

**Vermont Board of Medical Practice
Minutes of the November 1, 2006 Meeting
Gifford Medical Center, Randolph, Vermont**

Approved

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

James D. Cahill, Chair of the Board, called the meeting to order at 12:17 p.m., at Gifford Medical Center, Randolph, Vermont.

Members Present:

James D. Cahill, MD; David W. Clauss, MD; Ezekiel S. Cross; Russell P. Davignon, MD; Richard L. Guerrero, MD; Patricia A. King, MD, PhD; Denis J. Lamontagne, DPM; Margaret F. Martin; John J. Murray, MD; Sharon L. Nicol; Alexander Northern; Toby Sadkin, MD; Katherine A. Silta, PA-C; William H. Stouch, MD; Peter Thomashow, MD; Florence Young

Others in Attendance:

James Arisman, Esq., Assistant Attorney General; Phil Ciotti, Investigator; Phil Cykon, Presiding Officer; Paula DiStabile, Executive Director; Dixie Henry, Assistant Attorney General; Peggy Langlais, Administrative Supervisor; Colleen Magne, Vermont Medical Society; Sharon Moffatt, RN, BSN; MSN, Interim Commissioner of Health; Madeleine Mongan, Vermont Medical Society; Paula Nenninger, Investigator; David Swankin, President, Citizen Advocacy Center

2. Public Comment

None.

3. Approval of the Minutes of the October 4 and 18, 2006 Board Meetings and the October 4, 2006 Executive Committee Meeting

Mr. Cross made a motion to accept the minutes of October 4 and 18, 2006 Board meetings. Ms. Nicol seconded the motion. The motion passed, opposed: none, abstained: none.

Dr. Cahill said that there were changes to the Executive Committee Meeting minutes. He said that Dr. Murray was in attendance. Dr. Cahill then had Mr. Ciotti present additional changes.

Mr. Ciotti said that comments attributed to him were not correct. He said that in regards to information provided to the committee about Board staff saying any matter which if proven could rise to the level of unprofessional conduct of a

crime. He said not every matter, since many matters come up in the course of our day, and we do not open cases on them.

Mr. Cross made a motion to accept the minutes of the October 4, 2006 Executive Committee Meeting with the changes. Ms. Nicol seconded the motion. The motion passed, opposed: none, abstained: none

4. Board Matters

Dr. Cahill said that this would be Ms. DiStabile's last Board meeting and that he and the Board wanted to thank her for all the hard work, dedication and selfless help she had provided to the Board. He presented her with gifts of appreciation.

Ms. DiStabile thanked the Board and said that she had enjoyed her time working with the Board.

Ms. DiStabile said that she had heard a rumor of a Board member receiving a special award, the Distinguished Service Award of the Vermont Medical Society. Dr. Murray is the recipient.

Dr. Cahill introduced David Swankin, President of the Citizen Advocacy Center.

Mr. Swankin said that the Citizen Advocacy Center exists to assist public members of regulatory Boards. He then presented the Practitioner Remediation and Enhancement Partnership Program, Prep 4 Partnership Pilot Project to the Board. (See attachment B). He said that he would encourage hospitals and boards to work together to remediate issues prior to them reaching the point where disciplinary action is necessary.

Discussion

- What have you learned about the effectiveness of the program? Are the doctors better or safer?
 - We don't know. We do not have enough experience yet.
- In view of the historic distrust, does your organization work directly with the hospitals without the medical board component?
 - No.
- Can you provide an example of competency issues?
 - diagnosis, communication, etc.
- What is the standard?
 - There are no standards.
- Hospitals would not report to the Board?
 - Refer to last month's handout in the Board packet
- With the data that you gather, have you found there are national incompetence issues with surgeons, internists, drug and alcohol problems or a practitioner that exceeds boundary issues?

- There are not enough cases, we do not know.
- What states contribute the most data?
 - Oregon and Rhode Island.
- Is the program specifically designed for quality of care concerns?
- Why not aim the program directly at hospitals?
 - We do not have good access to hospitals.

Ms. Mongan said that the Medical Society is working to update its guide to healthcare law. She said the current version dates back to 1992. She said it is in the process of being updated by fifteen different lawyers. She encouraged members to visit the website which includes a feedback form soliciting ideas, thoughts and comments. Ms. Mongan said the initiative is sponsored by five different organizations.

5. Break

Break: 1:23

Return to open session: 1:36

Dr. Cahill announced that there will be a Board member only meeting following this meeting. He said the meeting will be with Sharon Moffatt, Interim Commissioner of Health.

6. Presentation of applications

See Appendix A

7. Administrative Update (Ms. DiStabile)

Ms. DiStabile thanked everyone for the lovely gift.

Ms. DiStabile said that she had provided Board members with a hard copy of a Public Citizen report that ranked the Vermont Board 5th in the country for its website. She thanked Ms. Langlais for her work on the site.

