

**Vermont Board of Medical Practice
Minutes of the May 5, 2010 Board Meeting
Gifford Medical Center, Randolph, Vermont**

“Approved – June 2, 2010”

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

Patricia A. King, M.D., Chair, called the meeting to order at 12:17 p.m.

Members Present:

Patricia A. King, M.D.; William K. Hoser, PA-C; Margaret F. Martin; David W. Clauss, M.D.; Robert G. Hayward, M.D.; Hon. David A. Jenkins; Joshua A. Plavin, M.D.; Harvey S. Reich, M.D.; Robert R. Rinaldi, DPM (joined meeting by phone from 3:04 p.m. – 3:40 p.m.); Janice E. Ryan, RSM (arrived at 12:27 p.m.); Toby Sadkin, M.D.; William H. Stouch, M.D. (joined by phone from 3:04 p.m. – 3:40 p.m.); Peter Thomashow, M.D.; John B. Webber, Esq.; Florence Young.

Others in Attendance:

William E. Wargo, Director; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenninger, Investigator; Bessie Weiss, Assistant Attorney General; Terry Lovelace, Assistant Attorney General; Marjorie Power, Presiding Officer (joined meeting at approximately 12:58 p.m.); Santiago Cancio-Bello, M.D. (joined meeting from 1:25 p.m. – 2:45 p.m.); Judith Carpenter, PA-C (joined meeting from 3:04 p.m. – 3:40 p.m.); Mary Morgan, VP Quality & Patient Safety, Grace Cottage Hospital (joined meeting from 3:04 p.m. – 3:40 p.m.); Martha E. Csala, Assistant Attorney General (joined meeting from 12:17p.m. – 1:15 p.m.).

2. Public Comments:

None

3. Approval of the Minutes of the April 7 and April 21, 2010 Board Meetings:

Dr. Thomashow made a motion to accept the minutes of the April 7, 2010 Board meeting. Dr. Reich seconded the motion. The motion passed, opposed: none; recused: none; abstained: Ms. Martin.

Dr. Thomashow made a motion to accept the minutes of the April 21, 2010 Board meeting. Dr. Reich seconded the motion. The motion passed, opposed: none; recused: none; abstained: Ms. Martin and Dr. Plavin.

4. Board Matters (Dr. King):

Dr. King thanked Board members for enabling her to attend the Federation of State Medical Boards (FSMB) Annual Meeting in Chicago in April. Sister Janice E. Ryan also attended because she had received a public member scholarship.

Dr. King said that, as a result of the FSMB meeting, she had some ideas about improving the Board's website and making the Board more transparent to the general public.

5. Administrative Update (Mr. Wargo):

Mr. Wargo offered to provide copies, upon request, of the PowerPoint presentations he received at the FSMB. They are on a CD that was distributed to attendees. He will summarize the meeting in writing for Board members.

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. Presentation to the Board:

Martha E. Csala, Assistant Attorney General, spoke to the Board about HIPPA (Health Insurance Portability and Privacy Act) regulations.

Topics discussed:

- New federal rules and requirements coming into effect with stricter enforcement penalties.
- De-identifying health information when being released to an outside entity.
- E-mail and other potential violations regarding HIPPA.

Board members and staff raised questions regarding the following:

- HIPPA and the Vermont Prescription Monitoring System (VPMS):
 - Questions about when possible issues of prescription misconduct by physicians may arise.
 - Whether or not VPMS is allowed to share specific types of protected information with the Board when it involves a Board investigation.
- Whether or not redacting of information is necessary when sending information to expert witnesses who are currently under contract and a Business Associate Agreement (BAA) is in place. If a BAA is in place, redaction is not required.
- Enforcement pertaining to HIPPA violations.
- Health care providers providing information to pharmacies. For example, when a pharmacy contacts a provider to verify a prescription, the pharmacy may ask the provider more questions than may be necessary to fill the request. Is the provider violating HIPPA by answering the questions?

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

Ms. Power convened a hearing to consider adjudicative matters before the Board (approximately 1:15 p.m. – 2:43 p.m.).

- In re: Sergio H. Luna, M.D. – MPC 75-0506 - State's Response to Respondent's Petition for Relief from Conditions of Licensure.

Brought forth by and presented by Mr. Lovelace.

