

**Vermont Board of Medical Practice  
Minutes of the December 1, 2010 Board Meeting  
Gifford Medical Center, Randolph, Vermont**

**Approved**

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

Patricia A. King, M.D., Chair, called the meeting to order at 12:22 p.m.

**Members Present:**

Patricia A. King, M.D.; William K. Hoser, PA-C; Margaret F. Martin; Michael Drew, M.D.; Janice M. Gallant, M.D.; Hon. David A. Jenkins; Joshua A. Plavin, M.D.; Harvey S. Reich, MD; Robert R. Rinaldi, D.P.M; Janice E. Ryan, RSM; Toby Sadkin, M.D.; William H. Stouch, M.D; Peter Thomashow, MD; John B. Webber, Esq.; Florence Young.

**Others in Attendance:**

Donald Swartz M.D., Interim Executive Director; Philip Ciotti, Investigator; Paula Nennering, Investigator; Margaret Vincent, Assistant Attorney General; Karen LaFond, Licensing Administrator; Terry Lovelace, Assistant Attorney General; Paul Harrington, Executive Vice President, Vermont Medical Society, Denise Fuller, Vermont Department of Taxes, Council from the Vermont Department of Taxes

**2. Public Comments: None**

**3. Approval of the Minutes of the October 6 and October 20, 2010 Board Meetings:**

Dr. King made a motion to accept the minutes of the November 3, 2010 Board meeting. Dr. Drew seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

Dr. King made a motion to accept the minutes of the November 17, 2010 Board meeting. Dr. Reich seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

**4. Board Matters (Dr. King):**

Dr. King has purchased a gift for William Wargo, MD and extended an invitation to the board members to join her at a dinner in Burlington for Dr. Wargo. She will send an e-mail with the details.

**5. Administrative Update (Dr. Swartz):**

Dr. Swartz introduced Karen LaFond, the new Licensing Administrator, to the Board. Ms. LaFond started on November 22, 2010.

Recruitment for a new Executive Director continues. Interviews have been conducted and they have narrowed the list to 3 candidates. The final round of interviews will include the Commissioner, who will make the final decision. The process is on track for hiring in early January.

Dr. Swartz has proposed a meeting between the Board and the Federal State Medical Board to provide an opportunity for the board members to have a greater understanding of what the Federation does. He suggested the meeting should take place April and will provide more information as it becomes more definitive.

Maintenance of Licensure – Dr. Swartz discussed the push for uniformity on this issue. The Vermont Legislature needs assurance that Vermont-licensed physicians have up-to-date knowledge and skills. Dr. Swartz proposed setting up a working group or a task force with members of the board, the Vermont Medical Society, Hospital Credentialing and other stakeholders to develop a process for demonstrating continued competency as a condition for license renewal. The goal would be to use this model in 5 years. Dr. Plavin, Dr. Reich, and Dr. Stouch volunteered to be on that working group.

Tracey Hayes, Program Technician, has processed over 3000 renewals, 1915 of which were for MDs in Vermont. At that time there were just under 400 more to be submitted to the office for renewal, approximately 100 of which were for Vermont MDs.

#### **6. Presentation of Applications:**

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:**

Paul Harrington, Executive Vice President, Vermont Medical Society (VMS), gave a presentation on the APRN Administrative Rules that are currently in draft format.

Prior to his presentation, he discussed potential hot topics for the 2011 Legislative session: Physician Assisted Suicide and Organ Laws. VMS is talking with the speaker of the house and the Governor about these issues, and it is anticipated that the Governor will make these a priority in the Governor's Address to the State. Legislative leaders plan to promote these measures as civil rights issues. The higher level of legislative support enjoyed by the measure makes the passage more likely than has been the case in the past. The position of VMS is that no legislation is needed for these issues.

APRN Rules are currently in draft form, but there is no final document. Mr. Harrington provided a document of the evolution of the rules from May 2010 through July 2010, and advised that the formal rule making process has not yet been engaged. Regarding the proposed rule, Mr. Harrington discussed the following topics: 1) Content; 2) Background

with the Office of the Secretary of State; 3) Institute of Medicine Report: The Future of Nursing; and 4) Process Question – the Scope of Practice done through Rulemaking.

