

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the April 5, 2023 Board Meeting
Remote via Teams

Unapproved

- **Call to Order; Call the Roll; Acknowledge Guests:**

Dr. Rick Hildebrant, Board Chair, called the meeting to order at 12:03 PM

Members Present:

Richard Bernstein, MD; David Coddair, MD; Gail Falk; Matthew Greenberg, MD; Rick Hildebrant, MD; Patricia Hunter; Suzanne Jones, PA-C; Leo LeCours; David Liebow, DPM; Stephanie Lorentz; Sarah McClain; Christine Payne, MD; Marga Sproul, MD; Margaret Tandoh, MD; Robert E. Tortolani, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Scott Frennier, Investigator; Jane Malago, Operations Administrator; Tracy Hayes, Public Health Specialist; Justin Sheng, AAG; Megan Campbell, AAG; Kurt Kuehl, AAG; George Belcher, Esq.

- **Approval of the Minutes of the March 1, 2023 and March 15, 2023 Board Meetings:**

S. McClain moved to accept the minutes of the March 1, 2023, and March 15, 2023, meetings. S. Lorentz seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Board Issues (Dr. Hildebrant):**

- Dr. Hildebrant reminded the Board that he will be traveling to the FSMB meeting in May and will not be present for the Board meeting in May. Hildebrant asked that individuals share concerns with him that they might like to have brought up during the FSMB meeting.

- **Administrative Updates (David Herlihy):**

- D. Herlihy noted that he will not be present for the Board meeting in May due to the FSMB and AIM meetings. P. Hunter will also not be in attendance for the Board meeting due to her attendance at the FSMB meeting. Dr. Greenberg, Vice Chair, will lead the meeting in Dr. Hildebrant's absence.
- D. Herlihy advised members that staff has been working to identify meeting space for when the Board is ready to hold an in-person meeting. It was decided that the next in-person meeting tentatively will be the September 6th Board meeting.

- D. Herlihy notified the Board that the new iPads are on order and will hopefully arrive soon. He reminded Board members to be aware of their Apple ID login information, as this will be required for setup of the new iPads and the turn in process of the old iPads.
- D. Herlihy told the Board that he learned yesterday in an email from FSMB that the proposed revision of the FSMB opioid policy has been tabled until the 2024 annual meeting. The reason for the delay was the many comments submitted by member boards which led FSMB to conclude that more work should be done on the draft.
- **Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (12:17 PM):**

In re: Joseph Lasek, MD – Stipulation and Consent Order – Matter MPS 062-0622

Judge Belcher inquired if the Respondent or counsel would attend; K. Kuehl stated that they had indicated they would not. Judge Belcher invited K. Kuehl to present the matter. K. Kuehl addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Greenberg made a motion to approve the Stipulation and Consent Order. Dr. Payne seconded the motion.

J. Malago recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein, S. McClain, L. LeCours, Dr. Sproul, Dr. Tandoh, Dr. Coddair, G. Falk, Dr. Greenberg, Dr. Payne. Opposed: none; Abstained: none; Recused: South Investigative Committee

- **Hearing Concluded at 12:25 PM**
- **Presentation of Applications:**

Applications for physician, physician assistant and limited temporary physician licensure were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

Dr. Hildebrant moved for the issuance of physician licenses and physician assistant licenses. (See Appendix A)

Dr. Greenberg made a motion to accept all applicants for licensure as presented. Seconded by Dr. Tortolani. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Hildebrant moved for the issuance of limited temporary licenses to practice medicine. (See Appendix A)

S. McClain made a motion to accept all applicants for licensure as presented. Seconded by PA-C Jones. The motion passed; opposed: none; abstained: none; recused: none.