Dr. Reich made a motion to grant the Petition for Relief of Conditions of Licensure. Dr. King seconded the motion. The motion passed, opposed: none; recused: Central

Investigative Committee (Dr. Clauss, Dr. Hayward, Hon. D. Jenkins, Dr. Thomashow and Ms. Young); abstained: none.

- In re: Santiago Cancio-Bello, M.D. – Administrative Matter – Possible Suspension of License Because Not in Good Standing Regarding Payment of Vermont Taxes.

The hearing was recorded.

Brought forth by and presented by Mr. Lovelace.

Dr. Cancio-Bello was present at the May 5, 2010 Board hearing without legal representation.

Mr. Lovelace asked Dr. Cancio-Bello a number of questions, which Dr. Cancio-Bello answered.

Mr. Lovelace asked the Board to admit the affidavit of Judith Lambert, Supervisor of Tax Collections, Vermont Department of Taxes.

Ms. Power proposed that the Board admit the affidavit of Judith Lambert as Exhibit 1, unless Dr. Cancio-Bello had an objection. Dr. Cancio-Bello had no objection. The affidavit of Judith Lambert was admitted as Exhibit 1.

Mr. Lovelace asked the Board to find that Dr. Cancio-Bello is not in good standing, and to have the Board suspend Dr. Cancio-Bello's license to practice medicine as is required under 32 VSA § 3113 (f).

Dr. Cancio-Bello asked the Board to look at some documents, regarding one of the allegations in the affidavit of Judith Lambert (Exhibit 1).

The following documents submitted by Dr. Cancio-Bello were admitted into evidence:

- Employer's Quarterly Wage & Contribution Report
- W-3 Transmittal of Wage and Tax Statement - 2009
- W-2 Wage and Tax Statement -2009
- 941 for 2009 Employer's Quarterly Federal Tax Return

Ms. Power asked Dr. Cancio-Bello if he wished to provide testimony or make a statement for the record. Ms. Power referred to the letter to Dr. Cancio-Bello dated April 19, 2010.

Dr. Cancio-Bello did make a statement.

The Board went into deliberative session to consider the case.

The Board came out of deliberative session.

Dr. Thomashow moved that the hearing be adjourned until June 2 in order to allow a discussion between the doctor and the Attorney General's office regarding the possibility of finding a settlement which could satisfy the Department of Taxes, the possibility of involuntarily suspending the license if no settlement could be reached, or the possibility of

a voluntary suspension of Dr Cancio-Bello's medical license. In addition, the Board recommended that counseling from the Vermont Medical Society or another such organization be sought by Dr Cancio-Bello to support him and to assist him with his problems.

Mr. Webber seconded the motion and wanted to make sure that the Doctor comprehended what the Board was doing.

Ms. Power said that Dr Cancio-Bello should be sent a copy of the minutes so that he will be able to refer to the motion.

The motion passed, opposed: none; recused: none; abstained: Dr. Reich and Dr. Plavin.

9. Executive Session to Discuss Investigative Matters:

Dr. Reich made a motion at 2:46 p.m. to go into Executive Session to discuss confidential matters related to investigations. Mr. Webber seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 2:55 p.m.

Dr. Clauss made a motion at 3:43 p.m. to go into Executive Session to discuss confidential matters related to investigations. Ms. Martin seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 3:44 p.m.

10. Open Session:

South Investigative Committee closed no cases.

Central Investigative Committee closed no cases.

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

MPN 20-0210 - Special Letter #1
MPN 14-0210 - Letter #1

MPN 21-0210 - Special Letter #1

Dr. Clauss made a motion to close the cases presented. Dr. Reich seconded the motion. The motion passed, opposed: none; abstained: none; recused: North Committee (Dr. King and Dr. Sadkin).

11. Board Actions on Committee Recommendations With Regard to Any Non-confidential Matters:

None

12. Any Other Business: (3:04 p.m. – 3:40 p.m.)

In re: Judith Carpenter, PA-C – Reconsideration of Petition for Retroactive Validation of Renewal Certificate

This matter was conducted in open session and was recorded.

Brought forth by and presented by Ms. Carpenter and Ms. Morgan.

Ms. Carpenter and Ms. Morgan submitted a letter dated April 8, 2010 from Timothy Shafer, MD, Ms. Carpenter's supervising physician.

Ms. Carpenter thanked the Board for allowing them to come back and have the opportunity to answer any further questions by the Board.

