

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the September 7, 2016 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 11:10 A.M.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Faisil Gill; Robert Hayward, MD; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Harvey Reich, MD; Ryan Sexton, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenner, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; John Treadwell, Chief Assistant Attorney General, Criminal Division.

2. Public Comment:

None

3. Approval of Minutes of the August 3 and August 17, 2016 Board Meetings:

Ms. McClain moved to accept the minutes of the August 3, 2016 meeting. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Hayward moved to accept the minutes of the August 17, 2016 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Mr. Hoser):

Mr. Hoser and Ms. Vincent provided a brief update on the lawsuit filed by the Vermont Alliance for the Ethical Healthcare Inc. and the Christian Medical and Dental Associations, Inc.

Mr. Hoser noted that there will be a special presentation at the October meeting from the Federation of State Medical Boards (FSMB) with Patricia King, MD, FSMB Liaison Director, and Pamela Huffman, FSMB Governance Support Associate

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy noted that in October there will also be another presentation, which was rescheduled from the July meeting, about the use of lasers for medical and medical/cosmetic purposes by Glenn Goldman, MD, a UVMMC dermatologist.

Mr. Herlihy reminded members that the Licensing Committee was in need of another Public Member and requested volunteers to contact him.

Mr. Herlihy provided a quick update on the status of hiring an investigator. He stated that Scott Frennier, a Sgt. with the UVM Police, will be joining the board on September 19th.

6. Presentation of Applications (11:15 a.m. – 11:30 p.m.):

Applications for physician, physician assistant, and limited temporary physician licensure were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

7. Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (11:30 a.m. – 11:45 a.m.)

- **In re: Philip P. Trabulsy, MD – MPS 044 – 0216 – Cessation of Practice Agreement**

Ms. Diederich addressed the Board, summarizing the facts leading up to the Cessation of Practice Agreement. Mr. LeCours made a motion to approve the Cessation of Practice Agreement. Mr. Gill seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee and Dr. Sproul.

- **In re: Mark E. Logan, MD – MPN 182-1215 – Cessation of Practice Agreement**

Ms. Diederich addressed the Board, summarizing the facts leading up to the Cessation of Practice Agreement. Ms. McClain made a motion to approve the Cessation of Practice Agreement. Dr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee and Dr. Reich.

- **In re: Robert A. Penney, MD – MPS 183-0813 – Relief from Conditions**

Ms. Diederich addressed the Board, summarizing the facts leading up to the

Request for Relief from Conditions. Dr. Hayward made a motion to approve the Request for Relief from Conditions. Mr. LeCours seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee and Dr. Sproul.

8. Reconvene meeting; Executive Session to Discuss:

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

The Board began discussion of this topic out of order, before the scheduled time for the beginning of the public hearing. Dr. Reich made a motion at 11:24 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Drew seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Bernstein made a motion at 12:16p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPC 122-1014 – Special Letter #2 – Dr. Sproul recused
MPC 091-0516 – Letter #1 – Ms. McClain recused
MPC 067-0416 – Letter #1
MPC 055-0316 – Letter #1
MPC 005-0116 – Special Letter #1
MPC 071-0516 – Letter #1

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

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

MPS 066-0416 – Letter #1
MPS 097-0616 – Letter #1
MPS 093-0616 – Letter #1
MPS 098-0616 – Letter #1 – Dr. Sproul recused
MPS 105-0616 – Letter #1
MPS 179-1215 – Special Letter #2

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

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

11. Other Business:

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

- **September 15, 2016, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **September 16, 2016, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Boardroom, Berlin, VT**
- **September 21, 2016, 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 21, 2016, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **October 5, 2016, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **October 5, 2016, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

13. Open Forum:

14. Board Retreat

Retreat Topic 1: Board of Medical Practice Administrative Rules

Mr. Herlihy reviewed the draft copy of the proposed Rules that was distributed to the Board. Substantive discussion of the points noted here took place. Dr. Reich asked if the definition of "Specialty Board certification" should allow for certifying

bodies in addition to the American Board of Medical Specialties, as may be acceptable to the Board. There was extensive discussion of the concept of a “state application,” the reasons for having the provisions about that, and how it would work. The Board considered whether references from physicians may be from osteopaths as well as MDs; references from osteopaths are fine and it should be specified that they may be from either. Extensive discussion of the time limits for completing the USMLE steps took place; the Board would like more information about the basis for the 7 year/10 year standard. The Board discussed the “License by Faculty Appointment” provision. It was asked if such an appointment would continue for a physician who was licensed in that way who was later removed from a tenure track, but allowed to continue to practice in a clinical track.

Postgraduate training requirements were discussed at length. It was noted that the term “hospital” needs to be removed because many family practice and internal medicine programs are not hospital-based. There was also discussion about the wording of the minimum requirement for years of training; this will be reworked before final consideration.

The prohibition added to the draft regarding a physician requesting or obtaining a prescription from a PA who is supervised by the physician was discussed in depth. It was proposed to be broader by adding other prescribers who are subordinate to a physician, to include APRNs and residents.

Review of the draft ended at the beginning of the physician assistant provisions; review will be taken up at that point at the next meeting.

Retreat Topic 3: Criminal Division Presentation of Crimes Related to Medical Practice

John Treadwell, Chief Assistant Attorney General, Criminal Division informed members of the process when complaints related to the unlicensed practice of medicine are referred to the Criminal Division.

15. Adjourn:

Mr. Hoser declared the meeting adjourned at 4:10 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 for:

Christopher Bartles, MD	Robert Bassett, MD	Renee Bratspis, MD
Carols Collin, MD	Kristina Duffy, MD	Georgia Gianakakos, MD
Elizabeth Hall, MD	Apolina Henriquez, MD	Lisa Huges, MD
Michael Jones, MD	Steven Kammann, MD	Phacharawut Kanchananakhin, MD
Matthe Kendrick, MD	Kenda Kroodsma, MD	Heidi Larson, MD
Kames Murphy, MD	Preetika Muthukrishnan, MD	Sharif Nankoe, MD
Nishant Prammar, MD	Alberto Penalver, MD	Connie Pierper, MD
Eleah Porter, MD	Lisa Rasmussen, MD	Ryan Richman, MD
Liliana Robles, MD	Scott Spicer, MD	Susanna Thach, MD
Stephen Voros, MD	Charles Windham, MD	James Wolf, MD
Robert Yapundich, MD	Allen Zechowy, MD	

Recommended by Mr. LeCours for licensure. Seconded by Ms. McClain. The motion passed; opposed: none; abstained: none; recused: none.

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

Meredith Pavicic, MD	Zachary Spalding, MD
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Recommended by Ms. McClain for licensure. Seconded by Dr. Reich. The motion passed; opposed: none; abstained: none; recused: none.