

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the June 4, 2014 Board Meeting
Gifford Medical Center, Randolph, Vermont

Approved

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

Patricia A. King, MD called the meeting to order at 12:18p.m.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Allen Evans, Janice M. Gallant, MD; Robert G. Hayward, MD; Patricia Hunter; David A. Jenkins; Patricia A. King, MD; Leo LeCours; David Liebow, DPM; Joshua Plavin, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Robert McDougall, AAG; Bill Reynolds, AAG; Madeleine Mongan, Deputy Executive Vice President, Vermont Medical Society.

2. Public Comment:

None

3. Approval of Minutes of the May 7 and the May 21, 2014 Board Meetings:

Mr. Jenkins moved to accept the minutes of the May 7, 2014 meeting. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Liebow moved to accept the minutes of the May 21, 2014 meeting. Dr. Bernstein seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

None

5. Appointment of members to the Vermont Practitioner Health Program (VPHP) Liaison Committee:

Mr. Herlihy invited members to consider volunteering to serve on the VPHP Liaison Committee and stated that one item that the committee will be considering is whether or not to add mental/behavioral health to the services they provide to practitioners.

6. Administrative Update (Mr. Herlihy):

Mr. Herlihy advised that the investigator position is still under review by the Dept. of Human Resources and he hopes that the RFR will be approved, and that the position will be posted soon.

Mr. Herlihy reminded members to submit their expense reports promptly and suggested they bring them to committee meetings to give to either him or Ms. Nenner to take back to the office for processing.

Mr. Herlihy stated that the 2nd edition of the newsletter is being drafted and topics for articles thus far include:

- Prescription Drug Cost Containment
- An Update to the CME Article from last time – a reminder about the last article with a link and some new FAQs.
- New Opioid Policy
- A short piece on the new Zohydro rules
- The Potential Pitfalls of Ordering Drugs from Wholesalers and Self/Family Prescribing
- Telemedicine – a brief piece mentioning the FSMB Model Policy, the Interstate Compact work, and the link between telemedicine and the Compact (in progress)
- A short history piece – mentioning the centennial years of FSMB and NBME, the Board's start, and some interesting facts about some of the earliest license applications

Mr. Herlihy stated that he hopes the newsletter will be in final draft format by the end of June to be sent out to all of our licensees in July.

7. Proposed revisions to licensing application questions:

Mr. Herlihy discussed the proposed revisions to the licensing application questions, which were reviewed by the Licensing Committee in 2013. He stated that a need for review and revision of the application questions stemmed from the first 2012 physician on-line renewal. There was confusion about language in some of the questions because the wording was not direct enough and left room for ambiguity in responses. Mr. Herlihy reviewed input he received from Ms. Sproul, who was unable to attend the meeting, and specifically noted that the tone of the language in the instructions will be revised to be more welcoming. He also noted that the instructions would also inform applicants of the Continuing Medical Education requirements

Ms. Mongan discussed concerns about Section 3, where the applicant provides confidential and personally identifiable information. Some Vermont and New Hampshire licensees have recently experienced identity theft and it has yet to be determined how the personal information was accessed. Mr. Herlihy stated that the Governor's Council agreed that personal information is protected and should be treated as confidential. Therefore, when the Board receives a public records request for licensee information all personally identifiable information is redacted. This includes, but is not limited to, home address, e-mail address, phone numbers, SS#, DOB, peer review information, pending investigations, etc.

Dr. Gallant made a motion to approve the revised licensing application questions and instructions as amended by the suggested revisions from Ms. Sproul, inclusion of the CME instructions and chronology information. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

8. Discussion of proposal to hold a 2014 Board Retreat and possible topics:

Mr. Herlihy inquired whether members would like to participate in another retreat. The members unanimously agreed that it would be beneficial and useful, and the discussion continued about

proposed topics, which included: investigation procedures, closing letters, best practices for interviewing respondents at committee meetings, topics regarding service on the Board – conflicts of interest, communications with the media, etc – and goal setting for 2015. It was also suggested that we have available annual numbers on cases and alleged issues to better understand the types of cases that the Board is investigating. Members were very supportive of the annual retreat. Ms. LaFond will inquire about using the conference rooms at Gifford Medical Center and will look at September for the meeting date.

9. 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.

