

**Vermont Board of Medical Practice
Minutes of the October 1, 2008 Board Meeting
Gifford Medical Center, Randolph, Vermont**

“Approved – November 5, 2008”

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

David W. Clauss, MD, Chair, called the meeting to order at 12:15 p.m.

Members Present:

David W. Clauss, MD; Patricia A. King, MD; Margaret F. Martin; Russell P. Davignon, MD; William K. Hoser, PA-C; Honorable David A. Jenkins; John J. Murray, MD; Harvey S. Reich, MD; Robert R. Rinaldi, MD; John B. Webber, Esq.; Florence Young; Janice E. Ryan, RSM.

Others in Attendance:

William E. Wargo, Director; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenninger, Investigator; James Arisman, Assistant Attorney General; Marjorie Power, Legal Counsel and Presiding Officer; Bessie Weiss, Assistant Attorney General; Riley Elliott, D.D.S.; S. Crocker Bennett, II, Esq. (Dr. Elliott's attorney). Lou Ann Heroff, public guest.

2. Approval of the Minutes of the September 3 and 17, 2008 Board Meetings:

Ms. Martin made a motion to accept the minutes of the September 3, 2008 Board meeting. Sr. Ryan seconded the motion. The motion passed, opposed: none; abstained: Dr. Clauss.

Sr. Ryan made a motion to accept the minutes of the September 17, 2008 Board meeting. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: none.

3. Board Matters (Dr. Clauss):

Dr. Clauss told the Board he testified in front of the Palliative Care, End-of-Life Care, and Pain Management Study Committee on September 22, 2008. Dr. Clauss informed the Committee that the Board of Medical Practice had distributed copies of Responsible Opioid Prescribing, A Physician's Guide with each 2008 physician renewal application sent out. Dr. Clauss was also able to provide the Committee with a copy of the Vermont Board of Medical Practice Policy for the Use of Controlled Substances for the Treatment of Pain. Dr. Clauss informed Board members that the Board may be asked to contribute to a future discussion regarding issues surrounding Continuing Medical Education (CME).

Dr. Clauss spoke to the Board regarding licensing interviews. The Board does a large number of licensing interviews, which currently only certain members conduct. Dr. Clauss would like to work with Mr. Wargo on creating a system where licensing interviews are spread out among Board members. Currently there is no law or rule stating public members cannot conduct interviews.

Dr. Clauss raised the issue of why Board members cannot conduct interviews from their own computers using webcams. Why are commercial video services considered more secure than personal systems? Dr. Clauss pointed out that applicants participating in video interviews sign release forms waiving any rights of confidentiality.

4. Request for the Board to state that Riley Elliott, D.D.S., is authorized to perform non-dental anesthesia services in Vermont.

Dr. Elliott and Mr. S. Crocker Bennett, II (Dr. Elliott's attorney) asked that the Board of Medical Practice draft an opinion letter supporting Dr. Elliott.

Dr. Elliott is a dentist who wants to receive Medicare reimbursement for providing non-dental anesthesiology services at Fletcher Allen Health Care. He had been receiving such Medicare reimbursements for many years until the reimbursement was denied earlier this year. (Refer to Mr. Wargo's memo, Request of Dr. Riley Elliott, D.D.S. and information from Mr. Bennett)

Mr. Bennett was asked to explain rule 5.28 "Exemption from General Anesthesia Endorsement Requirement: The General Anesthesia Endorsement requirement does not apply to dentists administering general anesthesia, parenteral deep sedation, or parenteral conscious sedation in a hospital setting with supervision by an physician or dentist credentialed by the hospital to provide anesthesia services." (Refer to Mr. Wargo's memo, Request of Dr. Riley Elliott, D.D.S. and information from Mr. Bennett)

After the presentation by Dr. Elliott and Mr. Bennett, the Board discussed the matter further.

Dr. Rinaldi made a motion to craft a letter in some way to support Dr. Elliott. Sr. Ryan seconded the motion. The motion passed, opposed: none; abstained: none.

The Board further discussed how to proceed and what a letter of support from the Board should say.

The question was raised as to whether or not the Board had a duty to respond to Dr. Elliott's request.

Mr. Wargo reminded the Board that the Board of Medical Practice does not have jurisdiction to render a decision regarding what dentists can or cannot do. That is an issue for the Board of Dental Examiners.

Dr. Clauss presented the Board with two drafts of a letter in support of Dr. Elliott. There was further discussion and changes made to create the final letter. (Refer to final letter dated October 1, 2008)

Sr. Ryan made a motion to adopt the letter as prepared by Dr. Clauss, chair, based on the Board's comments. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: none.

Break: 2:30 p.m.

Return: 2.42 p.m.