Ms. DiStabile said that the Department's Prescription Monitoring Advisory Committee will be meeting soon. She asked that the Board designate one Board member to serve on that Committee. She said that the Committee would likely meet at the Health Department in Burlington. She asked that anyone interested let Dr. Cahill know.

Commissioner Moffatt said that the meetings will be monthly or quarterly. She said that Ms. Barbara Cimaglio is leading the initiative and would be able to provide more information related to the actual time commitment. Commissioner Moffatt said that the Board's perspective would be very helpful.

Ms. DiStabile said that regarding patient safety legislation, the Health Department is in the process of working on rules and interim guidance for hospitals related to intentional unsafe acts, criminal acts, and purposefully unsafe acts. She said Ms. Henry is working on it for the Health Department.

8. Return to Presentation of applications

See Appendix A

9. Recess; Convene Hearing (Mr. Cykon)

Mr. Cykon convened a hearing to consider matters before the Board.

In re: Donald O. Lacey, MD, Licensing Board Matter (Formerly Docketed as MP-26-1088) Stipulation and Order II

Dr. Clauss made a motion to go into Executive Session. Dr. Stouch seconded the motion. The vote was all in favor, opposed: none; abstained: none.

Executive Session: 2:05 p.m.

Mr. Cross made a motion to return to Open Session. Dr. Murray seconded the motion. The vote was all in favor, opposed: none; abstained: none.

Open Session: 2:11 p.m.

Dr. Clauss made a motion to accept the Stipulation and Order II. Dr. Thomashow seconded the motion. The vote was all in favor, opposed: none, abstained: none.

10. Executive Session to Discuss Investigative Matters

Mr. Cross made a motion to go into executive session to discuss investigative matters. Dr. King seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Executive session began at 2:12 p.m.

11. Return to Open Session

Dr. Murray made a motion to return to open session. The motion was seconded by Dr. King. The vote was all in favor, opposed: none, abstained: none.

Open session: 3:49 p.m.

12. Open Session

Ms. Silta, South Investigative Committee, moved to close

MPS 133-0906
MPS 118-0906
MPS 129-0906
MPS 108-0806
MPS 107-0806
MPS 52-0306

Seconded: Dr. King Passed, opposed: none. Abstained: none.

Dr. King, North Investigative Committee, moved to close

MPN 74-0506
MPN 123-0805
MPN 60-0406
MPN 57-0306
MPN 76-0506

Seconded: Dr. Murray. Passed, opposed: none. Abstained: Dr. Guerrero – MPN 76-0506.

Dr. Clauss, Central Investigative Committee, moved to close

MPC 131-0906
MPC 121-0906
MPC 116-0806
MPC 104-0806
MPC 134-0906

Seconded: Dr. Murray. Passed, opposed: none. Abstained: Dr. King – MPC 116-0806.

13. Next meetings

Upcoming meetings

- December 8, 2006, Central Investigative Committee Meeting, 12 p.m., Montpelier
- December 14, 2006, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- December 20, 2006, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland
- December 20, 2006, Board meeting on pending applications, 12:10 p.m., Board Office, 101 Cherry Street, Burlington, (and via telephone)

14. Next Regular Board meetings December 6, 2006, 12 p.m., Vermont Technical College, Morey Lounge, Randolph, Vermont, December 20, 2006, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont

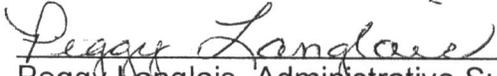
15. Any Other Business

None.

16. Adjournment

Adjourned at 3:52 p.m.

Respectfully submitted,



Peggy Langlais, Administrative Supervisor
Attachment

Presentation of Applications

Ms. Silta reported on interviews with
Sara Calcagni, PA
Jeremy Orr, PA

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

Dr. Clauss reported on an interview with
Tucker Drury, MD

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

Break and go to Administrative Update

Return to presentation of applications

Dr. Thomashow reported on interviews with
Clare Drebitko, MD
Jude Stenovitch, MD
Jason Coles, MD

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

Dr. Lamontagne reported on an interview with
Bernard Gallacher, MD

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

Dr. King reported on interviews with
Amanda Fitzwater, MD
Richard Ozmun, MD
Laura Moody, MD
Susan Williams, MD
Sarah Pope, MD

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

Dr. King, Chair of the Licensing Committee, made a motion on behalf of the
Committee to approve the withdrawal of Bonnie Ann M. Fenyar, MD.

Dr. Murray seconded the motion. The vote was all in favor, opposed:
none, abstained: none.

Dr. Cahill reported on interviews with

Burt Yankiver, MD

David Simmons, MD

Recommended for physician licensure

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

Dr. Cahill moved on limited temporary licenses for

Donald Ammerman, MD

Rollin Oden, MD

Recommended for limited temporary physician licensure

Seconded by Dr. King, passed, opposed: none, abstained: none