1) Current Content:

- Education requirements are the same as the current rules – requiring a collaborative agreement that includes the scope of practice of the population served – but it does not indicate the number of hours of coursework.
- A graduate degree will be required.
- The proposed rules would give APRNs prescribing authority, and on page 44 of the 75 page document, the scope of practice for an APRN would be extended to include advanced level medical orders.

2) Background with the Office of the Secretary of State: noting that the Governor was just newly elected and there will be a change in personnel, it is possible that the review process may “slow down”.

3) Future of Medicine Report:

- Recommends practice restriction placed on APRNs by state laws be eliminated;
- Recommends expansion of education and training opportunities;
- Recommends residency programs;
- There is, however, concern surrounding these recommendations because the training of APRNs is not comparable to physician education and training.

4) Scope of Practice Through Rulemaking: Policy changes of the magnitude of those contained in the proposed APRN rules are usually made by statute, in a process that allows more thorough debate and broader public input. The VMS expresses concern that the input in the rules process may not be adequate to optimally serve the public's interest.

- Formal Rulemaking Process:
  - Agency develops proposed rules pursuant to statutory authority, and consistent with legislative intent.
  - Inter-governmental Process (ICAR)
  - Rule is published
  - Public Comment Period begins providing 30-60 days for comment
    - Public Hearing
    - Written Comments
  - Comments are incorporated into the rule
  - Agency files with Legislative Committee on Rules, which has 45 days to act.

Mr. Harrington recommends the Board stay informed of the status of the rules and Dr. Swartz stated he would be willing to disseminate copies of the 75 page document to members of the Board upon request.

**8. Recess; Convene Hearing (Ms. Power):**

Ms. Power convened a hearing to consider adjudicative matters before the Board (approximately 1:15 p.m. – 2:05 p.m.).

- In re: Robert W. Murray, MD – MPN 123-0804 – Petition for relief from conditions

Brought forth by and presented by Mr. Lovelace.

Ms. Martin made a motion to approve the petition for relief from conditions for Dr. Murray. Mr. Hoser seconded the motion. The motion passed, opposed: none; recused: 1, abstained: none.

- In re: James Napier, MD. – MPN 95-0910 – Motion to Suspend for non-compliance with Tax Department.

Brought forth by and presented by Mr. Lovelace.

Dr. Rinaldi made a motion to suspend for non-compliance with Tax Department. Dr. Reich seconded the motion. The motion passed, opposed: none; recused: none, abstained: none.

- In re: Robert L. Venman, MD – MPN 35-0309 – Stipulation and Consent Order

Brought forth and presented by Mr. Lovelace.

Dr. Reich made a motion to approve the stipulation and consent order. Dr. Rinaldi seconded the motion. The motion passed, oppose: none; recused: none; abstained: 1.

**9. Executive Session to Discuss Investigative Matters:**

Dr. Rinaldi made a motion at 2:45 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Stouch seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 3:30

**10. Open Session:**

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

MPS 101-0910 – Letter #1  
MPS 91-0910 – Letter #1  
MPS 103-1010 – Special #1  
MPS 53-0509 – Special #1

MPS 97-0910 – Letter #1  
MPS 83-0810 – Special #1  
MPS115-1110 – Letter #1  
MPS 109-1010 – Letter#1

Dr. Thomashow made a motion to close the cases presented. Dr. Stouch seconded the motion. The motion passed, opposed: none; abstained: none; recused: South Investigative Committee, Dr. King (MPS 101-0910; MPS 115-1110), Dr. Thomashow (MPS 115-1110).

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

MPC 56-0610 – Special #1	MPC 106-1010 – Letter #1
MPC 86-0810 – Special #1	MPC 87-0810 – Special #1
MPC 105-1010 – Letter #1	

Mr. Hose made a motion to close the cases presented. Dr. Drew seconded the motion. The motion passed, opposed: none; abstained: none; recused: Central Investigative Committee.

**Dr. Sadkin, North Investigative Committee, asked to close:**

MPN 89-0910 – Letter #1	MPN 095-0809– Letter #1
MPN 18-0209 – Administrative Closure	

Hon. Jenkins made a motion to close the cases presented. Dr. Reich seconded the motion. The motion passed, opposed: none; abstained: Ms. Martin (MPN 095-0809; MPN 18-0209); recused: North Investigative Committee

**11. Board Actions on Committee Recommendations With Regard to Any Non-confidential Matters:**

None

**12. Any Other Business: Review of proposed statute changes**

Dr. Swartz proposed to discuss statutes by phone. Dr. King agreed.

