

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the February 5, 2014 Board Meeting
Gifford Medical Center, Randolph, Vermont

Approved

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

Special Note: Due to inclement weather, in addition to the regular meeting site at Gifford Medical Center in Randolph, Vermont, several members participated via telephone from the Board office in Burlington, Vermont, and three others via telephone from other sites.

Patricia A. King, MD called the meeting to order at 12:17 P.M.

Members Present:

Burlington participants: Richard Bernstein, MD; Robert G. Hayward, MD; David A. Jenkins; Patricia A. King, MD; Leo LeCours; Sarah McClain; Marga S. Sproul, MD.

Randolph participants: Brent Burgee, MD; Joshua Plavin, MD

Others via phone: Allen Evans; Patricia Hunter; David Liebow, DPM; Michael Drew, MD.

Others in Attendance:

Burlington participants: David Herlihy, Executive Director; Paula Nenninger, Investigator; Jassen Bluto, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Robert McDougall, AAG; Kurt Kuehl, AAG; Bill Reynolds, AAG; Robert Simpson, Esq., Presiding Officer.

2. Public Comment:

None

3. Approval of Minutes of the and the January 8 and January 22, 2014 Board Meetings:

Mr. Jenkins moved to accept the minutes of the January 8, 2014 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Jenkins moved to accept the minutes of the January 22, 2014 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King welcomed the new Board Member, Marga S. Sproul, MD. She also noted that Dr. Liebow would serve on the South Investigative Committee and Dr. Sproul would serve on the North Investigative Committee.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided an update on personnel issues at the office. He stated that Bill Reynolds, AAG would be replacing Mr. Kuehl, who will be leaving the Attorney General's Office at the end of

February. He also stated that Kelly Lawler has been hired as the new Administrative Assistant A for the office. Kelly has been working for the Board as a temp for approximately 3 years and is a welcomed addition to the office in a permanent capacity. Lastly, Mr. Herlihy stated that Mr. Bluto withdrew his name for the full-time investigator position and the position was reposted as Non-Civilian in order to hire a certified law enforcement investigator. Mr. Herlihy will continue to provide updates on the status of hiring for this position.

Mr. Herlihy informed the members that the Board will once again be partnering with Boston University to present the CME on Opioid Prescribing Practices on May 10, 2014 at the Sheraton in Burlington, VT. The conference will provide 10 CME hours and Mr. Herlihy will have more information as we get closer to May.

Mr. Herlihy provided an update on the outcome of the Physician Renewal period that ended on 1/31/2014. He stated that 300 PAs renewed and 25 did not, either because they moved out of state or simply allowed their license to lapse. He thanked Ms. LaFond, Ms. Lawler and Ms. Hayes for their work in completing the renewal cycle.

Mr. Herlihy provided a brief legislative update:

H350 – An Act Relating to the Posting of Medical Unprofessional Conduct Decisions and to Investigators of Alleged Unprofessional Conduct – This bill proposes to require the Board of Medical Practice to remove from its register and data repository notices related to charges of unprofessional conduct documents when all charges are ultimately dismissed. It also would require Board of Medical Practice investigators to be certified as law enforcement officers or, if not, to complete annual training hours the same as those who are certified. It would also require all BMP investigators to obtain a recognized certification from an appropriate organization.

H688: An Act Relating to Increasing the Per Diems of Certain Board and Commission Members – This bill proposes to increase to \$100.00 the per diem to which members of certain boards and commissions are entitled.

H611: An Act Relating to Filling Out-of-State Narcotics Prescriptions – This bill proposes to prohibit pharmacists from filling out-of-state Schedule II narcotics prescriptions written by physicians licensed outside Massachusetts, New Hampshire, or New York. “(b)(1)(A) A pharmacist may only fill an out-of-state prescription for a Schedule II narcotic substance if the prescription was issued within the preceding five calendar days by a physician licensed in MA, NH or NY.”

