

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the July 2, 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 12:20 p.m.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Janice M. Gallant, MD; Faisal Gill; Robert G. Hayward, MD; William K. Hoser, PA-C; David A. Jenkins; Patricia A. King, MD; Leo LeCours; David Liebow, DPM; Sarah McClain; Joshua Plavin, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Robert McDougall, AAG; Bill Reynolds, AAG; Cassandra Aristide, AAG; Robert Simpson, Esq, Presiding Officer; Jacob Humbert, AAG; Edward Adrian, Esq; Stephanie Taylor, MD; Madeleine Mongan, Deputy Vice President, Vermont Medical Society.

2. Public Comment:

None

3. Approval of Minutes of the June 4 and the June 18, 2014 Board Meetings:

Mr. Le Cours moved to accept the minutes of the June 4, 2014 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Hoser moved to accept the minutes of the June 18, 2014 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King discussed the report at the FSMB House of Delegates regarding Maintenance of Licensure Task Force on Continuous Professional Development activities. The task force has been finalizing recommendations of approved professional development activities and standards, as well as proposed language to use in the rules. These changes, once approved, will potentially influence the Vermont Board Rules on MOL and the Vermont CME requirements.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy updated the members that he has received the list of candidates for the vacant investigator position and hopes to begin interviews the week of July 7th.

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.):

Ms. Mongan informed the Board that VMS has been requested to provide input regarding proposed changes to Continuing Medical Education competencies for Ionizing Radiation. There has been discussion to propose that the CMEs be specific to how Ionizing Radiation is used by the practitioner. Title 26 VSA section 2804 states:

“Unless the requirements of subdivision 2803(1) of this title have been satisfied, no physician, as defined in chapter 23 of this title, podiatrist, as defined in chapter 7 of this title, osteopathic physician, as defined in chapter 33 of this title, naturopathic physician, as defined in chapter 81 of this title, or chiropractor, as defined in chapter 10 of this title, shall apply ionizing radiation to human beings without first having satisfied the board of his or her competency to do so.”

Ms. Mongan stated that the Office of Professional Regulation (OPR) is in the process of revising the rules on granting endorsements for Ionizing Radiation. OPR is taking preliminary input on a proposal to require up to six hours of training every two years as a prerequisite for obtaining the IR endorsement. The process is in the earliest stages. OPR will draft its proposed revision after receiving input, then the full process for adoption of Rules will begin.

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: Stephanie Taylor, MD – MPS 45-0304 & MPS 48-0304 – Request for Reconsideration**

The Board heard from Dr. Stephanie Taylor and her attorney Edward Adrian Esq., to “consider allowing (her) to reapply for reinstatement of (her) Vermont Medical License.” The Board also heard from Jacob Humbert, Esq., Assistant Attorney General, and after hearing from both parties, the Board went into closed session to deliberate. After deliberating for approximately 15 minutes, the members opted to continue deliberations at the end of the meeting to allow for more time to consider the request. Following an additional 20 minutes of deliberations, the Board voted unanimously to reject Dr. Taylor’s request to remove Conditions 11 and 12 from the Stipulation and Consent Order dated August 3, 2005.

9. Reconvene meeting; Executive Session to Discuss:

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

Mr. Hoser made a motion at 1:43 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Reich 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 2:48 p.m to return to Open Session. Dr. Plavin seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

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

MPN 22-0314 – Letter #1
MPN 28-0314 – Letter #1 – Mr. Hoser recused.
MPN 25-0314 – Letter #1

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

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

MPC 51-0514 – Letter #1
MPC 218-1212 – Special Letter #1

Mr. Gill made a motion to close the cases presented. Mr. Hoser seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

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

MPS 231-1213 – Special Letter #2
MPS 34-0314 – Letter #1
MPS 19-0314 – Letter #1
MPS 27-0314 – Letter #1
MPS 18-0314 – Special Letter #1
MPS 122-0413 – Letter #1
MPS 36-0414 – 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.

12. Other Business: Continued discussion of closing letters.

None

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

- July 10, 2014, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT

- July 11, 2014, Central Investigative Committee Meeting, 9 a.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT
- July 16, 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)
- July 16, 2014, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- August 6, 2014, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph
- August 6, 2014, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph

14. Open Forum:

None

15. Adjourn:

Meeting adjourned at 3:30 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:

Maria Aguilar, MD
Sarah Decker, MD
Jay Ginns, AA-C
Jessica Lunardini, MD
Melissa Scalera, MD
Khaled Tolba, MD

Paul Bryant, MD
Alison Fitzgerald, MD
Safwan Halabi, MD
Karolyn Nicholas, MD
Chris Schettino, MD

Wesley Clark, MD
Terrance Flannery, MD
Vaseem Iqbal, MD
Brian Rodriguez, MD
Calvin Strand, MD

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

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

Samantha Martin, MD-LTL

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