**13. Next meetings:**

Upcoming meetings: **(Locations are subject to change, you will be notified if a change takes place.)**

- **December 9, 2010**, North Investigative Committee Meeting, 12 p.m., 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 3B, Burlington, VT.
- **December 10, 2010**, Central Investigative Committee Meeting, Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT.

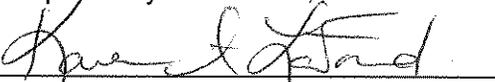
- **December 15, 2010**, Board meeting on pending applications, 12:10 p.m., Tele-conference meeting, with public access at the Board of Medical Practice office, Burlington Square Mall, 101 Cherry Street, 3<sup>rd</sup> Floor, Burlington, VT.
- **December 15 2010**, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer Building, 4<sup>th</sup> Floor, Room #492, 88 Merchants Row, Rutland, V.T.

#### 14. Adjournment

Dr. Rinaldi made a motion to adjourn. Mr. Hoser seconded the motion. The vote was all in favor, opposed: none, recused: none; abstained: none.

Meeting adjourned at 3:35 p.m.

Respectfully submitted,

  
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Karen A. LaFond, Licensing Administrator

**Attachments:** Appendix A

## Appendix A

**Presentation of Applications** (Recommendations were in the form of motions by the member making the recommendation).

**Dr. Stouch reported on an interview conducted with:**

Erica Hammer, MD

Recommended by Dr. Stouch for physician licensure. Seconded by Dr. Rinaldi, passed, opposed: none, recused: none; abstained: none.

**Mr. Hoser reported on interviews conducted with:**

Susan McCoy, PA-C

Recommended by Mr. Hoser for physician assistant certification. Seconded by Dr. Gallant, passed, opposed: none, recused: none; abstained: none.

**Mr. Hoser moved for the issuance of secondary certifications for:**

Robert Feinberg, PA-C

Recommended by Mr. Hoser for physician assistant certification. Seconded by Dr. Gallant, passed, opposed: none, recused: none; abstained: none

**Dr. Sadkin reported on an interview conducted with:**

Michael Farber, MD

Recommended by Dr. Sadkin for physician assistant licensure. Seconded by Dr. Drew, passed, opposed: none, recused: none; abstained: none

**Dr. Drew reported on an interview conducted with:**

Gretchen Gaida Michaels MD

Recommended by Dr. Drew for physician licensure. Seconded by Dr. Gallant, passed, opposed: none, recused: none; abstained: none.

**Dr. Gallant presented the interview information on behalf of Dr. Hayward, who was unable to attend the meeting. Dr. Hayward had interviews with:**

Javad Mashkuri, MD

Oluwakunle Oluwatosin, MD

Recommended by Dr. Hayward for physician licensure. Seconded by Dr. Gallant, passed, opposed: none, recused: none; abstained: none.

Dr. Gallant motioned to move into Executive Session to discuss the information provided by Dr. Hayward on the third applicant. Seconded by Dr. King. Entered into Executive Session at 12:55.

Dr. King motioned to move back into Open Session. Seconded by Dr. Gallant. Entered into Open Session at 1:09.

**Dr. King moved for the issuance of limited temporary licenses for:**

Elizabeth Eichner, MD  
Genevive Williamson, MD

Recommended by Dr. King for limited temporary physician licensure. Seconded by Ms. Martin, passed, opposed: none, recused: none; abstained: none.

**Dr. Plavin reported on interviews conducted with:**

Larry Lazaro, MD  
Philip Schaner, MD

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

**Dr. Plavin moved for the issuance of secondary certification for:**

Maurice Paquette, PA-C

Recommended by Dr. Plavin for secondary physician assistant certification. Seconded by Dr. Reich, passed, opposed: none, recused: none; abstained: none

**Dr. Rinaldi reported on interviews conducted with:**

Emre Becken, MD  
Julius Torelli, MD

Recommended by Dr. Rinaldi for physician licensure. Seconded by Mr. Webber, passed, opposed: none, recused: none; abstained: none.