- **Reconvene meeting; Additional Administrative Update (David Herlihy):**

- D. Herlihy introduced and welcomed the newest Board member, Dr. David Coddaira. He will be assigned to the Central Investigative Committee.
- **Convene meeting; Executive Session to Discuss:**
 - **Investigative cases recommended for closure**
 - **Other matters that are confidential by law, if any**

Dr. Bernstein made a motion at 12:35 PM to enter Executive Session to discuss confidential matters related to investigations. S. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Return to Open Session at 1:03 PM; Board Actions on matters discussed in Executive Session:**

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

MPN 091-0922 – Letter #1

MPN 115-1222 – Letter #1 – Dr. Coddaira recused

MPN 114-1222 – Letter #1 – Dr. Coddaira recused

PA-C Jones made a motion to close the cases presented. Dr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

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

MPC 105-1022 – Special #1 – Dr. Payne recused

MPC 129-1222 – Letter #1

P. Hunter made a motion to close the cases presented. Dr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

Dr. Liebow, South Investigative Committee, asked to close:

MPS 005-0123 – Special #1 – Dr. Greenberg, Dr. Tandoh, and Dr. Bernstein all recused

MPS 006-0123 – Letter #1

L. LeCours made a motion to close the cases presented. Dr. Payne seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee.

- **Other Business:**
 - **Departing Members:** Dr. Hildebrant recognized that several Board members are coming close to the end of their term with the Board and reopened the discussion of how to recognize departing members. P. Nenninger addressed the Board, proposing that she would be pleased to continue for another year collecting donations from members and getting recognition gifts for departing members. In a year's time further discussion of recognition will take place.
 - **Legislative update:** D. Herlihy provided the status of bills of interest to the Board.

- **H.171** – This bill is about adult protective services and has already passed in the House. The Board learned about this only recently. It is a broad revision of APS laws that includes one section of direct interest to the Board. The bill changes the definition of abuse to include medical negligence, which would expand the jurisdiction of APS to overlap with the Board of Medical Practice. That overlap leads to concerns about parallel investigations with the potential for multiple interviews and depositions of witnesses, as well as conflicting outcomes. The bill also raises questions about the expertise of APS to make determinations about medical negligence. Concerns about the bill were shared with the Department of Aging and Independent Living. The bill is assigned to the Senate Health and Welfare Committee. D. Herlihy will follow the bill there.
- **H.411** – This bill is about extending COVID regulatory flexibilities. This passed both chambers and was signed by the Governor on March 29, 2023, becoming Act 4 of 2023. The bill includes sections that extend for another year provisions that were created to provide licensing flexibility for health care professionals. The bill also includes a section that requires the Board to consider options for streamlining and modernizing the licensing process and report to the House Health Care Committee and the Senate Health and Welfare Committee by January 15, 2024.
- **H.473** – The bill, which proposes to amend radiologist assistant supervision provisions, was passed by the House on March 23, 2023. It has been referred to the Senate Health and Welfare Committee, but there has been no activity to date there. After passage by the House the Medical Society raised a question about whether the proposed changes open the door to radiologist assistants being supervised by radiologists who themselves do not practice in Vermont. Any amendments made in the Senate to address those concerns are unlikely to pose a problem for the Board.
- **H.406** – This bill is about telemedicine and was mentioned at an earlier meeting. There has been no action on it at all, so it is unlikely that it is going anywhere this year.
- **H.89** and **S.37** – Both of these bills relate to what is defined in the bill to be “legally protected healthcare,” which encompasses reproductive health care and gender affirming care. S.37 focuses on regulation and insurance. H.89 focuses on legal aspects about the impact of court decisions, summons, etc. D. Herlihy reported that he had testified on April 5th on S.37, sections 7, 10, and 10a. That testimony covered a technical issue with the wording of section 7. The Health Care Committee was also provided background about interstate issues in medical regulation: regulation is based on the recognized right of each state to regulate the practice of medicine within its own borders and the related concepts that a physician must be licensed where the patient is located and practice in accordance with the standards of that state. It was also explained to the Committee that language in S.37 conflicts with those concepts because it declares that health care practitioners benefit from the protections of the bill regardless of the location of the patient and regardless of whether the practitioner is licensed in the state where the patient is located. D. Herlihy had also advised the Committee that those conflicts pose potential adverse effects for Vermont. First, they may contribute to erosion of the cooperation among states which plays a role in medical regulation. Second, if other states are prompted to pass laws modeled on S.37, Vermont may not be able to protect

