

**Vermont Board of Medical Practice
Minutes of the November 4, 2009 Board Meeting
Gifford Medical Center, Randolph, Vermont**

“Approved – December 2, 2009”

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

David W. Clauss, M.D., Chair, called the meeting to order at 12:13 p.m.

Members Present:

David W. Clauss, M.D.; Patricia A. King, M.D.; Margaret F. Martin; Michael Drew, M.D.; William K. Hoser, PA-C; Hon. David A. Jenkins; John J. Murray, M.D.; Sharon L. Nicol; Janice E. Ryan, RSM; Toby Sadkin, M.D.; William H. Stouch, M.D.; Peter Thomashow, M.D.; John B. Webber, Esq.; Florence Young.

Others in Attendance:

William E. Wargo, Director; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenninger, Investigator; James Arisman, Assistant Attorney General; Bessie Weiss, Assistant Attorney General; Margaret Vincent, Assistant Attorney General; Marjorie Power, Presiding Officer (joined meeting at approximately 12:57 p.m.); Irene Stotts, public guest; Madeleine Mongan, Esq., Vice President for Policy, Vermont Medical Society; Wendy Davis, M.D., Commissioner of Vermont Department of Health; Chris Winters, J.D., Director of Office of Professional Regulation.

2. Public Comments:

None

3. Approval of the Minutes of the October 7 and 21, 2009 Board Meetings:

Hon. D. Jenkins made a motion to accept the minutes of the October 7, 2009 Board meeting. Dr. Drew seconded the motion. The motion passed, opposed: none; recused: none; abstained: Sr. Ryan.

Dr. Thomashow made a motion to accept the minutes of the October 21, 2009 Board meeting. Mr. Hoser seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

4. Board Matters (Dr. Clauss):

Dr. Clauss introduced Wendy Davis, M.D., Commissioner of Vermont Department of Health and Chris Winters, J.D., Director of Office of Professional Regulation to the Board.

Dr. Clauss reminded the Board that this is Mr. Arisman's last Board meeting and presented Mr. Arisman with a gift from Board members and Board staff.

Dr. Clauss informed the Board that Dr. Murray and Ms. Nicol will be leaving the Board the Board of Medical Practice. This is Dr. Murray's last Board meeting, and Ms. Nicol's last Board meeting will be December 2nd.

Dr. Clauss announced that Mr. Webber and Dr. Drew will be joining the Licensing Committee, filling the seats currently held by Dr. Murray and Ms. Nicol.

5. Administrative Update (Mr. Wargo):

Mr. Wargo informed that Mr. Terry Lovelace, Esq. will be taking Mr. Arisman's place as Assistant Attorney General.

6. Presentation of Applications:

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:

❖ Wendy Davis, M.D., Commissioner of Vermont Department of Health:

Commissioner Davis presented information pertaining to the 2009 H1N1 Influenza. Some points of interest:

- 2009 H1N1 Influenza A
- Flu activity in Vermont
- 2009 H1N1 U.S. Infection Rate, by age group (August 13, 2009)
- Seasonal Flu vs. 2009 U.S. H1N1 Flu Hospitalizations by age group.
- 2009 H1N1 Deaths, by age group

- 2009 H1N1 Vaccination: Recommended first to those at greatest risk:
 - Pregnant women
 - Caregivers & household contacts of children under 6 months of age.
 - People age 6 months through 24 years
 - Healthcare & EMS personnel
 - Adults age 25 through 64 with chronic medical conditions.
- Medical Care: Testing
 - Most people will NOT be tested for flu
 - Testing for seriously ill
 - Testing for flu tracking purposes
- When to Get Medical Attention

(See a copy of Commissioner's presentation attached.)

❖ **Chris Winters, J.D., Director of Office of Professional Regulation (OPR):**

Mr. Winters spoke of similarities between the Office of Professional Regulation and the Board of Medical Practice.

- Both have disciplinary processes
- Both Boards are funded by licensing fees, which go into a special fund specifically for the professions they license or certify.

Mr. Winters informed the Board that the Office of Professional Regulation licenses 44 professions, and there are approximately 50,000 licensees.

