

**VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the November 4, 2015 Board Meeting
Gifford Medical Center, Randolph, Vermont**

Approved

1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:

Dr. Hayward called the meeting to order at 12:15 P.M.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Patricia Hunter; Leo LeCours; David Liebow, DPM; Christine Payne, MD; Joshua Plavin, MD; Harvey Reich, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Christiana Coyner, Board Investigator; Tracy Hayes, Licensing Specialist; Margaret Vincent, AAG; Cassandra Diederich, AAG; Bill Reynolds, AAG; Katherine Pohl, AAG Robert Simpson, Esq., Presiding Officer.

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

3. Public Comment: None

4. Approval of Minutes of the October 7 and October 21, 2015 Board Meetings:

Dr. Drew moved to accept the minutes of the October 7, 2015 meeting. Dr. Plavin seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Bernstein moved to accept the minutes of the October 21, 2015 meeting. Ms. Hunter seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

5. Board Issues (Mr. Hoser): None

6. Administrative Update (Mr. Herlihy):

Mr. Herlihy stated that the FSMB is again offering scholarships for public members to attend the conference in San Diego in April 2016. An informational email was sent by Mr. Herlihy to all public members. Public members who are interested in attending were advised to let Mr. Herlihy know ASAP as scholarships are offered on a first-come, first-served basis.

Mr. Herlihy stated that this could be Mr. Simpson's last meeting as presiding officer and suggested putting a resolution on the record to thank Mr. Simpson for his time served. The resolution is as follows:

- I. Whereas Robert Simpson has enjoyed a long and distinguished career as an attorney, Chittenden County State's Attorney, educator, and hearing officer;
- II. Whereas the Vermont Board of Medical Practice has benefitted from Mr. Simpson's service as a hearing officer since January 2011;
- III. Whereas Mr. Simpson has proved skillful and loyal, presiding over the administrative hearing process in a manner that has left Respondents, the public, and all participants with a sense of fair treatment; and,
- IV. Whereas Mr. Simpson is near the end of his service as hearing officer;

Be it resolved that the Board greatly appreciates Mr. Simpson's contributions, this 4th day of November 2015.

Ms. Hunter made a motion to accept the resolution. Dr. Drew seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

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

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

8. Presentations to the Board (12:45 p.m. – 1:15 p.m.):

9. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)

- **In re: Michael E. Scovner – MPN 50-0510 – Stipulation and Consent Order**

Mr. Simpson and Ms. Deiderich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Drew made a motion to approve the Stipulation and Consent Order. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: Dr. Reich, Dr. Plavin, North Investigative Committee.

- **In re: Stephanie H. Taylor, MD – MPS 45-0304 & MPS 48-0304 – Proposed Findings and Order**

The Board heard the request of Dr. Stephanie Taylor to "reconsider allowing

(her) to reapply for reinstatement of (her) Vermont Medical License.” The Board voted to deny the reconsideration. Mr. LeCours made a motion to approve the denial of reconsideration. Dr. Payne seconded the motion. The motion passed; opposed: none; abstained: none; recused: Dr. Bernstein, South Investigative Committee.

10. Reconvene meeting; Executive Session to Discuss:

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

Dr. Reich made a motion at 12:25 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Plavin seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

11. Return to Open Session; Board Actions on matters discussed in Executive Session:

Dr. Bernstein made a motion at 1:15 p.m. to return to Open Session. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Mr. LeCours, North Investigative Committee, asked to close:

MPN 134-0815 - Letter #1

Ms. Hunter made a motion to close the cases presented. Dr. Drew seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

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

MPC 140-0805 - Letter #1

Ms. Hunter made a motion to close the cases presented. Mr. Lecours seconded the motion. The motion passed; opposed: none; abstained: none; recused: Dr. Sproul, Dr. Reich, Central Investigative Committee.