Vermont patients against practices that are banned in Vermont. For example, a state with different views could be prompted to pass a law modeled on this, with similar language regarding license status and patient location, but instead creating a right for parents to obtain conversion therapy treatment for their minor children, which is banned in Vermont. 18 V.S.A. §§ 1851-1853. While provision of conversion therapy would still be banned in Vermont, and the actions would still constitute unlicensed practice in Vermont, it would be very difficult or impossible to take the actions necessary to prevent an out-of-state professional from engaging in such practice from a remote location in a state that passed a law modeled on S.37. With regard to Section 10, D. Herlihy advised the Board that he had testified that there were no concerns with that section, which calls on OPR and the Board to report on concerns about the risk of being forced to take disciplinary action against licensees licensed through the compact in response to actions by other states to punish legally protected health care. Finally, D. Herlihy reported that he had testified that there are no concerns with Section 10a, which directs Vermont's representatives to compacts to work to change compact laws, bylaws, and rules to minimize the potential for Vermont to be forced to take disciplinary action against a licensee based on other state actions that are inconsistent with Vermont law.

- **Litigation** – D. Herlihy provided an update on the case that was previously discussed at the February Board meeting. The settlement of the case became public and was filed in court following last month's Board meeting. This was for an out-of-state patient seeking the potential use of choice of end-of-life law.
- **VPHP Liaison Meeting** – Members were invited to participate in a liaison meeting with VPHP. Dr. Tortolani, Dr. Hildebrant, Dr. Payne, Dr. Bernstein, P. Hunter, and S. Jones all volunteered. They jointly selected April 26th as the meeting date from among the dates suggested by the VPHP group. All Board members were asked to submit any questions about VPHP or suggested topics for discussion, regardless of whether they are attending.
- **Upcoming Board meetings, committee meetings, hearings, etc.:** **Locations are subject to change. A notification will be provided if a change takes place.**
 - **April 13, 2023, North Investigative Committee Meeting, 9:00 AM, [Remote via Teams](#)**
 - **April 14, 2023, Central Investigative Committee Meeting, 9:00 AM., [Remote via Teams](#)**
 - **April 19, 2023, Board Meeting on pending applications, 12:10 PM, [Remote via Teams](#)**
 - **April 19, 2023, South Investigative Committee Meeting, 12:15 PM, [4th Floor Conference Room, Bloomer State Office Building, Rutland, VT and remote via Teams](#)**
 - **May 3, 2023, Licensing Committee Meeting, 10:30 AM, [Remote via Teams](#)**
 - **May 3, 2023, Board Meeting, 12:00 PM, [Remote via Teams](#)**

- **Open Forum:** There was further discussion of the September meeting tentatively being held in person. Dr. Hildebrant suggested that members block their calendars for that now.

- **Adjourn:**

Dr. Hildebrant declared the meeting adjourned at 1:57 PM.

APPENDIX A
PRESENTATION OF FULL APPLICATIONS
April 5, 2023

Note: Applicants listed below have been notified that their applications for licensure appear to be complete and may be presented at the next scheduled Board Meeting.

