

**Vermont Board of Medical Practice  
Minutes of the June 4, 2008 Meeting  
Gifford Medical Center, Randolph, Vermont**

**“Approved July 2, 2008”**

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

Dr. David Clauss, Chair of the Board, called the meeting to order at 12:22 p.m.

**Members Present:**

David W. Clauss, MD; Patricia A. King, MD, PhD; John J. Murray, MD; John Webber, Esq; Sharon L. Nicol; William H. Stouch, MD; Robert R. Rinaldi, DPM; Russell P. Davignon, M.D.; Honorable David A. Jenkins; Harvey S. Reich, M.D.; Janice E. Ryan, RSM; Florence Young; Margaret F. Martin; Toby Sadkin, MD; Peter Thomashow, MD;

**Others in Attendance:**

James Arisman, Assistant Attorney General; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; William E. Wargo, Director; Paula Nenninger, Investigator; Margaret Vincent, Assistant Attorney General; Marjorie Power, Legal Counsel and Presiding Officer; Phil Cykon, Esq.; Meika Zilberberg, Vermont Prescription Monitoring System; Peter Holman, Vermont Prescription Monitoring System; Steve Espy, Health Information Designs, Inc. (participated by phone);

**2. Public Comment**

Dr. Clauss introduced Mr. Phil Cykon, former Presiding Officer and expressed his appreciation for his time and efforts with the Board.

Mr. Cykon explained briefly why he had left the board so abruptly and expressed his appreciation for his opportunity to work with the Board.

**3. Presentations to the Board:**

Presenter:

Dr Clauss introduced Mr. Peter Holman, Sr., Program Director of the Vermont Prescription Monitoring System and Ms. Meika Ziberberg, Program Coordinator for the Vermont Prescription Monitoring System (VPMS).

Mr. Holman gave a brief introduction of the program. In 2006, the legislature passed Act 205 authorizing the Vermont Department of Health to establish the

VPMS. Currently the Department is in the process of developing a system and choosing a vendor.

Mr. Holman went on to explain in some depth how the program works. When a Schedule II, III, or IV controlled substance is dispensed to an outpatient, the VPMS will collect a standard set of information on the patient, the prescriber, and the drug, and will hold that information in a central database for six years.

Users will need to register and pay a nominal fee to access the web portal. VPMS has the ability to deny access to someone applying. The majority of the users will be physicians, but other users include pharmacists and licensing boards conducting specific investigations. Pharmacists and pharmacies are mandated by law to report this information. Pharmacist assistants will not have access. In-patient and emergency pharmacies are exempt from reporting.

Information obtained through queries will be fairly fresh but not real time. This information will give the physician the opportunity to look and see if there is any kind of pattern regarding the patient's use of a controlled substance. It will also allow physicians and other users to see if the patient is using one or more physicians to receive controlled substances.

Mr. Steve Espy from Health Information Designs demonstrated to the Board through a Webinar presentation how queries were done. He explained the different types of information needed to do a query and showed examples of information obtained through a query.

Concerns raised by the Board:

- How is inappropriate drug use being defined under this program?
- Emergency rooms being exempt from mandated reporting. By not reporting, patients are still able to jump from one emergency room to another.
- Confidentiality issues.
- Who is accepting responsibility for the information being put into the system? What happens if a physician makes a medical decision based on information in the system and that information is incorrect, who takes responsibility? Who is liable?
- Ethical issues.
- Patients being made aware that this information is being tracked and monitored.

When discussing who was allowed to have access to the web portal, it was mentioned that Dr. Steve Shapiro, Chief Medical Examiner for Vermont, was apparently not going to have access.

Dr. Davignon raised the issue of why Dr. Shapiro was not allowed to register and have access to the information being provided by the Vermont Prescription Monitoring Program. Other Board members also commented on this issue.

Dr. Davignon asked if a motion could be made in support of Dr. Shapiro being granted access.

Dr. Davignon made a motion that the Board write a letter to the Commissioner or Governor supporting Dr. Shapiro's access. Dr. Rinaldi seconded the motion. The motion passed, opposed: none, abstained: none.

#### **4. Approval of the Minutes of the May 7 and 21, 2008 Board Meetings:**

Dr. Davignon made a motion to accept the minutes of the May 7, 2008 Board meeting. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: none.

Dr. Stouch made a motion to accept the minutes of the May 21, 2008 Board meeting. Dr. Davignon seconded the motion. The motion passed, opposed: none; abstained: none.

#### **5. Board Matters (Dr. Clauss)**

- Dr. Clauss turn the floor over to Mr. Wargo, to explain the status on changes to legislation regarding the structure of the Board and to provide other updates.

#### **6. Administrative Update (Mr. Wargo)**

- Mr. Wargo said that the Attorney General's Office has decided to put the possible legislation changes concerning the Board on a back burner.
- Mr. Wargo explained that Ms. Hayes is in the process of printing renewal licenses and doing an excellent job. He said that Ms. Hayes wanted him to emphasize that the Board should present only emergency applications at the mid-month meeting. Non-emergency applications should be presented at the Board's regular meeting.
- Mr. Wargo informed the Board that the Board of Medical Practice was now able to do national criminal background checks when necessary. Mr. Wargo also handed out some material regarding the checks. (See Criminal Justice Information System letter).

- Mr. Wargo informed the Board that Dr. Lisa Dulsky Watkins from the Health Department may be doing a presentation at the July 2<sup>nd</sup> Board meeting regarding DocSite Registry and the Blueprint for Health project. (See DocSite® for Population and Chronic Disease Management handout)

#### **7. Presentation of Applications**

Applications for physician licensure and physician assistant certification were presented and acted upon as detailed in Appendix A.

#### **8. Recess; Convene Hearing (Ms. Power)**

No hearings were held.

