Vermont Board of Medical Practice
Minutes of the September 5, 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 12:17.

Members Present:
Carol A. Diamond; Janice Gallant, MD; Robert G. Hayward, MD; Patricia Hunter; David A. Jenkins; Sarah McClain; Joshua Plavin, MD; Harvey Reich, MD; Robert Rinaldi, DPM; Toby Sadkin, MD; Peter Thomashow, MD; William Stouch, MD; William K. Hoser, PA-C; Michael Drew, MD; Florence Young; Robert Hayward, MD; Eileen Illuzzi.

Others in Attendance:
David Herlihy, Executive Director; Paula Nenninger, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Margaret Vincent, AAG; Robert McDougal, AAG; Kurt Khuel, AAG; Robert Simpson, Esq, Presiding Officer.

2. Public Comment:

None

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

Dr. Reich moved to accept the minutes of the August 1, 2012 meeting. Ms. Diamond seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King went to Texas as the state representative on the USMLE advisory panel. This panel consists of Medical Board members and Executive Directors from across the nation who review, discuss and make recommendations to the physician exams. One topic of discussion at the meeting was addition of testing on professionalism & ethics, including the use of case presentations or vignettes. If anyone wants to be a question writer for the Board, there is a workshop in April on writing questions.

5. Administrative Update (Mr. Herlihy):

1) The CME Rules were approved by LCAR on September 6, 2012. The only controversy surrounding the proposed rules was associated with the subject-specific requirements. VMS argued that the statute did not require that all licensees have training on hospice, palliative care, and end of life care. They also suggested that the requirement for training on controlled substances should

not be triggered by the licensee having a DEA number, but instead by whether the licensee actually uses the number. Our BMP position was that the rules should be adopted as proposed. LCAR approved the Rules on a split vote and they will be official on October 1.

2) Opioid Training 10/2012 at the Equinox Hotel in Manchester, VT. Any members interested in attending may do so. An email invitation will be sent.

3) VPHP Advisory Program – committee meeting in September and Mr. Herlihy requested a board member to replace Mr. Webber on the committee. Ms. McClain volunteered to serve on the committee.

4) Anticipated Request from the State Epidemiologist – Mr. Herlihy informed members of a pertussis outbreak. There has been a substantial increase in the number of cases in VT in 2012. He stated that he has been asked to attend a a planning meeting on how VDH will respond. Topics to be discussed include prophylactic prescription of antibiotic to people who have been exposed to pertussis. There is a provision in the law that physicians can prescribe for a partner of a patient when the patient has been diagnosed with Chlamydia, and Mr. Herlihy has been informed that Public Health officials are considering something similar for pertussis. The Board may be asked to adopt a policy/guidelines that address concerns about prescribing by a provider for an individual who is not the provider's patient and who has not been examined by the physician. This is only advance notice that the Department of Health may propose such a policy.

5) Renewal has begun and while the system has had a few minor issues, all appears to be going well. Provider members were encouraged to let staff know how things are from the user perspective and to listen for comments from colleagues.

6) Consideration of New Staff at the Board – Mr. Herlihy stated that he is considering the need to hire another full time investigator and to create a position for the Kelly Temp, who has been assisting with licensing and scanning of licensing documents since 2011.

7) Central Meeting moved to morning for September 14 – 9:00 am and breakfast will be served.

No updates yet on replacement for Eileen Illuzzi, who has submitted a resignation that provides for her to continue serving until such time as she is replaced.

