

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the August 6, 2014 Board Meeting
Gifford Medical Center, Randolph, Vermont

Unapproved (Subject to Approval)

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; 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; Patricia A. King, MD; Leo LeCours; David Liebow, DPM; Sarah McClain; 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; Kassandra Aristide, AAG; Robert Simpson, Esq.; Harry Chen, MD, Commissioner, Vermont Department of Health.

2. Public Comment:

None

3. Approval of Minutes of the and the July 2, and July 16, 2014 Board Meetings:

Dr. Hayward moved to accept the minutes of the July 2, 2014 meeting. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Drew moved to accept the minutes of the July 16, 2014 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King noted that the Central Committee meeting will be held on August 22, 2014 versus August 15th as the state offices are closed due to Bennington Battle Day. The meeting will be held at the normally scheduled time and location, and only the date had changed.

Dr. King welcomed Health Commissioner, Harry Chen, MD. Dr. Chen addressed the Board. He expressed his gratitude for the work of the Board members and Board staff. He stated that the Commissioner receives feedback from the public and the legislature regarding transparency related to the investigation process, the timeliness of processing licenses and "hot topic" issues, such as opiate addiction. He observed that he seems to receive complaints of the Board being too difficult on licensees and too easy on licensees, which is probably a good sign. Dr. Chen discussed with the Board his involvement with the Governor's initiative to combat prescription

drug abuse, heroin use and opiate addiction in Vermont. He stated that the Governor and Massachusetts Governor Patrick had led the formation of a New England Regional Task Force that will encourage sharing of best practices and look for ways to cooperation on solutions. The task force will look at ways to improve data sharing between state prescription monitoring systems, safe prescribing standards, uniform prevention methods, communications with law enforcement, and border treatment issues. Dr. Chen stated that he wants to hear from the Board about things he can do to help and welcomes discussion and feedback on issues that impact the Board.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided a brief update on the status of hiring for the vacant investigator position. The 2nd interview was conducted and, due to the recent hiring freeze for state positions, he was required to request approval for hiring this position. He was granted the approval on August 5 and he will be moving forward with the identified applicant.

Mr. Herlihy also noted that the 2nd edition of "News From the Board" was sent out via e-mail and, to date, there was a 49% open rate. The e-mail system that is being used to send out e-mail newsletters and updates provides statistics on the number of actual "opens" and "click-throughs", so the Board can get a much better picture of what articles are being read and how many licensees are looking at the information. Over 4000 licensees received the newsletter and just over 1800 had opened it within the first 2 weeks.

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.

Dr. Drew presented the recommendation of the Licensing Committee for the Board to approve a request by Jerome McTague, MD to Withdraw his Physician Application for initial licensure.

Ms. Hunter 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.

7. 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: Beatrice Ann Johnson, MD – MPC 113-0413 – Stipulation and Consent Order**

Mr. Simpson and Mr. Reynolds addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. King noted the Dr. Johnson's license number listed in the document was incorrect and Mr. Reynolds stated he would send a corrected copy to Ms. LaFond. Mr. LeCours made a motion to approve the Stipulation and Consent Order, as amended with the correct license number for Dr. Johnson. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

8. 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. McClain made a motion at 12:57 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. Dr. Gallant made a motion at 1:08 p.m. to return to Open Session. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Gallant made a motion at 1:28 p.m. to return to Executive Session to continue to discuss confidential matters related to investigations. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

Mr. Hoser made a motion at 1:53 p.m. to return to Open Session. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

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

MPN 242-1213 – Special Letter #2; Mr. Hoser and Dr. Liebow recused.
MPN 44-0514 – Letter #1
MPN 43-0514 – Letter #1

Mr. Jenkins made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee and 2 others.

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

MPC 35-0414 – Special Letter #1
MPC 224-1013 – Special Letter #2; Mr. Hoser recused.
MPC 26-0314 – Letter #1; Mr. Hoser recused
MPC 45-0514 – Letter #1

Mr. Gill made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee and 1 other.

South Investigative Committee did not close any cases.

11. Other Business:

- **Agenda for September 3 retreat meeting – discussion and approval**

The Board discussed and approved the retreat agenda for September 3, 2014 to be held at Gifford Medical Center. The licensing committee will begin at 10:00 and will end at 10:50, and the regular board meeting will begin at 11:00 and will end at 11:50. Lunch will be provided and the retreat will begin at 12:15. Topics will include: Investigation Procedures, Interviewing Respondents at Committee Meetings, Closing Letters, and Goal Setting for 2015 and Profile of Cases. Mr. Herlihy stated that he hopes to have statistics available for the goal setting agenda item.

- **CME Rules – Inquiries regarding academic activities that are not AMA PRA Category 1™ activities**

Mr. Herlihy advised the board that he has received several calls regarding the CME requirement and residents who have full licenses. They all want graduate medical education (GME) to count for the CME requirement. Another caller asked about having a graduate course for a PhD in psychology count toward CME. He asked the Board if the Rules should be amended to allow for this. The Board provided informal feedback that GME should count, that the subject-specific requirements should still apply, and that the non-GME coursework should not count as CME. Mr. Herlihy stated he would prepare a proposed draft amendment to the Rules for the Board's approval at the September meeting.

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

- **August 14, 2014, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT**
- **August 20, 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)**
- **August 20, 2014, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **August 22, 2014, Central Investigative Committee Meeting, 9 a.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT**
- **September 3, 2014, Licensing Committee Meeting, 10:00 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **September 3, 2014, Board Meeting, 11:00 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

13. Open Forum:

None

14. Adjourn:

Mr. Jenkins made a motion to adjourn. Mr. Hoser seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 2:30 p.m.

Attachments: Appendix A

Respectfully submitted,

Karen A. LaFond
Medical Licensing & Operations Administrator

DRAFT

APPENDIX A

Presentation of Applications

Dr. King moved for the issuance of physician licenses and physician assistant licenses for:

Elizabeth Afanasyev, PA-C	Paul Dunn, AA-C (1 st site)	Paul Dunn, AA-C (2 nd site)
Laura Hanahan, MD	Khalis Husain, MD	Annick-Marie Kaufman, MD
Andrew Medendorp, MD	Kenneth Rudd, II, MD	Sarah Savage, MD
Elizabeth Sheldon-Morris, PA-C	Michelle Shepard, MD	Mary Walsh, PA-C

Recommended by Dr. Gallant for licensure and certification. Seconded by Mr. LeCours. The motion passed; opposed: none; abstained: none; recused: none.

DRAFT