#### **9. Break 2:03 p.m.**

Meeting resumed 2:21 p.m.

#### **10. Executive Session to Discuss Investigative Matters**

Dr. Murray made a motion at 2:25 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Davignon seconded the motion. The motion passed, opposed: none; abstained: none.

#### **11. Open Session**

Return to open session: 3:34 p.m.

##### **Dr. Murray, Central Investigative Committee, moved to close:**

MPC 38-0308	MPC 46-0408
MPC 1-0108	MPC 40-0308
MPC 4-0108	MPC 47-0408

Seconded: Dr. King. Passed, Opposed: none. Abstained: Central Investigative Committee (Dr. Murray, Dr. Clauss, Dr. Davignon, Honorable Jenkins, Dr. Thomashow, Ms. Young)

##### **Dr. King, North Investigative Committee, moved to close:**

MPN 113-0705	MPN 27-0208
MPN 113-0707	MPN 29-0208
MPN 19-0208	MPN 42-0308
MPN 44-0408	

Seconded: Ms. Martin . Passed, Opposed: none. Abstained: North Investigative Committee (Dr. King, Ms. Nicol, Dr. Sadkin, Dr. Stouch, Sr. Ryan); Dr. Davignon, Dr. Thomashow – MPN 44-0408 and MPN 29-0208. Dr. Riech – MPN 113-0705 and MPN 113-0707.

**12. Any Other Business:**

None

**13. Next meetings:**

Upcoming meetings:

- **July 2, 2008**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **July 2, 2008**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph
- **July 10, 2008**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **July 11, 2008**, Central Investigative Committee Meeting, 12 p.m, Liquor Control Conference Room, 13 Green Mountain Drive, Montpelier
- **July 16, 2008**, Board meeting on pending applications, 1:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **June 16, 2008**, South Investigative Committee Meeting, 1:20 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

**14. Adjournment**

Sr. Ryan made a motion to adjourn. Dr. Rinaldi seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Meeting adjourned at **3:45 p.m.**

Respectfully submitted,



Roberta A. Downes, Licensing Administrator

**Attachments:**

Appendix A

CJIS Information Letter

DocSite® for Population and Chronic Disease Management handout

## Appendix A

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

**Dr. Clauss reported on an interview conducted with**

Christina Broadwell, MD  
Kristen Pierce, MD

Recommended for physician licensure

Seconded by Dr. Murray, passed, opposed: none, abstained: none

**Dr. Clauss reported on an interview conducted with**

Jacqueline Gross, PA-C

Recommended for physician assistant certification

Seconded by Dr. Murray, passed, opposed: none, abstained: none

**Dr. Clauss moved on limited temporary licenses for**

Neil Agrawal, MD	Scott Loomis, MD
MaryEllen Antkowiak, MD	Alyssa Mann, MD
Karolyn Bell, MD	Michele Muggli, MD
Anna Benvenuto, MD	Tricia Murdock, MD
Christine Bilbrey, MD	Richard Murray, MD
Christopher Bondi, MD	Deanna Nelson, MD
Christina Broadwell, MD	Benjamin Newton, MD
***Locke Bryan, MD	Vipul Patel, MD
Kelley Burkett, MD	Aimee Pollak, MD
Robin Caperton, MD	Sukit Ringwala, MD
Anders Carlson, MD	Laura Sponseller, MD
William Cobell, MD	Heather Stein, MD
Faranek Davalian, MD	Terry Stein, MD
James Genuario, MD	David Stockwell, MD
Jesse Hahn, MD	Daniel Tarver, MD
Irfan Jafree, MD	***Long Tran, MD
Scott Johnson, MD	Louise Walsh, MD
Andria Jones	Arvind Yekanath, MD
Jian Li, MD	Jennifer Zahniser, MD

Seconded by Dr. Murray, passed, opposed: none, abstained: none

\*\*\* Seconded by Mr. Webber, passed, opposed: none, abstained: none

**Dr. Davignon reported on an interview conducted with**  
Meha Shah, MD  
Ghazwan Sharabi, MD

Recommended for physician licensure  
Seconded by Mr. Webber, passed, opposed: none, abstained: none

**Dr. King reported on an interview conducted with**  
David Allan, MD  
Paul Crainich, MD  
Jacob Martin, MD

Recommended for physician licensure  
Seconded by Dr. Reich, passed, opposed: none, abstained: none

**Dr. Murray reported on an interview conducted with**  
Mark Charlson, MD  
James Grow, Jr., MD  
Teresa Koening, MD  
Katherine Marvin, MD  
Laura McCray, MD  
Jessie Reynolds, MD  
Vito Santarsieri, MD  
Chung Shum, MD

Recommended for physician licensure  
Seconded by Mr. Webber, passed, opposed: none, abstained: none

**Dr. Murray reported on an interview conducted with**  
Emily Scott, MD

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

**Dr. Reich reported on an interview conducted with**  
Seamus Bhatt-Mackin, MD  
Robert Schreter, MD

Recommended for physician licensure  
Seconded by Ms. Martin, passed, opposed: none, abstained: none

**Dr. Sadkin reported on an interview conducted with**  
Raphael Bielinski, MD

Recommended for physician licensure  
Seconded by Dr. Thomashow, passed, opposed: none, abstained: none

**Dr. Stouch reported on an interview conducted with**

Kim Dittus, MD  
Dustin Engelken, MD  
Michelle Engelken, MD  
Julie Phillips, MD

Recommended for physician licensure

Seconded by Mr. Webber, passed, opposed: none, abstained: none

**Dr. Thomshow reported on an interview conducted with**

Scott Graham, MD  
Julie Vogel

Recommended for physician licensure

Seconded by Dr. Reich, passed, opposed: none, abstained: none