

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the January 4, 2017 Board Meeting**  
**Gifford Medical Center, Randolph, Vermont**

**Approved**

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

William K. Hoser, PA-C, called the meeting to order at 12:11 p.m.

**Members Present:**

Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Robert G. Hayward, MD; Patricia Hunter; 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 Nenninger, Investigator; Scottie Frennier, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; George Belcher, Esq.

**2. Public Comment:**

None

**3. Approval of the Minutes of the December 7 and December 21, 2016 Board Meetings:**

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

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

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

Mr. Hoser informed members that he received an email from the Federation of State Medical Boards (FSMB) to remind the Public Members that there are scholarship funds available to those who wish to attend the annual FSMB meeting. He noted that he will be attending, as will Mr. Herlihy and Patricia King, MD, former Board Chair, and encourages the public members to seriously consider attending given the valuable experience others members have previously reported.

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

Mr. Herlihy noted the new picture on the HSIN page and thanked Ms. Nenninger for hosting a holiday gathering for office staff at her house last month.

Mr. Herlihy informed members that Department of Health Commissioner, Harry Chen, MD, will be attending the February meeting.

Mr. Herlihy also informed members that the new VDH website was launched and thanked Ms. LaFond for her concerted effort to migrate all the information from the old site to the new site. He also noted that there will continue to be some changes as the site is utilized to ensure it is informative and user-friendly.

Mr. Herlihy advised that the Legislature reconvened and the Board has three bills to be put forth. The bills all were on the Health Department legislative slate for last session and were approved by the outgoing administration to be pursued in this new session, but it will not be known if they will be put forward until the incoming administration identifies legislative priorities. The three bills are: Interstate Compact for Medical Licensure; revision to the language for reporting actions to the Bboard; revision to the exemption that allows the Board to obtain medical records notwithstanding the Patient's Privilege. More information will be provided as it becomes available.

Mr. Herlihy noted that of the three members whose terms were up for renewal, two have been processed and one is in the pipe-line. He thanked those members for submitting the required documents for renewal of their terms and reminded all that appointments are valid until a different person is appointed as a replacement.

Mr. Herlihy provided members with a brief overview of the 2016 Physician License Renewal Statistics:

Lapsed by Age Group:

60+: 115  
70+: 60  
80+: 15  
90+: 2

Lapsed by Specialty and Location VT/NH

<b>SUMMARY</b>
488 licenses lapsed as of 11/30/2016 ***251 of 488 practiced in VT/NH ***338 of the 488 had a specialty reported ***76 specialties reported are listed below ***some licensees reported 2 or 3 specialties

<b>Specialties with 10 or more lapsed licensees</b>	<b>#Lapsed</b>	<b>VT/NH</b>
Internal Medicine	65	45

Psychiatry	43	22
Diagnostic Radiology	31	6
Family Practice	31	14
Pediatrics	24	18
Emergency Medicine	21	9
Obstetrics and Gynecology	15	11
Orthopaedic Surgery	11	3
Anesthesiology	10	6
Radiology	10	3
Surgery	10	3

**6. Presentation of Applications:**

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

**7. Presentations to the Board:**

None

**8. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board:**

- **In re: Richard W. Graham, MD – MPN 089-0914 – Stipulation and Consent Order**

Mr. Belcher and Ms. Diederich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order.

Mr. Hoser made a motion at 1:23 p.m. to enter Executive Session to discuss confidential matters related to the proposed order. Mr. Jenkins seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

The Board reconvened in Open Session at 1:33. Mr. Hoser made a motion to approve the Stipulation and Consent Order. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

- **In re: Anne L. Galante, MD – MPN 02-0113 – Stipulation and Consent Order**

Mr. Belcher and Mr. Reynolds addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order.

Ms. Hunter made a motion at 1:36 p.m. to enter Executive Session to discuss confidential matters related to the proposed order. Dr. Liebow seconded the motion. The motion passed: opposed: none; abstained: none; recused: none.

The Board reconvened in Open Session at 1:41. Ms. Hunter made a motion to approve the Stipulation and Consent Order. Dr. Payne seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee, Ms. McClain and Dr. Burgee.

**9. 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 12:27 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Liebow made a motion at 1:10 p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Liebow made a motion at 1:45 p.m. to go into Executive Session to discuss confidential matters related to investigations. Ms. McClain 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:**

Ms. McClain made a motion at 1:58 p.m. to return to Open Session. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

MPN 156-1016 – Letter #1  
MPN 152-1016 – Special Letter #1  
MPN 159-1116 – Letter #1  
MPN 007-0116 – Special Letter #1  
MPN 136-0916 – Letter #1

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

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

MPC 121-0816 – Special Letter #1  
MPC 147-1016 – Letter #1 – Dr. Sproul recused  
MPC 143-0916 – Letter #1  
MPC 150-0106 – Letter #1 - Dr. Sproul recused  
MPC 126-0816 – Special Letter #1 – Dr. Sproul recused  
MPC 132-0816 – Letter #1 – Dr. Sproul recused  
MPC 074-056 – Special Letter #1 – Mr. Hoser recused

Dr. Hayward made a motion to close the cases presented. Mr. LeCours 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 148-1016 – Letter #1 – Dr. Sproul recused  
MPS 146-0106 – Letter #1 – Dr. Sproul recused  
MPS 118-0816 – Letter #1 – Dr. Sproul recused  
MPS 117-0816 – 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: 1 and South Investigative Committee.

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

None

**12. Other Business:**

Dr. Reich noted that the current Vermont Prescription Monitoring System does not allow a prescriber to note when he or she believes a patient has diverted drugs, which leaves other prescribers unaware. Mr. Herlihy responded saying that the VPMS system was presented as a tool for patient safety and that uses perceived to be focused on law enforcement tend to be controversial. He stated that he would share this suggestion with the VPMS program.

Mr. Herlihy noted that the CME Audit would be implemented this month and he would keep the Board updated.

Mr. Herlihy suggested that it is time to update the Board's Policy on Prescribing Opioids for Chronic Pain. New Guidelines from the Centers for Disease Control regarding opioid prescribing, the new VDH rules regarding prescribing for acute pain, and revisions to the VPMS Rule all should be incorporated into the Board's guidelines. He requested members to volunteer for a Committee to review a revision to the Board's Policy, which he will draft. Dr. Hayward, Dr. Sexton and Dr. Sproul volunteered to participate on this committee.

Mr. Herlihy also mentioned that he continues to consider improving the public messaging of the Board and will be looking to the Board for guidance about undertaking a public outreach campaign this year.

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

- **January 12, 2017, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 2C, Burlington, VT**
- **January 13, 2017, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **January 18, 2017, 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)**
- **January 18, 2017, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **February 1, 2017, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **February 1, 2017, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**14. Open Forum:**

None

**15. Adjourn:**

Mr. Hoser declared the meeting adjourned at 2:10 p.m.

**Respectfully submitted,  
Karen A. LaFond  
Medical Licensing & Operations Administrator**

**Attachments: Appendix A**

**APPENDIX A**

**Presentation of Applications**

**Mr. Hoser moved for the issuance of physician licenses licenses for:**

Dmitriy Akselrod, MD

Matthew Hopkins, MD

Ewald Horwath, MD

Jed Hummel, MD

Isabella McCall, MD

Charles Stewart, MD

Recommended by Dr. Hayward for licensure. Seconded by Ms. Hunter. The motion passed;  
opposed: none; abstained: none; recused: none.