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.):**

HISN: Homeland Security Information Sharing Network: Mr. Herlihy & Ms. LaFond demonstrated the test site created for the Board on HSIN, which is a highly secure, web-based information sharing platform to discuss with the Board members for consideration as a way to go paperless. Staff is investigating devices such as iPads or notebook computers that would be purchased and made available to members – for security, work on Board documents would be done exclusively on such devices and the devices would be only for Board work. Mr. Herlihy discussed the cost advantages of electronic distribution, which include postage, copying, and shredding savings, as well as a reduction in work for the staff who prepare mailings. Electronic distribution would allow for documents to be shared right up until the day of a meeting. Electronic distribution is also more secure, in that records are not copied and mailed so much and there is ability to track when information is accessed, although in some respects information that is held electronically can be more easily and quickly spread if compromised. Overall, the Board staff recommends working toward making electronic distribution available to members. He assured members who might not be comfortable with electronic distribution that they could opt to continue to receive some or all materials in hard copy. Mr. Herlihy stated that in order to move forward with vetting this through the state approval process, the Board would need to make a motion in support of the HSIN system. Dr. Hayward made a motion in support of pursing the electronic distribution of Board materials using the HSIN web portal, including pursuit of VDH/AHS and whatever IT approvals are required. Dr. Rinaldi seconded the motion. The motion passed; opposed: none; abstained: none; recused: none. Several members expressed enthusiastic support for electronic distribution.

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: Donald N. Weinberg, MD – MPS 134-1110 – Stipulation and Consent Order**

Dr. Rinaldi made a motion to accept the Stipulation and Consent Order. Dr. King seconded the motion. The motion passed; opposed: none; recused: North Investigative Committee and Ms. McClain; abstained: none.

- **In re: Charlotte E. Hovey, MD – MPC 76 76-0512 – Cessation of Practice Agreement**

Dr. Stouch made a motion to accept the Cessation of Practice Agreement. Dr. Plavin seconded the motion. The motion passed; opposed: none; recused: North Investigative Committee and Ms. McClain; abstained: none

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

Dr. Plavin made a motion at 1:35 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.

10. Return to Open Session; Board Actions on Matters Discussed in Executive Session:

Dr. Reich made a motion at 2:30 to return to Open Session. Mr. Hoser 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 91-0712 – Special Letter #1: Abstain: Dr. Sadkin and Ms. Hunter
MPS 99-0812 – Special Letter #1
MPS 67-0512 – Letter #1

Dr. Rinaldi made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed, opposed: none; abstained: none; recused: 2.

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

MPC 132-1011 – Letter #1; Recuse: Dr. Reich
MPC 70-0512 – Letter #1

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

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

MPN 73-0611 – Letter #1; Recuse - Dr. Plavin
MPN 117-1009 – Special #3; Recuse – Dr. Reich
MPN 65-0512 – Letter #1
MPN 21-0212 – Letter #1

Dr. Hayward made a motion to close the cases presented. Dr. Rinaldi 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.)***

- **September 13, 2012, North Investigative Committee Meeting, 12 p.m.,**

Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT

- **September 14, 2012, Central Investigative Committee Meeting, 9 a.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT**

- **September 19, 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)**

- **September 19, 2012, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**

- **October 3, 2012, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

- **October 3, 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:

Sayed Agha, MD
Gretchen Andrews, MD
Jane Conolly, MD
Peter Holoch, MD
Keon Menzies, MD
Michelle Paavola, MD
Christopher Rich, MD
Thomas Sroka, MD
Lauren Talesnick, PA-C
Andrea Volk, MD
Megan Alcauskas, MD
Harold Bradfield, MD
Amy Corey, PA-C
Melissa Johnson, MD
Shahab Moossavi, MD
Aaron Reiter, MD
Scott F. Sherman, MD
Kevan Sternberg, MD
Beth Thomas, PA-C
James Allison, MD
Richard Brownstein, MD
Shayne Foley, PA-C
Benoit Luyckx, MD
Stephen Muehlenbein, MD
Anne Rich, MD
Abiola Shitta-Bey, MD
William Swartz, MD
Gina Trachimowicz, MD

Recommended by Dr. Drew for licensure. Seconded by Mr. Hoser. The motion passed; opposed: none; recused: none; abstained.

Dr. King moved for the issuance of Limited Temporary Physician licenses for:

Katherine Shea, MD-LTL

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