamond recused
MPN 45-0312 – Administrative Closure with Referral – Ms. Diamond recused
MPN 147-1012 – Special #1 – Ms. Diamond recused
MPN 58-0412 – Special #2 – Dr. Reich recused; Ms. Diamond recused
MPN 82-0612 – Special #2 – Dr. Reich recused; Ms. Diamond recused
MPN 144-1012 – Letter #1 – Ms. McClain; Ms. Diamond recused

Dr. Plavin made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed, opposed: none; abstained: none; recused: 4.

13. Other Business:

None

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

- **January 10, 2013, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT**

- **January 11, 2013, Central Investigative Committee Meeting, 9 a.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT**
- **January 16, 2013, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **January 16, 2013, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **February 6, 2013, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **February 6, 2013, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

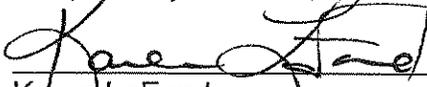
15. Adjournment:

Mr. Hoser made a motion to adjourn. Dr. Plavin seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Meeting adjourned at 2:11 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 and physician assistant licenses for:

Venkatasubbarays Achanta, MD	Oliver Barkley, PA-C	Shana Berger, MD
Neil Borden, MD	Katherine Brower, MD	Nicole Brown, PA-C
Elizabeth Cullen, MD	Richard Leidinger, MD	Howard Maccabee, MD
Joseph McDonald, MD	Heather Porst, PA-C	John Stanley, MD
Charles Wallace, MD	Brent White, MD	Ron Yaar, MD

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

Dr. King moved for the issuance of Limited Temporary Physician licenses for:

Laura Fralich, MD-LTL

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