VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the July 1, 2015 Board Meeting
Gifford Medical Center, Randolph, Vermont

Approved

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

   William K. Hoser, PA-C called the meeting to order at 12:49 P.M.

   Members Present:
   Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Robert G. Hayward, MD; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Joshua Plavin, MD; Harvey Reich, MD; Marga Sproul, MD.

   Others in Attendance:
   David Herlihy, Executive Director; Paula Nenninger, Investigator; Christiana Coyner, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG;

2. **Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:**

3. **Public Comment:**

   None

4. **Approval of Minutes of the June 3 and June 17, 2015 Board Meetings:**

   Dr. Liebow moved to accept the minutes of the June 3, 2015 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

   Dr. Hayward moved to accept the minutes of the June 17, 2015 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

5. **Board Issues (Mr. Hoser):**

   None

6. **Administrative Update (Mr. Herlihy):**

Mr. Herlihy provided the members with a copy of the new fees for licensure that became

effective on July 1, 2015.

Mr. Herlihy informed members that he had implemented a Board of Medical Practice Fair and Impartial Policing policy, to meet a new requirement for agencies that employ certified law enforcement officers. The policy covers issues such as a prohibition on treating people differently based upon race, ethnicity, or other personal criteria. It is based upon the Attorney General's model policy.

Mr. Herlihy provided an update on the meeting held with VHPH in May that was attended by himself, Mr. Hoser, Dr. Plavin, Mr. Evans and Dr. King. Attending for VPHP were Suzie Parker, MD, John Valentine, MD, Madeleine Mongan, and Colleen Magnee. The meeting focused on a review of the contract that describes the goals and "deliverables" of the program, and how those are being fulfilled. One outcome of the meeting with VPHP was that VPHP provided an annual report on 2014 activities, in accordance with the contract. In response to a summary of the outreach activities presented in the VPHP report, Board members expressed an interest in having more outreach to licensees. Mr. Herlihy's summary of the annual report and covered the following: VHPH has served the medical licensee community for 14 years; in 2014, there were 13 intake evaluations and 3 resulted in contracts; there were 8 referrals to VHPH and 4 other referrals, either self or transfers from other state programs; there were 14 licensees under contract; 2 licensees completed the program; there were 0 failures, 0 refusals and 0 reported relapses. Mr. Herlihy will request additional outreach efforts on behalf of the Board.

Mr. Herlihy noted that the Vermont Department of Health recently established Rules for the use of Opioids in the Treatment of Chronic Pain, which largely reflect the Board's policy. The rules have been approved by the legislative committee that reviews Administrative Rules and will go into effect August 1, 2015. There will be coordinated efforts with VPMS to get information out.

7. Designation of new Board Investigator and Members to have access to VPMS information: Christiana Coyner and Richard Clattenburg

Dr. Sproul made a motion to approve Christiana Coyner, Investigator and Richard Clattenburg, MD to receive information from the Vermont Prescription Monitoring System. Dr. Bernstein seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Plavin made a motion to approve Christine Payne, MD to receive information from the Vermont Prescription Monitoring System. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

8. Presentation of Applications (12:30 p.m. – 12:45 p.m.):

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants 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 Sudhir Polisetty, MD to withdraw his Application for limited temporary licensure.

Ms. Hunter made a motion to approve the request to withdraw the application for limited temporary licensure. Dr. Reich seconded the motion. The motion passed: recused: none; abstained: none; opposed: none

9. Presentations to the Board (12:45 p.m. – 1:15 p.m.):

10. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)

11. Reconvene 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 1:28 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. Hayward made a motion at 1:35 p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

In open session there was discussion of general policy considerations that would apply to cases initiated in response to physicians completing license renewal and certifying completion of the census survey, when in fact they had not done the survey. Mr. Herlihy explained that the Board was provided a list of physicians who had renewed without completing the survey, and that there were three emails sent in November, January, and February asking the licensees who had not completed the survey to do so and informing them that failure to do so could lead to an investigation. Some members expressed concern over whether a licensee should be investigated for potential unprofessional conduct if the survey is not completed during the renewal. One member opined that the system should not allow a physician to complete renewal unless the survey is completed. It was explained that at the time of the last renewal that was not feasible. Another concern raised was the risk of perception that the Board is not "licensee friendly."