**** Must pass through licensing prior to being presented.**

Name	School	Specialty	Practice Location
**Abell, Marielle PA-C	Yale University	Unknown	Brattleboro Retreat
**Ahmed, Omar MD	Saba University (Netherland Antilles)	Internal Medicine (BC)	TBD
**Al-Jammaly, Riyadh MD	Univ of Al-Mustansiriyah (Iraq)	Psychiatry (BC)	Gifford
Alvarez III, Fernand MD	Case Western University	Family Practice (BC)	AC Wellness
Anwar, Asad MD	Aga Khan Univ. (Pakistan)	Internal Medicine	UVMMC
** Apuzzo, Sergio MD	Laval University	Diagnostic Radiology (BC)	UVMMC
Bonner, Mackenzie PA-C	Elon University	Unknown	BMH Dept of Surgery
Bontempo, Nicholas AA-C	Case Western Reserve	Anesthesiology	CVMC Anesthesiology
Chan, Cynthia MD	Jefferson Medical College	Diagnostic Radiology (BC)	UVMMC
**Chen, Michael MD	Columbia University	Pulmonary/Critical Care	Crossover Health
Crall, Cary MD	Harvard Medical School	Psychiatry (BC)	Telemedicine
**Dishman, Leonardo MD	University of Buenos Aires	A & C Pathology (BC)	TBD
**Entinger, Johann DPM	Temple University	Podiatry (BC)	Advanced Foot and Ankle
Fong, Yi-Jen MD	Loyola University	Internal Medicine (BC)	HealthTap
Forst, Deborah MD	Baylor College	Neurology (BC)	Mass General Hosp.
Hutchins, Rachel DPM	Barry University	Podiatry (BC)	Medserv Group
**Jaklitsch, Michael MD	University of Maryland	Thoracic Surgery (BC)	Telemedicine
Jandal, Ali MD	University of Wisconsin	Internal Medicine (BC)	UVMMC
**Jean, Danielle MD	Amer. Univ of the Caribbean (Sint Maarten)	Family Medicine (BC)	Kensington Medical
Jensen, Colton MD	University of Iowa	Internal Medicine	UVMMC
Johnson, Hannah MD	University of Vermont	Pediatrics	Essex Pediatrics

**Karak, Prasanta MD	North Bengal University (India)	Diagnostic Radiology (BC)	NWVMC
**Karamzadeh Dashti, Nooshin MD	Tehran University (Iran)	A & C Pathology (BC)	Dartmouth Health
Lapinel, Michael MD	SUNY Downstate	Anesthesiology (BC)	SWVMC
Lee, Jong MD	McGill University	Neurology (BC)	Brigham and Women's
Madison, Camille MD	University of Maryland	Family Medicine (BC)	South Baltimore Medical
Maredia, Navin MD	University of Texas	OB/GYN	UVMC
Mills, Callie PA-C	OHSU	Unknown	TBD
Mo, Clifton MD	Yale University	Hematology (BC)	DFCI
Murphy, Dermot MD	University of Limerick (Ireland)	Internal Medicine (BC)	UVMC
Naughter, Margaret PA-C	Le Moyne College	Unknown	TBD
**Patouga, Lubov PA-C	Samuel Merritt College	Unknown	Amaze
Pichiotino, Erin MD	UVM	Orthopedic Surgery (BC)	Copley Hospital
Rafferty, Melissa MD	UVM	Anesthesiology	UVMC
**Ross, Edgar MD	Wayne State University	Pain Medicine (BC)	Telemedicine
**Salako, Olubunmi MD	Robert Wood Johnson	Pediatrics (BC)	UVMC
**Shen, Stacy MD	Keck School of Medicine	Internal Medicine (BC)	UVMC
Sliwowski Jr., Joseph MD	Jefferson Medical College	Family Medicine (BC)	ClearChoice MD
**Solano, Maria MD	Universidad del Valle (Columbia)	Endocrinology (BC)	UVMC
Stevens, Kelly PA-C	University of Nebraska	Unknown	TBD
Tripodi, Lauren PA-C	Desales University	Unknown	TBD
**Ushkow, Bruce MD	Albany Medical College	Emergency Medicine (BC)	UCM Digital Health
Volkowitz, Racquel PA-C	Touro College	Unknown	TBD
**Yerrabothala, Swaroopa MD	Kurnool Medical College (India)	Hematology (BC)	Springfield Hospital
**Yolen, Steven MD	University of Bologna (Italy)	Internal Medicine (BC)	UVMC

4/5/2023

Presentation of Limited Temporary License Applications for Board Approval

26 VSA Section 1391 (e) authorizes a limited temporary license to practice medicine/Podiatry in the State of Vermont for a period of one year only. The following persons have applied for limited temporary licenses:

