

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the April 1, 2015 Board Meeting
Gifford Medical Center, Randolph, Vermont

Unapproved

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

William K. Hoser, PA-C called the meeting to order at 12:23 P.M.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Michael Drew, MD; Allen Evans; Faisal Gill; Patricia Hunter; David A. Jenkins; Patricia King, MD; Leo LeCours; David Liebow, DPM; Christine Payne, MD; Joshua Plavin, MD; Harvey Reich, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenner, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Cassandra Diederich, AAG; Robert Simpson, Esq., Presiding Officer.

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

3. Public Comment:

None

4. Approval of Minutes of the February 4, 2015 Board Meetings:

Dr. Bernstein moved to accept the minutes of the March 4, 2015 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Bernstein moved to accept the minutes of the March 18, 2015 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

5. Board Issues (Mr. Hoser):

Mr. Hoser noted that he will be attending the annual Federation of State Medical Boards conference at the end of April and noted that there will be five resolutions presented on the topics of: EMR Format, Opioids, Access to EMR, Use of Social Media and Board Certification. He encouraged members to provide him with comments or other topics of interest to take with him to the meeting.

6. Administrative Update (Mr. Herlihy):

Mr Herlihy informed the Board that a new member has been selected to ~~replace~~ fill Dr. King's seat. Richard Clattenberg, MD will start in May and will serve on the Central Investigative Committee. Mr. Herlihy noted that ~~he believes~~ Dr. Clattenberg is involved with many civic and volunteer activities seems to be someone who will be an excellent, involved Board member. ~~will be welcomed addition to the Board.~~

Mr. Herlihy provided an update on the investigator position. He stated that a candidate has been identified and he has submitted a Hire-Into-Range request for approval. He hopes to be able to offer the position to the candidate in the coming weeks and he will keep the Board apprised of the status.

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.

Dr. Drew presented the recommendation of the Licensing Committee for the Board to approve a request by Russell Stevens, MD to withdraw his Physician Application for initial licensure.

Mr. Gill made a motion to approve the request to withdraw the application for physician licensure. Dr. Reich seconded the motion. The motion passed: recused: none; abstained: none; opposed: none

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: Kimberly Marlowe, PA-C – MPS – Cessation of Practice Agreement**

Mr. Simpson and Ms. Deiderich addressed the Board, summarizing the facts leading up to the Cessation of Practice Agreement. Dr. Hayward made a motion to approve the Stipulation and Consent Order. Mr. Gill seconded the motion. The motion passed; opposed: none; abstained: none; recused: Dr. Bernstein, Dr. King and South Investigative Committee.

10. Reconvene meeting; Executive Session to Discuss:

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

The Board began discussion of this topic out of order, before the scheduled time for the beginning of the public hearing. Ms. Hunter made a motion at 12:40 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. Dr. Reich made a motion at 1:11 p.m. to return to Open Session. Dr. King seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Plavin made a motion at 1:24 p.m. to return to Executive Session to continue to discuss confidential matters related to investigations. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: none

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

Mr. Gill made a motion at 1:42 p.m. to return to Open Session. Dr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

MPN 006-0115 – Letter #1

MPN 145-1214 – Special Letter #1; Mr. Evans and Dr. Payne abstained

Dr. Plavin made a motion to close the cases presented. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: 2; recused: North Investigative Committee.

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

MPC 144-1214 – Special Letter #1

MPC 93-0914 – Special Letter #1

MPC 4-0115 – Letter #1

Dr. King 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 58-0614 – Special Letter #1; Mr. Evans abstained

MPS 135-1114 – Special Letter #1

Mr. Gill made a motion to close the cases presented. Dr. Plavin seconded the motion. The motion passed; opposed: none; abstained: 1; recused: South Investigative Committee.

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

13. Other Business:

Consideration of Draft Policy on Telemedicine.

Mr. Herlihy reviewed the proposed changes in language to the Draft Policy on Telemedicine. No motion was raised regarding adoption of the Policy; the vote will take place at a future meeting. Apart from brief discussion of minor points of wording, the topics discussed were: wording regarding how patients using remote care are assigned to physicians and how that might impact continuity of care; and, in general, whether this policy is necessary given that it covers matters that are not covered by policy for in-person care. Members discussed concerns over the impact of the continuity of care and agreed. It is anticipated that the Board will take this up at the April meeting, allowing for more time to review the proposed policy. ~~flect on the potential impact that this policy will have on the practice of telemedicine.~~

Other Topics:

Dr. Reich proposed a topic for the next newsletter to focus laser hair removal treatments. He stated that due to the on-going confusion over the interpretation of the language, which tends to lead to board investigations, he thought it would be beneficial for the Board to include an article on this topic.

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

- **April 9, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **April 10, 2015, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6th Floor of the Deane C. Davis Building, Montpelier, VT**
- **April 15, 2015, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **April 15, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **May 6, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **May 6, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

15. Open Forum:

16. Adjourn:

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

Meeting adjourned at 2:23 p.m.

Attachments: Appendix A

Respectfully submitted,

Karen A. LaFond
Medical Licensing & Operations Administrator

DRAFT

APPENDIX A

Presentation of Applications

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

Shaan Alli, MD	Jennifer Bamford, MD	Ludner Confident, MD
Kylie Cooper, MD	Michael Driver, MD	Peter Eckel, MD
Danielle Ehret, MD	Andrew Erickson, MD	Cherie Ertha, MD
Larry Fraley, MD	Jacquelyn Grev, MD	Lincoln Heath, MD
Nolan Hurley, PA-C	Cynthia Jenson, MD	Bernard Lewin, MD
Sarah Lomas, MD	Stacey McKenna, AA-C	Matthew Murray, MD
Robert Percarpio, MD	Amy Sherman, MD	Christopher Snow, PA-C
Stephanie Stucke, PA-C		

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

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

Telva Hernandez, DPM-LTL	Kristen Patterson, DPM-LTL
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Recommended by Dr. Bernstein for licensure and certification. Seconded by Dr. Drew. The motion passed; opposed: none; abstained: none; recused: none.