Mr. Webber made a motion to accept the petition for retroactive validation of renewal certificate as presented. Dr. Thomashow seconded the motion. Six were counted in favor of the motion, and seven were counted as opposed.

After the decision of the Board was announced and the proceeding thought to be finished regarding the petition for retroactive validation of renewal certificate, recording was stopped. Dr. King then realized that the voting was seven in favor and seven against in regard to accepting the petition. The motion still did not pass because there was not a majority in favor of accepting the petition.

13. Next meetings:

Upcoming meetings: **(Locations are subject to change, you will be notified if a change takes place.)**

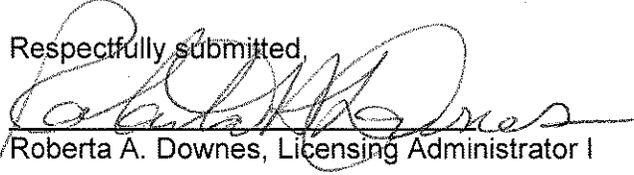
- **June 2, 2010**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **June 2, 2010**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **June 10, 2010**, North Investigative Committee Meeting, 12 p.m., 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT
- **June 11, 2010**, Central Investigative Committee Meeting, Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier.
- **June 16, 2010**, Board meeting focused on pending applications, 12:10 p.m., teleconference meeting, with public access at the Board of Medical Practice office, Burlington Square Mall, 101 Cherry Street, 3rd Floor, Burlington **(subject to possible change if office moves)**.
- **June 16, 2010**, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer Building, 4th Floor, Room #492, 88 Merchants Row, Rutland.

14. Adjournment

Mr. Hoser made a motion to adjourn. Dr. Plavin seconded the motion. The vote was all in favor, opposed: none, recused: none; abstained: none.

Meeting adjourned at 3:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Roberta A. Downes", written over a horizontal line.

Roberta A. Downes, Licensing Administrator I

Attachments: Appendix A

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:

Ekaterina Petrova, M.D.

Recommended by Dr. Clauss for physician licensure. Seconded by Mr. Webber, passed, opposed: none, recused: none; abstained: none.

Dr. Hayward reported on interviews conducted with:

Sarah Blair, M.D.

David Coyle, M.D.

Sarah Davis, M.D.

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

Dr. Hayward reported on an interview conducted with:

Bill Parker, PA-C

Recommended by Dr. Hayward for physician assistant certification. Seconded by Dr. Reich, passed, opposed: none, recused: none.

Mr. Hoser reported on an interview conducted with:

Peter Nobes, PA-C

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

Mr. Hoser moved for the issuance of a secondary certification for:

Jeremy Orr, PA-C

Cary Stratford, PA-C

Recommended Mr. Hoser for secondary physician assistant certification. Seconded by Dr. Thomashow, passed, opposed: none, recused: none.

Dr. King reported on interviews conducted with:

Michael Graham, M.D.

Donald Mathews, M.D.

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

Dr. King reported on an interview conducted by Dr. Stouch with:

Maroun Azar, M.D.

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

Dr. King moved for the issuance of limited temporary licenses for:

Ali Al-Alwan, M.D.	Joanna Gernsback, M.D.	Daena Petersen, M.D.
Jennifer Borofsky, M.D.	Jessie Janowski, M.D.	Arash Ronaghy, M.D.
John Cole, M.D.	Jenna Khan, M.D.	Neeraj Sardana, M.D.
Kristen Connolly, M.D.	Mark Ledesma, M.D.	Brooke Schlappe, M.D.
Jeffrey Coppage, M.D.	Sanchit Maruti, M.D.	Efrat Shavit, M.D.
Kristine Cruz, M.D.	Lauren McLaughlin, M.D.	Elena Simon, M.D.
Laura Davis, M.D.	David Meyer, M.D.	Christopher Sjostrom, M.D.
David Devellis, M.D.	Michael Mortelliti, M.D.	Yu Wang, M.D.
Sahmon Fallahian, M.D.	Edress Othman, M.D.	Marianna Worczak, M.D.
Juli-Anne Gardner, M.D.	Vala Palmadottir, M.D.	

Recommended by Dr. King for limited temporary physician licensure. Seconded by Mr. Webber, passed, opposed: none, recused: none; abstained: none.

Dr. Plavin reported on an interview conducted with:

Robert Cotes, M.D.

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

Dr. Sadkin reported on an interview conducted with:

Sarah Davies, M.D.

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