VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the September 2, 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 12:52 P.M.

Members Present:
Richard Bernstein, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Faisil Gill; Robert 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; Harry Chen, MD, Commissioner Vermont Department of Health; George Belcher, Esq.

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

Mr. Hoser welcomed Commissioner Harry Chen, MD.

Dr. Chen expressed thanks to the Board members for their work then provided an update on some current Health Department matters relevant to the Board's work. He explained that as a former Board member, he has special appreciation for the dedication and work of the Board. He also thanked Mr. Herlihy, the office staff and the AAGs for their contributions.

Dr. Chen noted that he sees the role of the Board as protecting and promoting healthy Vermonters, which aligns with the mission of the Department of Health. He also noted that the Medical Board sets the tone of decisions and policies of other medical professions and boards in the state, and urged members to contact him if ever they feel he could impact an issue of importance to the Board.

Dr. Chen went on to discuss and answer questions about legislative issues including the Interstate Compact, the Vermont Prescription Monitoring System, vaccinations, and the new policies and rules regarding in the areas of treatment of substance abuse and child protection laws, such as the changes to Mandatory Reporting.

Dr. Chen will continue to keep the Board updated either via Mr. Herlihy or in person

and thanked the members for their time.

3. **Public Comment:**

None

4. **Approval of Minutes of the August 5, 2015 Board Meeting:**

Dr. Drew moved to accept the minutes of the August 9, 2015 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

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

Mr. Herlihy introduced and welcomed George Belcher who is the successful bidder for the Presiding Officer contract. He advised that the contract is in process and that it is hoped Mr. Belcher will begin in the near future. Members were advised that the current Presiding Officer, Mr. Simpson, has agreed to extend his contract to cover the time while Mr. Belcher's contract is processed, and also to be available for some cases that have begun but that have not yet been completed.

Mr. Herlihy provided a brief update on the status of the Stephanie Taylor, MD hearing and noted that it would possibly come before the Board at a future meeting, likely October or November.

Mr. Herlihy noted that Ms. Coyner quickly coming to speed filling the second Board Investigator position. Although travel difficulties prevented her from attending Certified Medical Board Investigator training in August, she has been able to register for CLEAR training in Boston during September.

Mr. Herlihy also noted that the upgrade for CAVU is still being tested, and in the meantime another IT system is being considered.

Mr. Herlihy stated that he, Ms. McClain, Ms. Deiderich, and Dr. Hayward participated in a panel as part of a course at the University of Vermont College of Medicine on regulation and oversight of the medical profession. The course was created by former Chair, Dr. King. The course continues to be well received and he would like for the Board to continue to support it through participation.

Mr. Herlihy noted that on September 14 he will again be participating in the grand rounds with VMPS and the Department of Public Safety to discuss best practices in opioid prescribing and treating opioid addiction. This edition will be at UVMMC and

there will be more to follow over the fall and winter.

Mr. Herlihy gave a brief update on the newsletter that he hopes will go out this month. He noted that Dr. Reich, Ms. Sproul, Dr. Hayward, Dr. Clattenburg and Mr. LeCours had all graciously agreed to review the articles.

7. **Presentation of Applications:**

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.

8. **Presentations to the Board:**

None

9. **Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board:**

In re: Jeffrey Scott Wulfman, MD – MPN 037-0213 – Stipulation and Consent Order

Ms. Deiderich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Drew seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

In re: Robert Allen Penney, MD – MPS 183-0813 – Stipulation and Consent Order

Ms. Deiderich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Bernstein made a motion to approve the Stipulation and Consent Order. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and South Investigative Committee.

10. **Reconvene meeting; Executive Session to Discuss:**
    - **Investigative cases recommended for closure**
    - **Other matters that are confidential by law, if any**

Dr. Gill made a motion at 2:07 p.m. to return to Executive Session to continue to discuss confidential matters related to investigations. Dr. Hayward seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

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

Dr. Clattenburg made a motion at 3:12 p.m. to return to Open Session. Mr. Gill seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

MPN 053-0415 – Special Letter #2; Dr. Reich recused.
MPN 108-0615 – Letter #1; Dr. Reich recused
MPN 074-0515 – Special Letter #1; Dr. Reich recused.
MPN 076-0515 – Special Special Letter #1
MPN 123-1014 – Special Letter #1; Dr. Reich recused.
MPN 154-1214 – Special Letter #1; Dr, Reich recused.
MPN 107-0615 – Special Letter #1; Dr. Reich recused.
MPN 097-0515 – Letter #1; Mr. Hoser recused.
MPN 105-0615 – Letter #1
MPN 010-0115 – Letter #1
MPN 120-0715 – Letter #1
MPN 104-0615 – Letter #1
MPN 070-0515 – Letter #1
MPN 110-0615 – Special Letter #1

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

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

MPC 080-0515 – Special Letter #1
MPC 084-0515 – Special #1; Dr. Sproul recused.
MPC 079-0515 – Special #1
MPC 068-0515 – Letter #1; Dr. Reich recused.
MPC 095-0515 – Letter #1
MPC 099-0615 – Letter #1
MPC 081-0515 – Special Letter #1
MPC 071-0515 – Letter #1
MPC 100-0615 – Letter #1
MPC 113-0615 – Letter #1; Dr. Reich recused.

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

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

13. Other Business:

Mr. Herlihy asked members if they had any ideas for topics at the annual retreat, such as the use of experts or term limits and officer positions on the board. One suggestion was to invite experts to come and speak with the Board about drug abuse or hearing protocols, rather than having members or staff forced to present. Mr. Herlihy welcomed members to submit suggestions for topics.

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

- **September 10, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**

- **September 11, 2015, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6th Floor of the Deane C. David Building, Waterbury, VT**

- **September 16, 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)**

- **September 16, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**

- **October 7, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

October 7, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph

15. Open Forum:

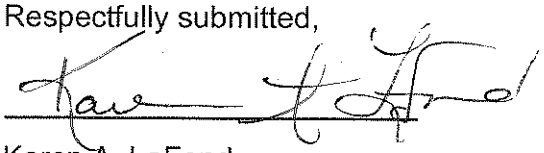
16. Adjourn:

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

Meeting adjourned at 3:27 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:

Julie Balaban, MD	Michael Bibighaus, MD	Carrie Cocklin, MD
Eugene Dixon, MD	Jeffrey Fetter, MD	Weili Gray, MD
Amy Guth, PA-C	Cassidy Heisler, PA-C	Fuyuki Hirashima, MD
Larry Holden, MD	Ann Holland, MD	Jeffrey Keller, MD
Russell Meyer, MD	Michael Murphy, MD	Darrell Palladino, MD
Kelly Rhone, MD	Patrizia Riccardi, MD	Richard Saunders
Amy Sclesky, PA-C	Kara Sexton, MD	Joseph Sivak, MD
Brian Skow, MD	David Stone, MD	Ian Symons, MD
Eswar Tipirneni, MD	Frederick Warner, MD	Chi-Gang Yen, MD

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