Vermont Board of Medical Practice
Minutes of the August 1, 2012 Board Meeting
Gifford Medical Center, Randolph, VT

Approved

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

   Patricia King, MD, PhD, Chair, called the meeting to order at 12:31.

   Members Present:
   Carol A. Diamond; Janice Gallant, MD; Robert G. Hayward, MD; Patricia Hunter; Hon. David A. Jenkins; Sarah McClain; Joshua Plavin, MD; Harvey Reich, MD; Robert Rinaldi, DPM; Toby Sadkin, MD; Peter Thomashow, MD; William Stouch, MD.

   Others in Attendance:
   David Herlihy, Executive Director; Paula Nenninger, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Margaret Vincent, AAG; Robert McDougal, AAG; Patsy Kelso, PhD; Carol Wood-Koob; Sarah Vose, State Toxicologist – via phone; AlbanJ. Coghlan, MD; Joseph O'Rourke, Esq; Robert Simpson, Esq., Presiding Officer.

2. **Public Comment:**

   None

3. **Approval of Minutes of the July 11, 2012 Board Meetings:**

   Dr. Gallant moved to accept the minutes of the July 11, 2012 meeting. Dr. Plavin seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. **Board Issues (Dr. King):** None

5. **Administrative Update (Mr. Herlihy):**

   Mr. Herlihy welcomed Patricia Hunter as a new Board Member and stated that she will be serving on the South Investigative Committee.

   Mr. Herlihy requested Board approval of adding Patricia Hunter to the list of designees permitted to receive information from the Vermont Prescription Monitoring System (VPMS). Ms. Diamond made a motion to approve Ms. Hunter to receive VPMS information. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

   Mr. Herlihy also discussed the article in the Burlington Free Press last week regarding the firearms case that involves Board Investigator, Phil Ciotti. He stated

that it is possible board members could receive calls from reporters asking for information and reminded the members that while they are free to speak with the media, they can decline to speak with the reporters if they wish. He stated that the members could refer the calls to either himself or to Robert Stirewalt in the Department of Health Communications office.

Ms. Diamond asked Mr. Herlihy if it would be possible for the members who were unable to attend the information session provided by Mr. Stirewalt on the topic of speaking with the press to receive copies of the handouts. Mr. Herlihy stated that he would provide copies at the committee meetings.

6. Presentation of Applications (12:30 p.m. – 12:45p.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. Presentation to the Board (12:45p.m. – 1:45 p.m.):

State Toxicologist Sarah Vose presented more additions to the proposed list of substances to be included in the Regulated Drugs Rule. The BMP had endorsed the addition of certain synthetic cannabinoids and substances marketed as "bath salts"; this latest group of amendments includes several more specific compounds and descriptions of chemical classes. The Board of Medical Practice was asked to provide advice to the Board of Health regarding these additional proposed substances and language to be added to the Regulated Drugs Rule.

Dr. Hayward made a motion to recommend to the Board of Health to adopt the additional proposed amendments to the Regulated Drug Rule. Dr. Gallant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none. The proposal that was presented is attached and incorporated into these minutes.

Patsy Kelso, PhD, State Epidemiologist gave a presentation to the Board about the CDC Syringe and Injection Safety Program, seeking Board support of their efforts the program. The goal of the CDC/Safe Injection Practices Coalition's *One & Only Campaign* is to raise awareness among patients and healthcare providers about safe injection practices. The campaign aims to eradicate outbreaks resulting from unsafe injection practices. Since 2001, more than 130,000 patients in the United States have been notified of potential exposure to hepatitis B virus (HBV), hepatitis C virus (HCV), and HIV due to lapses in basic infection control practices. Many of these lapses involved healthcare providers reusing syringes, resulting in contamination of medication vials or containers which were used then on subsequent patients. The degree to which patients are infected with serious diseases because of unsafe practices is quite surprising. There have been two widely-publicized cases in the last couple of years and CDC is pushing the program. It covers some obvious safety issues (only single use of a syringe and needle) to some less obvious (only one needle stick of a single-dose vial, period).

The Board provided suggestions to Ms. Kelso that included focusing on educating the Medical Assistants, who are most often the individuals who are actually performing the injections. Education about this issue should not only focus on the physicians, but also the nurses, physician assistants and the staff on the floor who have the most contact with patients and who give the most injections to the patients.

The Board agreed to support the campaign as far as posting the information on the Board website and links to Continuing Medical Education requirements on this topic.

8. **Recess; Convene Hearing to discuss any stipulations or disciplinary matters that are before the Board (1:45 p.m. – 2:15 p.m.): (Mr. Simpson)**

   - **In re: Alban J. Coghlan, MD – MPC 112-0806 – Respondent's Motion for Relief from Order of March 24, 2011**

The Board, consisting of five Board members as agreed to by the parties, met in a closed session to consider Dr. Coghlan's requests. The Board adjudged and ordered that each of the requests is DENIED. Refer to Board Order per Presiding Officer Robert Simpson.

9. **Reconvene Meeting; Executive Session to Discuss:**
   a. **Investigative cases recommended for closure**
   b. **Other matters that are confidential by law, if any**

Dr. Gallant made a motion at 2:38 p.m. to go into Executive Session to discuss confidential matters related to investigations. Ms. McClain 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. Rinaldi made a motion at 3:41 to return to Open Session. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

11. **Board Actions on Committee Recommendations with Regard to any Non-confidential Matters:**

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

MPS 63-0412 – Letter #1
MPS 97-0711 – Special Letter #1
MPS 83-0612 – Letter #1 – Dr. King recused.
MPS 73-0512 – Letter #1
MPS 28-0212 – Letter #1

Dr. Hayward made a motion to close the cases presented. Ms. Diamond seconded the motion. The motion passed, opposed: none; abstained: none; recused:1.

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

MPC 77-0512 – Special Letter #1
MPC 78-0612 – Letter #1 – Dr. Stouch recused.
MPC 28-0311 – Special Letter #2
MPC 9-0111 – Special Letter #2

Dr. Reich made a motion to close the cases presented. Dr. Plavin seconded the motion. The motion passed, opposed: none; abstained: none; recused: 1.

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

MPN 38-0212 – Letter #1
MPN 80-0612 – Letter #1

Dr. Hayward made a motion to close the cases presented. Dr. reich seconded the motion. The motion passed, opposed: none; abstained: none: recused: none.

12. Other Business:

None

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

- **August 9, 2012, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **August 10, 2012, Central Investigative Committee Meeting, 12 p.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT**
- **August 15, 2012, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **August 15, 2012, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **September 5, 2012, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **September 5, 2012, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

14. Adjournment:

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

Meeting adjourned at 3:45 p.m.

Attachments: Appendix A

Respectfully submitted,

Karen LaFond
Licensing Administrator

Appendix A

Presentation of Applications

Dr. King moved for the issuance of licenses for:

Grady Bazzel, MD
Wendell Hatch, MD
Jessica King, PA-C
Anna Mcloy, MD
Alberto Perez, MD
James Cromie, MD
David Hinkle, MD
Tony Maung, MD
Nessa Meshakty, MD
Bang To, PA-C
Margaret Gadon, MD
Jonathan Jaksha, MD
Elisha McLam, MD
Anthony Minotti, MD

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