

**VERMONT BOARD OF MEDICAL PRACTICE  
Minutes of the October 5, 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 12:15 P.M.

**Members Present:**

Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Faisal Gill; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Harvey Reich, MD; Marga Sproul, MD.

**Others in Attendance:**

2. David Herlihy, Executive Director; Paula Nenninger, Investigator; Scott Frennier, Investigator; Karen LaFond, Operations Administrator; Kassandra Diederich, AAG; Patricia King, MD FSMB Liaison Director and Michael P. Dugan, MBA, FSMB Chief Information Officer and Senior Vice President for Operations; Glen Goldman, MD, UVMMC Dermatology.

**3. Public Comment:**

None

**4. Approval of Minutes of the September 7 and September 21, 2016 Board Meetings:**

Dr. Liebow moved to accept the minutes of the September 7, 2016 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Liebow moved to accept the minutes of the September 21, 2016 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Mr. Hoser welcomed Dr. King and Mr. Dugan.

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

Mr. Herlihy informed members the he will be attending an AIM conference in

Minnesota at the end of the month. He will be presenting as part of an orientation program for new executives, attend the fall meeting of the group, and participate in the class to obtain his designation as a Certified as a Medical Board Executive.

Mr. Herlihy provided a quick update on the physician license renewal period noting that approximately 900 renewal applications had been received and roughly 300 of those had been fully processed.

Mr. Herlihy informed members that there had not been any changes in the status of the lawsuit filed in federal court. He will be attending a hearing at the Rutland U.S. District Court on November 8.

Mr. Herlihy noted that there are four Board members whose positions will be up for reappointment and that he was in communications with the Governor's office to coordinate efforts for processing the reappointments.

Finally, Mr. Herlihy welcomed the new Board Investigator, Scott Frennier.

**7. Designation of new Board Investigator to have access to VPMS information: Scott Frennier**

Mr. Jenkins made a motion to designate Scott Frennier to have access to VPMS information in his capacity as a board investigator. Dr. Hayward seconded. The motion passed; opposed: none; recused: none; abstained: none.

**8. Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (12:20 p.m. – 12:30 p.m.):**

- **In re: Katherine Shapiro, PA-C – Licensing Matter**

Ms. Diederich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order of the Licensing Matter. Dr. Clattenburg made a motion to approve the Stipulation and Consent Order. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

**9. Presentation of Applications (12:30 p.m. – 12:45 p.m.):**

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.

**10. Federation of State Medical Boards (FSMB) visit (12:45 p.m. – 1:45 p.m.): updates on FSMB services and current initiatives, presented by Patricia King,**

**MD FSMB Liaison Director and Michael P. Dugan, MBA, FSMB Chief Information Officer and Senior Vice President for Operations**

Dr. King and Mr. Dugan presented information on topics including an overview of the FSMB services available to member boards and policy and advocacy updates regarding Marijuana and Medical Regulation, Interstate Medical Licensure Compact and the impact of the FTC vs North Carolina Board of Dental Examiners decision.

**11. Executive Session to Discuss:**

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

Dr. Liebow made a motion at 2:21PM to enter into Executive Session to discuss confidential matters related to investigations. Ms. McClain seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

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

Dr. Reich made a motion at 2:54PM to return to Open Session. Dr. Drew seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

MPN 099-0616 – Letter #1; Dr. Liebow recused  
MPN 117-1014 – Special Letter #1  
MPN 101-0616 – Letter #1; Dr. Liebow recused  
MPN 100-0616 – Letter #1; Dr. Liebow recused  
MPN 107-0716 – Letter #1

Dr. Reich made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and North Investigative Committee.

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

MPC 104-0616 – Letter #1; Dr. Sproul and Mr. Hoser recused  
MPC 087-0516 – Letter #1; Dr. Sproul recused  
MPC 086-0516 – Letter #1; Dr. Sproul recused  
MPC 076-0516 – Special Letter #1

Mr. LeCours made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and Central Investigative Committee.

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

MPS 100-0413 – Special Letter #2; Dr. Hayward recused  
MPS 072-0512 – Special Letter #1; Dr. Hayward recused  
MPS 036-0216 – Letter #1; Dr. Sproul recused  
MPS 066-0515 – Special Letter #2

Mr. LeCours made a motion to close the cases presented. Dr. Clattenburg seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and South Investigative Committee.

**13. Presentation to the Board (3:00 p.m. – 3:30 p.m.):**

- **Glenn Goldman, MD, UVMC Dermatology: Presentation on use of lasers for medical and medical/cosmetic purposes to provide members with updated information as the Board reviews its policy statement on use of lasers.**

Dr. Goldman provided members with an overview of how lasers are used on humans. He began with a summary of the different types of lasers and purposes, from cosmetic procedures such as hair and tattoo removal, to medical ablation procedures. He provided information about the different kinds of risks presented by each type of laser, going over both the injuries that may result and the contributors to risk of injury, such as systems that are more complex and treatments that require more refined skill and judgement. He presented information about the various professions that are offering services that use lasers, and outlined the procedures at UVM Dermatology that involve lasers. He then turned to complications, sharing academic information from dermatology publications about potential complications, the causes of injury relating to lasers, ocular injuries, fire risk, and various burns and skin injuries reported from laser use. Dr. Goldman provided information about different ways states have regulated laser use and the limitations and requirements for use of lasers within the UVM Medical Group. Last, he provided recommendations for several different types of lasers/procedures, with regard to the professions that can safely operate a laser for each type of laser/procedure. Specific to hair removal lasers, he recommended that use be limited to licensed medical professionals who have appropriate training and electrologists, as provided by Vermont law.

**14. Other Business:**

- **Continuation of Board discussion, proposed draft of revised Board Rules** – after discussion of the fact that it was too late in the day to complete the review of the Rules draft, Mr. Jenkins proposed forming a temporary committee to review the draft and make recommendations to the full Board at the next meeting. The

committee for this purpose was approved. Dr. Hayward, Mr. Gill and Mr. Jenkins volunteered to serve on the committee.

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

- **October 13, 2016, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 2C, Burlington, VT**
- **October 14, 2016, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conference Room #3, Berlin, VT**
- **October 19, 2016, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2<sup>nd</sup>, Floor Burlington, VT (and via telephone)**
- **October 19, 2016, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **November 2, 2016, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **November 2, 2016, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**16. Open Forum:**

**17. Adjourn:**

Mr. Hoser declared the meeting adjourned at 3:36 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:**

Michael Baker, MD	Simon Boulattouf, MD	Modechai Bronner, MD
Shola Cole, MD	George Jacob, MD	Ashley Johnson, PA-C
Luis Jourdan Figueroa, MD	Jonathan Klein, MD	Juliette Madan, MD
Keith McAvoy, MD	Robert McLellan, MD	Kimberly Pakerson, MD
Susan Petry, PA-C	Baha Sadjadi, MD	Katharine Shapiro, PA-C
Michael Zmurko, MD		

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