Mr. Winters informed the Board that some boards such as Naturopathic Physicians are governed by the "Advisor" model of regulation, created by the Legislature. Two licensed members of the profession are appointed by the Secretary of State to advise the Director of OPR on matters relating to the profession.

8. Executive Session to Discuss Investigative Matters:

Mr. Webber made a motion at 2:56 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: none.

Return to open session: 3:32 p.m.

9. Recess; Convene Hearing (Ms. Power):

Ms. Power convened a hearing to consider adjudicative matters before the Board (approximately 1:40 p.m.).

In re: Karen Preis, M.D. – MPS 135-1108 – Specification of Charges and Motion to Suspend or Revoke Medical Licensure

Dr. Clauss moved to support the motion of the State to suspend Dr. Preis's medical license, with the addition of a provision that re-entry to practice would also be subject to further conditions as specified by the Board. Hon. D. Jenkins seconded the motion. The motion passed, opposed: none; recused: South Committee (Ms. Martin, Dr. Drew, Mr. Hoser and Mr. Webber), Dr. Murray and Dr. Stouch; abstained: none.

Break: 2:00 p.m.

Return: 2:12 p.m.

10. Open Session

Mr. Hoser and Mr. Webber, South Investigative Committee, asked to close:

MPS 102-0909 MPS 105-0909

Dr. King made a motion to close the cases presented. Sr. Ryan seconded the motion. The motion passed, opposed: none; abstained: none; recused: South Committee (Ms. Martin, Dr. Drew, Mr. Hoser and Mr. Webber);

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

MPC 96-0809 MPC 101-0909 MPC 94-0809
MPC 100-0909

Sr. Ryan made a motion to close the cases presented. Dr. King seconded the motion. The motion passed, opposed: none; abstained: none; recused: Central Committee (Dr. Clauss, Hon. David Jenkins, Dr. Murray, Dr. Thomashow, and Ms. Young).

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

MPN 62-0609 MPN 30-0309 MPN 93-0809
MPN 73-0609 MPN 55-0408 MPN 173-0903

Dr. Murray made a motion to close the cases presented. Mr. Hoser seconded the motion. The motion passed, opposed: none; abstained: none; recused: North Committee (Dr. King, Ms. Nicol, Sr. Ryan, Dr. Sadkin and Dr. Stouch).

11. Any Other Business:

Radiology Assistants (RA):

- At October 7, 2009 Board meeting, Mary Streeter, RT(CT), presented information regarding Radiology Assistants (RA) role. The Board was asked for its opinion as to which board it felt should certify and regulate RAs. The Board was also asked for a letter of support for certifying Radiology Assistants.

After further discussion, the Board reached a decision on each of the following:

- Which Board should certify and regulate RAs.
- Board of Medical Practice submitting a letter of support for certifying RAs.

Dr. Murray made a motion that the Vermont Board of Medical Practice submit a letter of support for the development of Radiology Assistants; and that the Board of Medical Practice should regulate and oversee RAs. Dr. Stouch seconded the motion. The motion passed, opposed: none; abstained: none; recused: none.

- **Section 19 of Act 25 (2009):**

Section 19 of Act 25 (2009), is requires the Board of Medical Practice and the Board of Nursing to submit a report to two legislative committees by January 15, 2010. Their report is to state their "recommendations for improving the knowledge and practice of health care professionals in Vermont with respect to palliative care and pain management."

Mr. Wargo asked Board members whether they wished to go along with the report created by the Nursing Board or create a separate report. The opinion of the Board was to complete a separate report and work with the Vermont Medical Society in doing so.

Mr. Wargo informed the Board about the Palliative Care and Pain Management Survey the students from the University of Vermont, College of Medicine created with the assistance of Dr. Jeffrey Klein.

Mr. Wargo informed the Board of the California hotline that provides immediate consultation to California medical professionals regarding palliative care. Mr. Wargo stated he would look into getting further information regarding this hotline and how Vermont may do the same. Board members felt this kind of hotline would be beneficial to Vermont health care professionals, especially to those who do not have a lot of experience in the palliative care area.

There was further discussion regarding Continuing Medical Education (CME) requirements and Palliative Care and Pain Management CME requirement. Board members felt that these should be recognized as two separate issues.