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

MPS 138-0815 - Letter #1; Dr. Sproul recused
MPS 044-1415 - Special Letter #2; Dr. Plavin and Dr. Payne recused
MPS 069-0515 - Special Letter #2
MPS 072-0515 – Special Letter #1
MPS 114-0715 – Special Letter #1

MPS 130-0815 – Letter #1; Dr. Sproul recused
MPS 133-0815 – Letter #1; Dr. Payne recused
MPS 118-0715 – Special Letter #1; Dr. Sproul and Dr. Hayward recused

Mr. LeCours made a motion to close the cases presented. Dr. Plavin seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee.

12. Board Actions on Committee recommendations with regard to any non-confidential matters:

13. Other Business:

Mr. Herlihy stated that the newsletter had gone out. A presentation on statistics regarding the rate at which Licensees read articles was postponed to December due to Ms. LaFond's absence. Mr. Herlihy thanked all the volunteer editors for their assistance reviewing articles.

Mr. Herlihy provided a report on the first meeting of the Commissioners of the Interstate Compact for Medical Licensure. He attended the meeting in Chicago on October 27 and 28, as called for by Board motion of October 7. The meeting was attended by the 22 Commissioners representing the 11 states that have enacted the Compact, as well as by representatives from several other states that are considering adopting it. The Commissioners adopted bylaws and elected officers. The question of establishing a goal for the date by which the Compact should be available for issuance of a license was debated at length. Some states advocated for a date in the very near future, such as January 2016. Several others spoke in favor of more time to prepare, with a date in January 2017. Mr. Herlihy reported that he and several other non-member board representatives urged the Commissioners to ensure that effective processes are in place rather than rushing to have licenses issued under the Compact. The Commissioners postponed establishing a date until the next Commission meeting in December.

Mr. Herlihy also reported that funding was discussed at length at the Commission meeting. Grants have been obtained to cover start-up costs. Additional grants are available to cover the expenses of boards implementing Compact procedures, such as for adding to IT systems to accommodate the Compact process. Attendees also advised that they have identified additional likely sources for grants from charitable foundations that support the goals of the Commission. Mr. Herlihy was very interested in the discussions of finance at the Commission meeting, as finances have been among the Vermont Medical Society's main questions. The compacting states necessarily have to agree to be responsible for debts of the Compact that are not covered by operating revenue; the question is whether Board funds might be used to pay a Compact assessment, which might affect licensing fees.

Dr. Reich commented that grant funding cannot be counted on to cover all expenses over the long run. Mr. Herlihy reported that there is a clear intent on the part of Commissioners to cover all expenses with operating revenue, but there are no guarantees. Dr. Hayward suggested that the Board might want to consider waiting on the sidelines for the Compact process to mature. Mr. Herlihy advised that he will participate in the December meeting remotely, if possible, and continue to keep the Board updated.

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

- **November 12, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **November 13, 2015, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6th Floor of the Deane C. Davis Building, Montpelier, VT**
- **November 18, 2015, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **November 18, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **December 2, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **December 2, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

15. Open Forum:

16. Adjourn:

Dr. Reich made a motion to adjourn. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 1:51 p.m.

Attachments: Appendix A

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tracy Hayes", is written over a horizontal line. The signature is fluid and somewhat stylized.

Tracy Hayes
Medical Licensing Specialist

APPENDIX A

Presentation of Applications

Mr. Hayward moved for the issuance of physician licenses and physician assistant licenses, and anesthesiologist assistant certifications for:

Brigitte Barrette, MD
Mark Bisanzo, MD
Laura Griffin, MD
Matthew Nipe, MD
Cindy Sirois, MD
Preeth Sundaran, MD
Frederick Tucker, MD

Michael Bauer, MD
Peter Cheng, MD
Aisha Hussain, PA-C
Minoti Parab, MD
Bruce Smoller, MD
Jeffrey Tanita, MD
Robert Waugh, MD

James Bentley, MD
Michelle Galvez, MD
Eric Nelson, MD
Harold Pikus, MD
Nicole Stethem, MD
John Towle, MD

Recommended by Dr. Plavin for licensure and certification. Seconded by Dr. Drew.
The motion passed; opposed: none; abstained: none; recused: none.