

**Vermont Board of Medical Practice
Minutes of the January 4, 2011 Board Meeting
Gifford Medical Center, Randolph, VT**

Approved

1. Call to Order; Call the Roll; Acknowledge Guests:

Patricia King, MD, Chair, called the meeting to order at 12:15.

Members Present:

William Hoser, PA-C; Michael Drew, MD; Robert Hayward, MD; Hon. David A. Jenkins; Sarah McCLain; Harvey Reich, MD; Peter Thomashow, MD; Carol A. Diamond; John Webber, Esq.; Eileen M. Illuzzi; Janice M. Gallant, MD; Joshua Plavin, MD; Robert Rinaldi, DPM; Toby Sadkin, MD; William Stouch, MD; Florence Young.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Kurt Kuehl, AAG; Margaret Vincent, AAG; Terry Lovelace, AAG; Robert McDougal, AAG; David Groff, AAG; Susanne Young, AAG; Jon Porter, MD; S. Crocker Bennett, Esq; Joan Gyer; Heather Rylant; Robert Simpson, Esq.

2. Public Comment:

None

3. Approval of Minutes of the December 7 and December 21, 2011 Board Meetings:

Mr. Hoser moved to accept the minutes of the December 7, 2011 meeting. Dr. Thomashow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Ms. Illuzzi made a motion to accept the minutes of the December 21, 2011 meeting. Dr. Stouch seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King and Mr. Herlihy thanked Mr. Lovelace for his service to the board as an Assistant Attorney General. Dr. King also introduced Robert McDougal who will be replacing Mr. Lovelace as the full-time AAG, and noted that cases would soon start transferring off of Mr. Kuehl's plate and onto Mr. McDougal's plate.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy welcomed and introduced the new Board member, Carol Diamond. He stated that Mr. Webber is still serving as a member of the board because his replacement declined to serve after being offered a job that would not permit time for her to serve as a member. Mr. Herlihy will keep the board updated as candidate information is passed along to him from the Governor's office.

Mr. Herlihy also informed the board that Ms. McClain will be transferred to the South Investigative Committee and Ms. Diamond will be serving on the North Investigative Committee.

Mr. Herlihy stated that CAVU has been up and running for almost a full month and although we are still working out several bugs, things seem to be going well. New applicants have been able to apply on-line, but the payment on-line is not yet working. The PA renewals will be completed in the new system via data entry by Tracy and others, but next cycle they will be able to renew on-line. It's a work in progress.

Mr. Herlihy advised that next month, the board will need to vote in a new Secretary of the Board to replace Ms. Martin, whose term ended last month. He also stated that the legislature is back in session and he will keep the board apprised of anything that will require board review or participation. One notable item is a bill that would create a commission on use of controlled substances to treat pain. The Chair of the Board or designee would be included on the commission.

Mr. Herlihy provided an update on the training and collaboration opportunity on Opioid Prescribing with Boston University Medical School. Right now, the proposed date for the event is March 31, 2012 at the Sheraton in Burlington. He has inquired with the Vermont Medical Society to determine if there are any conflicts with previously scheduled CMEs, but has not yet received a response. He will provide another update as details are finalized.

Finally, Mr. Herlihy stated that later in the meeting he would be discussing the request from the Federation of State Medical Boards (FSMB) FSMB to support further "development and expansion of multi-state cooperation between state licensing boards to create and implement policies that will reduce statutory and regulatory barriers to Telemedicine."

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.):

None

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: Jon Porter, MD – MPS 122-1109, MPS 137-1209 – Proposed Decision and Order**

Mr. Simpson stated that the parties limited their challenges to Conclusions on Counts I and V of the Proposed Decision and Order.

Mr. Simpson stated that the Board accepted and adopted the recommended Findings and Conclusions of the hearing panel as to Counts II through VII. With respect to count V, the Board rejected the State's renewed claim that Dr. Porter violated Board rule 7.5 by failing to conduct regular retrospective review of charts generated by PA Nobes.

Mr. Simpson also stated that the Board rejected and reversed the conclusions that the State met its burden with respect to Count I.

Accordingly, the Board dismissed all charges of Unprofessional conduct against Dr. Jon Porter.

- **In re: Firooz Tabrizi, MD — MPC 164-1208 — Stipulation and Consent Order**

Dr. Stouch made a motion to approve the Stipulation and Consent Order. Ms. McClain seconded the motion. The motion passed: opposed: none; recused: Central Investigative Committee; abstained: none.

- **In re: Anne M. Johnston, MD – MPS 61-0710 – Request to Modify Stipulation and Consent Order**

Dr. Rinaldi made a motion to approve the request to Amend the Stipulation and Consent Order. Dr. Stouch seconded the motion. The motion passed: 9 in favor; opposed: none; recused: 1 and South Investigative Committee; abstained: 1.

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

Ms. Illuzzi made a motion at 12:35 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:

Mr. Hoser made a motion at 1:18 to return to open session. Ms. Illuzzi 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 66-0511 – Letter #1: Dr. Thomashow recused
MPS 133-1011 – Letter #1
MPS 94-0711 – Letter #1
MPS 135-1111 – Letter #1
MPS 130-1011 – Special Letter #1: Dr. Sadkin recused
MPS 118-0911 – Special Letter #1
MPS 134-1111 – Letter #1

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

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

None

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

MPN 108-0811 – Letter #1: Mr. Hoser recused
MPN 80-0611 – Letter #1: Dr. Saskin recused
MPN 88-0711 – Letter #1
MPN 107-0811 – Letter #1

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

12. Other Business:

Mr. Herlihy briefly discussed the request from the FSMB to support the “development and expansion of multi-state cooperation between state licensing boards to create and implement policies that will reduce statutory and regulatory barriers to Telemedicine.”

Dr. Rinaldi made a motion to approve signing the letter of support for the FSMB. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

13. Upcoming Board meetings, committee meetings, hearings, etc.: (Locations are subject to change, you will be notified if a changes takes place.)

- January 12, 2011, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT
- January 13, 2011, Board Meeting on pending applications, 12:10 p.m., Board of Medical Practice office 108 Cherry Street, 2nd Floor, Burlington, VT (and via telephone)
- January 18, 2011, South Investigative Committee Meeting, 12 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- January 18, 2011, Central Investigative Committee Meeting, 12 p.m., Liquor Control, Conference Room 13, Green Mountain Drive, Montpelier, VT
- February 1, 2011, Licensing Committee Meeting 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT
- February 1, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT

14. Adjournment:

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

Meeting adjourned at 4:14 p.m.

Attachments: Appendix A

Respectfully submitted,



Karen LaFond
Licensing Administrator

Appendix A

Presentation of Applications

Dr. King moved for the issuance of licenses/certifications for:

Janice Brooks, MD	Thomas Buck, PA-C	Shirley Chang, MD
Jason Cohen, MD	Howard Dananberg, DPM	Sean Keenan, MD
Jason Lance, MD	Michael Lepasca, MD	Su Ann Ng, MD
Chad Rabinowitz, MD	Steven Rinehouse, MD	Gregory Rose, MD
Jessica Russell PA-C	Alan Stone, MD	

Recommended by Dr. Hayward for licenses/certifications. Seconded by Dr. Reich. The motion passed; opposed: none; recused: none; abstained.

Dr. King moved for the issuance of limited temporary licenses for:

Sonya Mariano, MD LTL

Recommended by Dr. Drew for limited temporary physician licensure. Seconded by Dr. Reich. The motion passed; opposed: none; recused: none; abstained: none.