In regards to CMEs some opinions and questions raised were:

- Should CMEs be a requirement to renewal a medical license?
- Should the Board of Medical Practice follow the requirements that hospitals and the Vermont Medical Society have already established?
- Make it clear to the legislative committees that the Board of Medical Practice is going to establish requirements regarding CMEs because it is the right thing to do, and the Board should be the one to do so because the Board has the medical and necessary knowledge to so.

12. Next meetings:

Upcoming meetings:

- **December 2, 2009**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **December 2, 2009**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **December 10, 2009**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **December 11, 2009**, Central Investigative Committee Meeting, Pavilion Building, 4th Floor Conference Room, Montpelier
- **December 16, 2009**, Board meeting on pending applications, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington

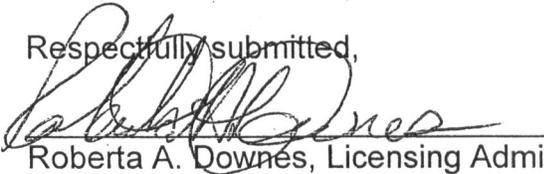
- **December 16, 2009**, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

13. Adjournment

Mr. Hoser made a motion to adjourn. Dr. Murray seconded the motion. The vote was all in favor, opposed: none, recused: none; abstained: none.

Meeting adjourned at 3:35 p.m.

Respectfully submitted,



Roberta A. Downes, Licensing Administrator I

Attachments: Appendix A

Appendix A

Presentation of Applications (Recommendations were in the form of motions by the member making the recommendation)

Dr. Clauss reported on interviews conducted with:

Dominic DiCiro, M.D.
Peter Wilhelm, M.D.

Julian Giuran-Benetato, M.D.

Recommended by Dr. Clauss for physician licensure. Seconded by Dr. Murray, passed, opposed: none, recused: none; abstained: none.

Dr. Clauss moved for the issuance of a limited temporary license for:

Timothy McAteer, M.D.

Recommended by Dr. Clauss for limited temporary physician licensure. Seconded by Mr. Hoser, passed, opposed: none, recused: none; abstained: none.

Dr. Drew reported on an interview conducted with:

Andrew Nisbet, M.D.

Recommended by Dr. Drew for physician licensure. Seconded by Dr. Stouch, passed, opposed: none, recused: none; abstained: none.

Mr. Hoser reported on interviews conducted with:

Autumn Bondesen, PA-C
Anika Opp-Harris, PA-C

Kari Marley, PA-C

Recommended Mr. Hoser for physician assistant certification
Seconded by Dr. Murray, passed, opposed: none, recused: none.

Mr. Hoser moved for the issuance of secondary certifications for:

Candis Cousins, PA-C

Eric Culbertson, PA-C

Recommended Mr. Hoser for secondary physician assistant certifications
Seconded by Dr. Murray, passed, opposed: none, recused: none.

Mr. Hoser moved that the addendum to the scope of practice submitted for the following Physician Assistants, "which will allow them to work in the Central Vermont Medical Center (CVMC) Influenza Clinic under the supervision of Mark Depman, M.D., Medical Director of the Emergency Department" be approved by the Vermont Board of Medical Practice:

Martha Allen, PA-C
William Burton, PA-C
James Picone, PA-C
Deborah O'Hara, PA-C

Margery Bower, PA-C
Charles Butterick, PA-C
Terrie Higley, PA-C

Recommended by Mr. Hoser for secondary physician assistant certifications. Seconded by Dr. Murray, passed, opposed: none, recused: none.

Dr. King reported on an interview conducted with:

Katherine Jane Wagner, M.D.

Recommended by Dr. King for physician licensure. Seconded by Dr. Cahill, passed, opposed: none, recused: none; abstained: none.

Dr. Murray reported on an interview conducted with:

Sylvester Barezak, M.D.

Recommended by Dr. Murray for physician licensure. Seconded by Mr. Hoser, passed, opposed: none, recused: none; abstained: none.

Dr. Stouch reported on an interview conducted with:

Chandra Matadeen-Ali, M.D.

Recommended by Dr. Stouch for physician licensure. Seconded by Dr. Murray, passed, opposed: none, recused: none; abstained: none.