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

None

11. 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: William J. Spina – MPC 21-0211 – Request for Relief from Conditions**

Mr. McDougall addressed the Board, summarizing the facts leading up to the Request for Relief from Conditions, specifically paragraphs 17 & 18 of the original order. Ms. Hunter made a motion to accept the request to lift paragraphs 17 & 18 of the Stipulation and Consent Order dated May 4, 2011. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

12. Reconvene meeting; Executive Session to Discuss:

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

Dr. Hayward made a motion at 1:59 p.m. to go into Executive Session to discuss confidential matters related to investigations. Mr. Jenkins seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Bernstein made a motion at 2:13 p.m. to return to Open Session. Dr. Plavin seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

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

MPN 20-0314 – Letter #1 – Dr. Reich recused

Dr. Hayward made a motion to close the cases presented. Dr. Reich seconded the motion. The

motion passed; opposed: none; abstained: none; recused: 1 & North Investigative Committee.

Mr. Jenkins, Central Investigative Committee, asked to close:

MPC 186-0813 – Letter #1
MPC 223-1013 – Letter #1
MPC 16-0314 – Letter #1

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

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

MPS 29-0314 – Special Letter #1
MPS 30-0314 – Special Letter #1

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

15. Legislative Update:

H. 123: mandate of legislature to issue Lyme Policy statement, effective July 1, 2014: Mr. Herlihy discussed with the members the mandate in this legislation for the Board to issue a statement on the treatment of Lyme and presented proposed language for the statement for consideration.

Dr. Reich made a motion to approve the statement with suggested amendment to paragraph 3. Seconded by Dr. Hayward. The motion passed; opposed 4: Dr. Plavin, Dr. Gallant, Mr. Evans, Ms. Hunter; recused: none; abstained: none.

Mr. Herlihy also discussed H. 350: the bill regarding the posting of actions, investigator qualifications, and tasking the Board to discuss investigative procedures with stakeholders.

16. Other Business:

- **Consideration of Request for Approval of Practice Monitor from Christopher Bondi, MD:**

The South Investigative Committee recommended that the Board approve the request from Christopher Bondi, MD to approve a new practice monitor. Dr. Hayward made a motion to approve the request from Christopher Bondi, MD to approve the new practice monitor. Mr. Jenkins seconded the motion. The motion passed; opposed: none; recused: none; abstained: South Investigative Committee.

- **Continued discussion of the FSMB Model Policy on DATA 2000 and Treatment of Opioid Addiction in the Medical Office:**

Ms. Mongan provided the Board with information from the feedback she received from physicians, which was very supportive of this policy. It is hoped that this policy will minimize administrative burdens and serve as a model agreement.

Mr. Herlihy shared comments he received from Ms. Sproul and discussion focused on how to share this information with Buprenorphine providers.

Dr. Hayward made a motion to approve the policy as noted with changes. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

- June 12, 2014, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT
- June 13, 2014, Central Investigative Committee Meeting, 9 a.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT
- June 18, 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)
- June 18, 2014, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- July 2, 2014, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph
- July 2, 2014, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph

18. Open Forum:

None

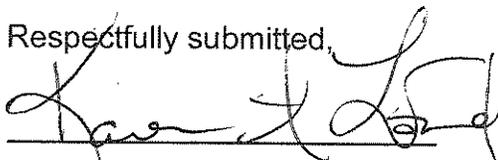
19. Adjourn:

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

Meeting adjourned at 3:19 p.m.

Attachments: Appendix A

Respectfully submitted,



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:

William Abdu, MD	James Armstrong, PA-C	Omer Awan, MD
Tatiana Canning, MD	Christine Chicoine, PA-C	Michael Cohn, MD
John Cope, MD	Karen Huyck, MD	Rebecca Joyce, MD
Joyce Lee Iannotti, MD	David Lunardi, MD	Cesar Magsino, Jr., MD
Jeremy Neal, PA-C	Sabah Shah, MD	Joseph Sicard, PA-C
Bert Vargas, MD	Rosanna Welton, PA-C	

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

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

Michael Banh, DMP	Lee-Anna Burgess, MD	Suma Chandra, MD
Ross Cleveland, MD	Barbara Decker, MD	Samuel McWilliams, MD
Mary Gupta, MD	Sahithi Jarugula, MD	Mark Johnson, MD
Gangadhar Malasana, MD	Lakshmi Nambiar, MD	Hibba tul Rehman, MD
Geoffrey Schreiner, MD	Zahid Shaikh, MD	Peter Shorten, MD
Sree Susarla, MD	Javaneh Tamiji, MD	Ingrid Van Swearingen, MD
Alia Whitehead, MD		

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