

**VERMONT BOARD OF MEDICAL PRACTICE**

**August 3, 2022**

**108 Cherry Street, Burlington, VT**

**and remote via Teams**

**Dial: (802) 391-9319 Conference ID: 266 020 189 #**

**\*\*\*REVISED\*\*\***

**11:00 a.m. Licensing Committee**

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**12:00 p.m. Vermont Board of Medical Practice**

- 1. Call to Order; Call the Roll; Acknowledge Guests:**
- 2. Public Comment:**
- 3. Approval of Minutes of the July 6, 2022 Board Meetings**
- 4. Board Issues (Ms. McClain):**
- 5. Administrative Update (Mr. Herlihy):**
- 6. Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (12:15 p.m. – 12:45 p.m.)**
  - In re: David Smith, MD – Stipulation and Consent Order for Licensure – Licensing Matter**
- 7. Presentation of Applications:**
- 8. Other Business:**
  - VPHP Liaison Meeting – members will be asked to consider taking part in a VPHP liaison meeting in September and, whether or not they volunteer, asked to bring up issues that they propose for discussion with VPHP representatives. Meetings are usually held near the end of the day on a weekday at approximately 4:30 and last about 90 minutes.**
  - Laser Tattoo Removal – in a recent case issues arose regarding the regulation of laser tattoo removal in Vermont. The devices used for laser tattoo removal are regulated by the FDA as medical devices. Vermont does not have a regulatory framework that specifically addresses laser tattoo removal, which means that regulation currently falls under the statutory prohibition against unlicensed practice of medicine. The purpose of this agenda item is to begin a**

discussion of whether the Board feels it would benefit Vermonters to establish a more defined framework for regulation of laser tattoo removal and, if so, what the Board would recommend.

- **Continued Discussion of Retreat** – continued discussion of the proposal to plan the October meeting as a retreat focused on educational presentations. In the past retreat meetings have featured an early start at 11 am and an effort to complete regular business quickly so that time may be spent on member education. Members are asked to come prepared with topics to suggest; subjects could be about medical practice issues that come up in cases or about legal issues or legal/administrative processes under which the Board operates. As an example of a topic, there could be a presentation on the use of lasers for tattoo removal and/or how other states regulate such procedures.
- **Supreme Court Decision in *Dobbs v. Jackson Women’s Health Organization***. Many states have already responded to the recent US Supreme Court decision overruling the *Roe v. Wade* case that found a constitutional right to abortion in 1973. States’ responses have included new laws, regulations, and executive orders. A number of the responses directly impact medical practice boards. This item is to inform members of the likelihood that the Board will need to provide input in some way over the coming months on actions relating to the *Dobbs* decision. Information from a presentation put on by The Network for Public Health Law will be shared (pdf attached), with a focus on the state responses covered at pages 34-41. Also attached is a newspaper article regarding the plans announced by two candidates for Vermont Attorney General for how they would respond to *Dobbs*.

9. Reconvene meeting; Executive Session to Discuss:

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

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

11. Board Actions on Committee recommendations regarding any non-confidential matters:

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

- August 11, 2022, North Investigative Committee Meeting, 9 AM, **108 Cherry Street, Burlington, VT and remote via Teams**
- August 12, 2022, Central Investigative Committee Meeting, 9 AM, **108 Cherry Street, Burlington, VT and remote via Teams**

- August 17, 2022, Board Meeting on pending applications, 12:10 PM, *108 Cherry Street, Burlington, VT and remote via Teams*
- August 17, 2022, South Investigative Committee Meeting, 12:15 PM, *108 Cherry Street, Burlington, VT and remote via Teams*
- September 7, 2022, Licensing Committee Meeting, 11:00 AM, *108 Cherry Street, Burlington, VT and remote via Teams*
- September 7, 2022, Board Meeting, 12:00 PM, *108 Cherry Street, Burlington, VT and remote via Teams*

13. Open Forum:

14. Adjourn:

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**NON-BOARD MEMBERS/GENERAL PUBLIC PLEASE NOTE:**

**\*\*\*\*\*REMOTE PARTICIPATION\*\*\*\*\***

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If you join the meeting during the time the Board is in Executive Session, the line will be open and monitored by staff. You are welcome to remain on the line until the Board returns to Open Session.

If you have any questions about this meeting, you may contact: 802-657-4220 or email: [AHS.VDHMedicalBoard@vermont.gov](mailto:AHS.VDHMedicalBoard@vermont.gov)