5. Administrative Update (Mr. Wargo):

Mr. Wargo commented on Dr. Clauss's testifying in front of the Palliative Care, End-of-Life Care, and Pain Management Study Committee. Mr. Wargo knew people who attended the Committee meeting, and they stated that Dr. Clauss had done a great job.

Mr. Wargo informed the Board that a week or so after the Palliative Care, End-of-Life Care, and Pain Management Study Committee meeting he received a letter from a psychiatrist stating how great it was that the Board distributed the Responsible Opioid Prescribing book. The psychiatrist asked if there was a way physicians could access prescription information pertaining to their patients. This would allow physicians to see what types of prescriptions patients were receiving and taking. Mr. Wargo sent Meika Zilberberg, Vermont Prescription Monitoring System Coordinator, a copy of the letter.

Mr. Wargo updated the Board on how the Vermont Humanities Council and the Vermont Board of Medical Practice six-part discussion group went on September 17, 2008. Mr. Wargo encouraged members of the Board to attend the second part on October 15th, if they were available.

Mr. Wargo mentioned the Board was exploring the possibility of applying for federal grant money.

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. Recess; Convene Hearing (Ms. Power):

None

8. Executive Session to Discuss Investigative Matters

Ms. Martin made a motion at 2:44 p.m. to go into Executive Session to discuss confidential matters related to investigations. Mr. Webber seconded the motion. The motion passed, opposed: none; abstained: none.

9. Open Session

Return to open session: 3:42 p.m.

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

MPS 169-1107

MPS 77-0708

MPS 78-0708

Dr. Murray made a motion to close the cases presented. Sr. Ryan seconded the motion. The motion passed, opposed: none; abstained: South Committee (Mr. Hoser, Ms. Martin, Dr. Reich, Dr. Rinaldi and Mr. Webber).

Dr. Murray, Central Investigative Committee, asked to close:

MPC 73-0608

MPC 25-0208

MPC 172-1207

MPC 79-0708

MPC 70-0608

MPC 139-1007

Dr. Reich made a motion to close the cases presented. Dr. King seconded the motion. The motion passed, opposed: none; abstained: Central Committee (Dr. Murray, Dr. Davignon, Judge Jenkins, Dr. Clauss and Ms. Young).

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

MPN 52-0408

MPN 53-0408

MPN 54-0408

MPN 81-0808

MPN 174-1207

MPN 71-0608

Dr. Murray made a motion to close the cases presented. Judge Jenkins seconded the motion. The motion passed, opposed: none; abstained: North Committee (Dr. King and Sr. Ryan), MPN 52-0408 – Ms. Martin; MPN 71-0608 – Dr. Clauss and Dr. Davignon.

10. Any Other Business:

The Board discussed establishing Continuing Medical Education (CME) requirements for physicians.

Questions brought up during the discussion:

- What are the federal and state laws regarding CME requirements?
- How are other states addressing CME requirements?

11. Next meetings:

Upcoming meetings:

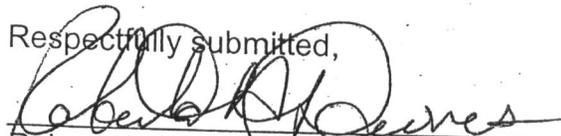
- **November 5, 2008**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **November 5, 2008**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **November 13, 2008**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **November 14, 2008**, Central Investigative Committee Meeting, 12 p.m., Liquor Control Conference Room, 13 Green Mountain Drive, Montpelier
- **November 19, 2008**, Board meeting on pending applications, 1:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **November 19, 2008**, South Investigative Committee Meeting, 1:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

12. Adjournment

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

Meeting adjourned at 3:58 p.m.

Respectfully submitted,


Roberta A. Downes, Licensing Administrator

Attachments:

Appendix A

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

Dr. Clauss reported on an interview conducted with
Christian Verry, MD

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

Dr. Davignon reported on interviews conducted with
Joseph Dixon, MD
Jeffrey Jednacz, MD
Larry Kessler, MD
Adam Rulnick, MD
Jennifer Villa, MD
Ronald Weisberg, MD

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

Dr. Davignon reported on an interview conducted by Dr. Thomashow with
David Town, MD

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

Mr. Hoser reported on an interview conducted with
Daniel Cole, PA-C

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

Dr. King reported on an interview conducted with
Tamara Rimash, MD

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

Dr. King presented request for withdrawal of initial physician license for
James A. Frizzell, MD.

Recommended for withdrawal presented by Dr. King
Seconded by Ms. Martin, passed, opposed: none, abstained: none

Dr. Murray reported on interviews conducted with

Amanda Colgan, MD
Shaina Drummond, MD
Jason Lewis, MD
Katherine Mariani, MD
Elliott Wagner, MD
Jay Ye, MD

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

Dr. Reich reported on an interview conducted with

Douglas Praus, MD

Recommended by Dr. Reich for physician licensure
Seconded by Judge Jenkins, passed, opposed: none, abstained: none