Ms. Hunter made a motion at 1:38 p.m. to return to Executive Session to continue to discuss confidential matters related to investigations. Dr. Bernstein seconded the motion. The motion passed: opposed: none; abstained: none; recused: none.

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

Dr. Plavin made a motion at 2:28 p.m. to return to Open Session. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 073-0515 – Special Letter #1; Dr. Reich recused.
MPN 054-0415 – Letter #1

Dr. Plavin made a motion to close the cases presented. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and North Investigative Committee.

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

MPC 082-0515 – Special Letter #1
MPC 083-0515 – Special Letter #1; Dr. Reich recused
MPC 046-0415 – Letter #1; Dr. Sproul recused
MPC 085-0515 – Special Letter #1

Dr. Hayward made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and Central Investigative Committee.

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

MPS 050-0515 – Letter #1
MPS 042-0415 – Special Letter #1; Dr. Sproul recused
MPS 014-0115 – Letter #1; Dr. Sproul recused
MPS 086-0515 – Special Letter #1; Dr. Bernstein recused
MPS 087-0515 – Special Letter #1; Dr. Reich, Dr. Sproul and Dr. Bernstein recused
MPS 088-0515 – Special Letter #1; Dr. Sproul recused
MPS 041-0415 – Special Letter #1; Dr. Sproul and Dr. Bernstein recused
MPS 048-0415 – Letter #1
MPS 100-0914 – Special Letter #1; Dr. Sproul and Dr. Bernstein recused

Dr. Hayward made a motion to close the cases presented. Mr. Jenkins seconded the motion. The motion passed; opposed: none; abstained: none; recused: 3 and South Investigative Committee.

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

14. Other Business:

None

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

- **July 9, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**

- **July 15, 2015, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**

- **July 15, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**

- **August 5, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

- **August 5, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

16. Open Forum:

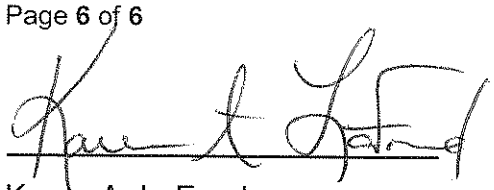
17. Adjourn:

Ms. McClain made a motion to adjourn. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 2:32 p.m.

Attachments: Appendix A

Respectfully submitted,



Karen A. LaFond
Medical Licensing & Operations Administrator

APPENDIX A

Presentation of Applications

Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses, and anesthesiologist assistant certifications for:

Fatima Ahmed, MD
Lisa Black, PA-C
Heba Gad, MD
Christina Granger, MD
Michael McCulloch, MD
Hermann Sigbjarnarson, MD
Johannes Steiner, MD
Donald Wilson, MD
Daniel Alzheimer, MD
Chirpriya Dhabuwala, MD
Sree Garapati, MD
Elizabeth Jensen, MD
Beth Shortridge, MD
Lindsay Smith, MD
Chloe Tartaglia, MD
Adeline Winkes, MD
David bass, MD
John Fallon, MD
Michael Higgins, PA-C
Nancy Keeton, MD
Richard Sidden, MD
Michael Soto, MD
Thomas Wansleben, PA-C

Recommended by Dr. Hayward for licensure and certification. Seconded by Ms. Hunter. The motion passed; opposed: none; abstained: none; recused: none.

Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:

Akshat Paliwal, MD
LuLu Zhang, MD
Jeffrey Jones, MD
Erica Wadas, MD

Recommended by Dr. Hayward for licensure and certification. Seconded by Dr. Plavin. The motion passed; opposed: none; abstained: none; recused: none.