H681: An Act Relating to the Professional Regulation for Veterans, Military Service Members, and Military Spouses and to Credit for Military Service in Retirement – This bill proposes to require professional regulatory entities to grant work experience credit to veterans and military spouses when applying for professional licensure or license renewal and expedited processing of applications for licensure.

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

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

None

8. 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: Loren A. Landis, MD – MPN 152-0613 – Notice of Hearing**

Mr. Simpson stated that a Motion for Continuance was submitted by the attorney representing Dr. Landis and was approved on 2/4/14.

- **In re: Walter J. Griffiths, MD – MPC 36-0312 – Stipulation and Consent Order**

Mr. Simpson and Mr. McDougall addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Reich made a motion to approve the Stipulation and Consent Order. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: Dr. Liebow and the Central Investigative Committee.

9. Reconvene meeting; Executive Session to Discuss:

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

Ms. McClain made a motion at 12:46 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Hayward made a motion at 1:31 p.m. to return to Open Session. Mr. Jenkins the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

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

MPN 173-0813 – Special Letter #2; Dr. Sproul recused

MPN 229-1113 – Letter #1; Dr. Plavin recused

MPN 228-1113 – Letter #1; Dr. Sproul recused

Mr. Jenkins made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee and 2 others.

Central Investigative Committee did not close any cases.

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

MPS 234-1213 – Special Letter #1
MPS 235-1213 – Letter #1
MPS 192-0913 – Letter #1
MPS 194-0913 – Letter #1; Dr. King, Dr. Sproul and Dr. Bernstein recused
MPS 193-0913 – Letter #1
MPS 227-1113 – Letter #1
MPS 199-0913 – Letter #1; Dr. Sproul recused
MPS 198-0913 – Letter #1; Dr. Plavin recused
MPS 212-1013 – Special Letter #1; Dr. King and Dr. Sproul recused

Mr. LeCours made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee and 4 others.

12. Other Business:

- **Consideration of Adoption of Federation of State Medical Boards 2013 Revised Model Policy for the Use of Opioid Analgesics in the Treatment of Chronic Pain. Copy of proposed changes to Model Policy distributed by email on 1/28/2014.**

Mr. Herlihy and Dr. King led the discussion of the proposed changes to the policy

- **Continued discussion of changes to the standard format of closing letters. (This agenda item was not taken up due to time and weather conditions.)**

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

- **February 13, 2014, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT**
- **February 14, 2014, Central Investigative Committee Meeting, 9 a.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT**
- **February 19, 2014, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **February 19, 2014, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **March 5, 2014, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **March 5, 2014, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

14. Open Forum:

None

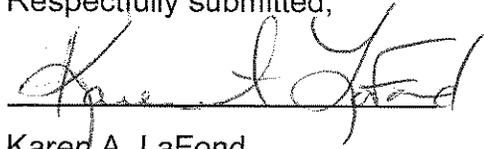
15. Adjourn:

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

Meeting adjourned at 3:46 p.m.

Attachments: Appendix A

Respectfully submitted,

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

Karen A. LaFond
Medical Licensing & Operations Administrator

APPENDIX A

Presentation of Applications

Dr. King moved for the issuance of physician licenses and physician assistant licenses for:

Ousaima Al-Misky, MD
Kristen Frank, MD
Jason Pettus, MD
Carrie Webber, MD

Stephanie Allen Lilly, MD
Bruce Kahn, MD
David Reiss, MD

Pamela Byrd, PA-C
Omar Khan, MD
Sean Tubens, MD

Recommended by Dr. Hayward for licensure. Seconded by Ms. McClain. The motion passed; opposed: none; abstained: none; recused: none.

Dr. King moved for the issuance of Limited temporary Physician licenses for:

Jonathan Buchanan, MD-LTL

Eric Gifford, MD-LTL

Malika Gupta, MD-LTL

Recommended by Mr. LeCours for licensure. Seconded by Dr. Hayward. The motion passed; opposed: none; abstained: none; recused: none.