<u>Name</u>	<u>Program</u>	<u>Hospital</u>	<u>Start Date</u>	<u>Type</u>
Crevier-Sorbo, Gabriel MD	Intensive Care	UVMMC	6/1/23	MD
Denman, Laura MD	Pelvic Medicine	DHMC	7/1/23	MD
Ibey, Justin MD	Anesthesiology	DHMC	4/17/23	MD
Jaikumar, Vinaya MD	Infectious Disease	DHMC	7/1/23	MD
Kim, Minha MD	Surgery	UVMMC	5/1/23	MD
McKane, Ann MD	Pathology	UVMMC	7/1/23	MD
Ng, Christina MD	Neuro Surgery	UVMMC	7/1/23	MD

** Must pass through licensing prior to being presented.

These applications appear to have met the requirements. The Board, pursuant to 26 VSA Section 1391 (e), grants to each of them a limited temporary license.

**PRESENTATION OF FULL APPLICATIONS THAT HAVE BEEN ISSUED THROUGH THE
COMPACT**

Note: Applicants listed below have already received a license through the compact.

April 5, 2023

Credential Number	Name
<u>042.0016838-COMP</u>	Seth Albert Bellister
<u>042.0016839-COMP</u>	Wilfredo Gonzalez
<u>042.0016840-COMP</u>	Jana Goldberg
<u>042.0016841-COMP</u>	Anu Gulati
<u>042.0016842-COMP</u>	Ryan Karmouta
<u>042.0016843-COMP</u>	Julia Takahashi McManus
<u>042.0016844-COMP</u>	Max Palatnik
<u>042.0016845-COMP</u>	Milan Patel
<u>042.0016846-COMP</u>	Sultan Hamid Rahaman
<u>042.0016847-COMP</u>	Gautam Sachdeva
<u>042.0016848-COMP</u>	Michael Steven Zbiegien
<u>042.0016849-COMP</u>	Kathleen Elizabeth Carey
<u>042.0016850-COMP</u>	Cynthia Clark Cushman
<u>042.0016851-COMP</u>	Wasima Baha Hassan
<u>042.0016852-COMP</u>	Patrick Lynn Jung
<u>042.0016853-COMP</u>	Jimmy Klugh
<u>042.0016854-COMP</u>	Anthony Louis Schmidt
<u>042.0016855-COMP</u>	Skeetora Taylor
<u>042.0016856-COMP</u>	Suneer Chander
<u>042.0016857-COMP</u>	Michael Crum
<u>042.0016858-COMP</u>	Christine Evankovich-Edwards
<u>042.0016859-COMP</u>	Derek Ou
<u>042.0016860-COMP</u>	HARLAN ROUNTREE
<u>042.0016861-COMP</u>	Bradley Tanner
<u>042.0016876-COMP</u>	Nancy Berley
<u>042.0016877-COMP</u>	Tara Lynn Broadwater
<u>042.0016878-COMP</u>	Douglas Elwood
<u>042.0016879-COMP</u>	Amanda Lynne Harding
<u>042.0016880-COMP</u>	Noble K Jacob

<u>042.0016881-COMP</u>	Benjamin Johnson
<u>042.0016882-COMP</u>	Adam P. Juersivich
<u>042.0016883-COMP</u>	JOHN LIEBERMAN
<u>042.0016884-COMP</u>	Christine Oxley
<u>042.0016885-COMP</u>	Samantha Joanne Philman
<u>042.0016886-COMP</u>	Lydia Samples
<u>042.0016887-COMP</u>	John Schnabel
<u>042.0016888-COMP</u>	Donna Vishnevetsky
<u>042.0016889-COMP</u>	Alicja Wasilewski
<u>042.0016890-COMP</u>	Latonya R Beatty
<u>042.0016891-COMP</u>	Lee Beckwith
<u>042.0016892-COMP</u>	Julie Ann Foucher
<u>042.0016893-COMP</u>	Daniel Kristian Garrett
<u>042.0016894-COMP</u>	Ferenc E Gyulai
<u>042.0016895-COMP</u>	Charles Kim
<u>042.0016896-COMP</u>	Kathleen Mayer
<u>042.0016897-COMP</u>	Bianca F Contrucci Monteiro
<u>042.0016898-COMP</u>	Arun Ranganath
<u>042.0016899-COMP</u>	Rebecca Judene Rose