

**Vermont Board of Medical Practice
Minutes of the November 5, 2008 Board Meeting
Gifford Medical Center, Randolph, Vermont**

“Approved – December 3, 2008”

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

David W. Clauss, MD, Chair, called the meeting to order at 12:17 p.m.

Members Present:

David W. Clauss, MD; Patricia A. King, MD; Margaret F. Martin; William K. Hoser, PA-C; Honorable David A. Jenkins; John J. Murray, MD; Sharon L. Nicol; Harvey S. Reich, MD; Janice E. Ryan, RSM; Toby Sadkin, MD; Peter Thomashow, MD; John B. Webber, Esq.; Florence Young;

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; Margaret Vincent, Assistant Attorney General.

2. Approval of the Minutes of the October 1 and 15, 2008 Board Meetings:

Ms. Martin made a motion to accept the minutes of the October 1, 2008 Board meeting. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: none.

Mr. Webber made a motion to accept the minutes of the October 15, 2008 Board meeting. Dr. Reich seconded the motion. The motion passed, opposed: none; abstained: Dr. Murray.

3. Board Matters (Dr. Clauss):

Dr. Clauss informed the Board that the Administrative Law Judge found in favor of Dr. Elliott. Dr. Elliott and his attorney came before the Board last month asking for a statement from the Board to help in supporting his case against the Centers for Medicare & Medicaid Services (CMS).

4. Administrative Update (Mr. Wargo):

Mr. Wargo informed the Board that the third part of the Vermont Humanities Council and the Vermont Board of Medical Practice six-part public discussion program was going to be on Wednesday, November 12, 2008. He stated that the previous meetings had gone well, and there had been good discussions. Mr. Wargo handed out revised reading material for the November 12th meeting.

Mr. Wargo told the Board that Ms. Hayes had informed him that approximately 64% of the renewals had come in already.

Mr. Wargo told the Board that Ms. Downes asked that he remind them that the phone number and password for calling into mid-month meetings had changed. They should have received the information in their Board packets.

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.

Break: 1:11 p.m.

Return: 1:25 p.m.

6. Recess; Convene Hearing (Ms. Power):

None

7. Executive Session to Discuss Investigative Matters

Dr. Ryan made a motion at 1:28 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.

8. Open Session

Return to open session: 3:17 p.m.

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

MPS 94-0908	MPS 95-0908	MPS 45-0408
MPS 86-0808	MPS 85-0808	

Dr. King made a motion to close the cases presented. Mr. Jenkins seconded the motion. The motion passed, opposed: none; abstained: South Committee (Mr. Hoser, Ms. Martin, Dr. Reich and Mr. Webber), MPS 85-0808 – Dr. Clauss and Dr. Murray.

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

MPC 89-0808 MPC 98-0908 MPC 96-0908
MPC 106-0908

Mr. Webber made a motion to close the cases presented. Sr. Ryan seconded the motion. The motion passed, opposed: none; abstained: Central Committee (Dr. Murray, Judge Jenkins, Dr. Clauss, Dr. Thomashow and Ms. Young).

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

MPN 92-0908 MPN 173-1207 MPN 141-1007
MPN 131-0907 MPN 132-0907 MPN 91-0908
MPN 142-1007

Dr. Murray made a motion to close the cases presented. Mr. Hoser seconded the motion. The motion passed, opposed: none; abstained: North Committee (Dr. King, Ms. Nicol, Dr. Sadkin and Sr. Ryan). Opposed: MPN 173-1207 – Dr. Reich.

9. Any Other Business:

Dr. Thomashow spoke to the Board about the current media coverage regarding Rutland Regional Medical Center (RRMC) and the Vermont State Hospital (VSH).

Dr. Thomashow stated that the VSH had been decertified by the Centers for Medicare and Medicaid Services (CMS) due to two suicides, which had taken place there. However, VSH did recently pass a Joint Commission on Accreditation of Healthcare Organizations (JACHO) inspection.

Dr. Thomashow spoke about three specific functions the VSH has performed for past 10 years. These three functions pertained to the admitting of patients to the facility.

- A. Patients are placed in the facility for forensic and legal evaluations to determine their current state of mind.
- B. Patients who cannot be discharged to any other facility because of their refusal to take medications.
- C. Patients who are violent or cannot be placed in any other hospital. (Intensive Care Unit)

Vermont had five hospitals that admitted involuntary patients for up to 72 hours. Involuntary patients' stays expanded to 30 days. Initially, VSH's primary function was to serve as a backup to these five hospitals.

One suggestion made by the Committee looking into the VSH situation was to build another facility on the back side of a teaching facility.

The Massachusetts model was also examined. However, it has been a failure. Facilities must take involuntary patients and cannot turn them away.

Some questions raised by the Board:

- Does the VSH just need a new facility?
- Even with a new facility, will VSH still be unable to do a good job because the current system does not work?

10. Next meetings:

Upcoming meetings:

- **December 3, 2008**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **December 3, 2008**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **December 11, 2008, North Investigative Committee Meeting, 12 p.m., Environmental Commissioner's Conference Room, #108, 1 South, State Office Complex, 103 South Main Street, Waterbury**
- **December 12, 2008, Central Investigative Committee Meeting, 12 p.m., Pavilion Building 4th Floor Conference Room, 109 State Street, Montpelier**
- **December 17, 2008**, Board meeting on pending applications, 1:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **December 17, 2008**, South Investigative Committee Meeting, 1:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

11. Adjournment

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

Meeting adjourned at 3:24 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
Carl Recine, MD

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

Dr. Clauss moved for the issuance of limited temporary licenses for
Cameron Donaldson, MD
Megan Harris, MD
Brian Leung, MD

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

Mr. Hoser reported on an interview conducted with
Anthony Kopecky, PA-C
Anthony Petrillo, PA-C
Ellen Pinter, PA-C
Howard Ritz, PA-C
Howard Ritz, PA-C

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

Dr. King reported on an interview conducted with
Cherridan Rambally, MD
Robert Westergan, MD
Steven Sharpe, MD

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

Dr. Murray reported on interviews conducted with
Evan Farmer, MD
George Massing, MD
Helen Smith, MD

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

Dr. Reich reported on an interview conducted with
Christopher Chinn, MD
Stacey Longo, MD
Aubrey Wright, MD

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

Dr. Thomashow reported on an interview conducted by Dr. Davignon with
Lawrence Sanders, MD

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