

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the December 3, 2014 Board Meeting
Gifford Medical Center, Randolph, Vermont

Approved

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

William K. Hoser, PA-C, Vice-Chair, called the meeting to order at 12:22 p.m.

Members Present:

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

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Jassen Bluto, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Deiderich, AAG; Bill Reynolds, AAG.

2. Public Comment:

None

3. Approval of Minutes of the and the November 5 and November 19, 2014 Board Meetings:

Dr. Liebow moved to accept the minutes of the November 5, 2014 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Hayward moved to accept the minutes of the November 19, 2014 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Mr. Hoser):

None

5. Recognition of Retiring Board Members

Mr. Herlihy recognized Janice M. Gallant, MD, whose term expires on December 31, 2014, for her years of service on the Board. Dr. Gallant was presented with a certificate of appreciation and a gift to commemorate her service.

6. Administrative Update (Mr. Herlihy):

Mr. Herlihy discussed the wrap-up of the physician renewal cycle and noted that approximately 560 MDs did not renew their license. It is unclear at this time what the reasons are for the number

of MDs not renewing and analysis will be completed by the next Board meeting in the hopes of getting a better idea of the specialties and locations of these MDs. Mr. Herlihy speculated on a number of possible factors, including: the new CME requirements and the older population of MDs who did not want take the CMEs; a large number of MDs who live out-of-state and opted not to renew because of CME requirements; and the possibility that some MDs who work in telemedicine may have switched companies and were not aware that their VT license expired. Mr. Herlihy will provide an update on the analysis in January.

Mr. Herlihy advised the members that the Investigator position has been reposted for recruitment and he hopes to have positive new on this topic in January.

Mr. Herlihy stated that he attended the VPMS Advisory Board meeting on Monday, December 1. Changes on the horizon for VPMS were discussed. The current IT system has limitations, such as being unable to add delegates, and they are seeking a new vendor. They are also seeking the capability of inter-state data sharing and considering an MOU with Massachusetts. A Board member raised a question about the IT support for changing a password in the current system, which took a couple of weeks for some people. It became a barrier to accessing and using the system. Mr. Herlihy told the members that if they have any more feedback about the current system or needs in a new system he would be happy to share it with VPMS.

Mr. Herlihy attended a meeting on Monday, December 1 hosted by the Office of Professional Regulation for representatives from OPR Boards who prescribe controlled substances. He attended with Meika DiPietro, from VPMS, and Barbara Cimaglio Deputy Health Commissioner. The message from the Medical Board was encouraging prescribers to review the policies on Treatment of Chronic Pain with Opioids and the DATA 2000, and to consider adopting the Board policies to ensure consistency in prescribing standards across medical professions in Vermont. The intention is to have a consistent approach among all professions that prescribe. He stated that members from the other Board were open to suggestions and it was a positive discussion.

Mr. Herlihy informed members that the Department of Health is in the formal process for administrative rules on prescribing of opioids and rules for using VMPS. The proposed rules are located on the VDH website and the comment period closes on December 29. He states that he will send out a copy for member comment, which he is willing to submit on behalf of the Board.

Mr. Herlihy advised that volunteer members are needed for the Nominating Committee, who will nominate candidates for the positions of Board Chair, Vice-Chair and Secretary. Dr. Liebow, Mr. LeCours and Mr. Evans volunteered.

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

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

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

None

9. 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 208-1212 & MPN 210-1013 – Stipulation and Consent Order**

Mr. Simpson and Mr. Reynolds addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Ms. Hunter made a motion to approve the Stipulation and Consent Order. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

- **In re: Tieg D. Marco, Jr., MD – MPC 052-0514 – Stipulation and Consent Order**

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

10. Reconvene meeting; Executive Session to Discuss:

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

Mr. LeCours made a motion at 1:27 p.m. to go into Executive Session to discuss confidential matters related to investigations. Ms. Hunter seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Gallant made a motion at 2:34 p.m. to return to Open Session. Dr. Bernstein seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

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

MPN 114-1014 – Letter #1

MPN 113-2014 – Letter #1

MPN 90-0914 – Letter #1

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

Dr. Hayward, Central Investigative Committee, asked to close:

MPC 94-0914 – Letter #1
MPC 110-1014 – Special Letter #1
MPC 84-0814 – 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 95-0914 – Letter #1
MPS 127-1014 – Special Letter #1

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.

13. Other Business:

Nominating Committee recommended the following members for consideration as officers of the Board:

Chair – William K. Hoser, PA-C
Vice-Chair – Robert G. Hayward, MD
Secretary – Richard Bernstein, MD

The Board will vote on officers at the January 7, 2015 meeting.

Mr. Herlihy reviewed the revised proposed changes to the statutory language regarding the reporting of physician disciplinary actions by health care institutions. Dr. Plavin made a motion to support Mr. Herlihy with pursuing further revisions of Vermont Statute 26 V.S.A. § 1317. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

- **December 11, 2014, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT**
- **December 12, 2014, Central Investigative Committee Meeting, 9 a.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT**
- **December 17, 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)**
- **December 17, 2014, South Investigative Committee Meeting, 12:00 p.m., Asa**

Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT

- **January 7, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **January 7, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

15. Open Forum:

None

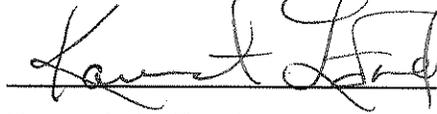
16. Adjourn:

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

Meeting adjourned at 3:02 p.m.

Attachments: Appendix A

Respectfully submitted,



Karen A. LaFond
Medical Licensing & Operations Administrator

APPENDIX A

Presentation of Applications

Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses for:

Ingrid BermudezKalish, MD
Gina Fernandez, MD
Matthew Mendlick, MD
Mindy Prager, MD
Adam Sprouse-Blum, MD

David Cohen, MD
Esti Gumpertz, MD
Adam Morgan, MD
Ahmad Shahzad, MD
Francis Zambetti, MD

Michael Dymond, MD
Catherine Keegan, MD
Joel Pasternack, MD
Mohammad Siddiqui, MD

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

Mr. Hoser moved for the issuance of Limited temporary Physician licenses for:

Matthew Krouse, DMP-LTL

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