

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the June 6, 2018 Board Meeting
Gifford Medical Center, Randolph, Vermont

Unapproved

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

William K. Hoser, PA-C, called the meeting to order at 12:25

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, 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;

Guests:

Peter Putnam; Dan Cole, PA-C, President, Physician Assistant Academy of Vermont; Sarah Bushweller, PA-C, Committee Member, Physician Assistant Academy of Vermont

2. Public Comment:

Peter Putnam addressed the Board with his concerns regarding his experience as a chronic pain patient and what he sees as unintended consequences of the recent laws and regulations enacted by the Vermont Legislature and the Vermont Department of Health regarding the use of opioids for chronic pain treatment. He believes that the measures have gone too far in the direction of restricting access to medication. He cited a New Hampshire rule on opioid prescribing that has different requirements from the Vermont rules. He has applied to provide public comment at an FDA meeting in July. Mr. Hoser thanked Mr. Putnam for his time and the effort he made to travel to share a patient viewpoint with the Board.

3. Approval of the Minutes of the May 2 and May 16, 2018 Board Meetings:

Dr. Liebow moved to accept the minutes of the May 2, 2018 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Ms. McClain moved to accept the minutes of the May 16, 2018 meeting. Ms. Hunter seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Mr. Hoser):

Mr. Hoser and Ms. Hunter provided a brief overview of news and presentations from the Federation of State Medical Boards (FSMB) annual conference. Some of the highlights included:

- Grants awarded by FSMB to support efforts in the areas of clinician wellbeing and resilience, and treatments for opioid addiction
- By-Law changes to include Executive Directors as Staff Fellows
- Interstate Medical Licensure Compact requirements
- House of Delegation Resolutions
- Prescription Drug Monitoring Programs
- The impact of artificial intelligence on health and medical services
- Stem cell therapy practices
- Physician Burnout
- Physician Health Programs and improving relations between state boards and PHPs
- FSMB Priorities:
 - Improved understanding among board of USMLE process and procedures
 - Education and transparency with state boards to improve public information and relations

Mr. Hoser noted that the FSMB will likely schedule a visit with the Board in the near future as well.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy reminded members to submit their expense reports, reiterating that the end of the fiscal year is approaching and the importance of submitting the reports timely for payment.

Mr. Herlihy informed members that he recently attended a meeting with the Chittenden County Opioid Action Group, which invited him to address the perception among some medical professionals that the Board is “out to get” those who prescribe Buprenorphine. Mr. Herlihy stated that his presentation to the group clarified the complaint and investigation process, the total number of complaints and public actions, and the number of actions addressing

buprenorphine prescribing. He hopes the information alleviated concerns and misperception about the Board.

Mr. Herlihy noted that he is actively working with the Governor's office to recruit public and physician members to fill the current vacant seat and the seats of the members who will be retiring in December. Mr. Evans suggested reaching out to Legislators to inquire of any recommendations for public members, since they very often have a good sense of people who are civic-minded. Mr. Herlihy asked the members to send any recommendations to him since the process for approval and appointment by the Governor may take time.

Mr. Herlihy thanked Ms. Hayes for her hard work during the license renewal cycle for the Limited-Training Licenses, which will end on June 30th.

Mr. Herlihy noted that he will be out of the office on June 26th attending a meeting of the FSMB Education Committee. The duties of the Committee include planning for the FSMB annual conference.

Ms. LaFond spoke briefly about the transition to Skype conference calling and noted she would send information out to facilitate participation in the mid-month conference call.

Mr. Herlihy spoke about the Legislature reconvening for a special session to consider the budget bill for the new fiscal year that begins July 1. He added that while there is no expectation for state government to shut down for lack of a budget, VDH is discussing what would happen if there were a shut down. He has given input regarding the Board's work being an "essential function" that must go on in the event of a shut down and will be monitoring developments. The budget is the focus of the special session, but other bills can be presented and become law. One of interest to the Board is a bill that would create a commission to oversee all professional licensing boards. Under the proposal all boards would be divided into three groups, with the boards of each group being reviewed every three years to verify the need for regulation of the profession. The commission would be made up of Legislators and members appointed by the Governor. Mr. Herlihy advised that he would not expect the commission's work to impact the Board and informed members about this to avoid concern about the bill.

6. Presentation of Applications:

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

7. Executive Session to Discuss:

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

Dr. Liebow made a motion at 1:53 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.

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

Dr. Hayward made a motion at 2:40 p.m. to return to Open Session. Dr. Sproul seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 115-0717 – Referral to the Assistant Attorney General's Office
MPN 020-0218 – Special #1; Dr. Reich recused

Dr. Liebow made a motion to close the cases presented. Dr. Sexton 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 009-0118 – Letter #1; Mr. Jenkins recused
MPC 182-1217 – Letter #1
MPC 176-1117 – Letter #1; Mr. Hoser recused
MPC 028-0318 – Special Letter #1

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 152-0617 – Letter #1; Dr. Sproul recused
MPS 022-0318 – Letter #1
MPS 007-0117 – Stan Burns Special Letter

Dr. Sproul 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.

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

10. Other Business:

Discussion and Possible Vote to Approve Board Recommendations with Regard to Intimate Exams

Members continued the review and discussion of the proposed recommendations and identified sections that needed additional edits. Mr. Herlihy noted the requested changes to incorporate and stated he would share the updated draft at the next meeting.

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

- **June 14, 2018, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **June 15, 2018, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **June 20, 2018, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **June 20, 2018, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **July 11, 2018, Licensing Committee Meeting, 11:00 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **July 11, 2018, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

12. Open Forum:

Dr. Reich asked member to consider a deeper discussion on whether the Board should require criminal background checks as a requirement of initial licensure.

He noted the statistics from the Federation of State Medical Boards as listing Vermont as one of the few states that does not require this, which in his opinion is difficult to explain. He shared his concern of the potential for individuals who may be evading criminal matters in other states being granted a license in Vermont, which is a public safety issue. He asked members to consider more discussion on this topic at a subsequent meeting.

13. Adjourn:

Mr. Hoser declared the meeting adjourned at 3:22 p.m.

Attachments: Appendix A

DRAFT

APPENDIX A

Presentation of Applications

Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses for:

Mohammad Amin, MD	Jsaon Brazelton, MD	William Bulkley, MD
Shannon Burns, PA-C	Melinda Connors, PA-C	Erin Eyberg, MD
Vanessa Garlick, MD	Jennifer Huldin, MD	Peter Kassis, MD
Maryam Khorrami, MD	Kimberly Kilby, MD	Kelley-Anne Klein, MD
Elena Kozakewich, MD	Amy Laurent, MD	Skyler Lentz, MD
Nina Narasimhadevara, MD	Courtney Olmsted, MD	Jonathan Paul, MD
Stephen Ranney, MD	Anna Royer, MD	Darius Seidler, MD
Vishal Shah, MD	Kristen Sprague, PA-C	Umer Syed, MD
Kathleen Tarkington, PA-C	Leah Torres, MD	Edward Turpin, Jr., MD
Paul Wangenheim, MD	John Wax, MD	Kirsten Weiser, MD
Katie Wells, MD	Kimberly Youngren, MD	Candace Zubricky, MD

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

Mr. Hoser moved for the issuance of limited temporary physician and limited temporary podiatric licenses for:

Eric Anderson, MD	Megan Barnett, MD	Charles Bettag, MD
Shazad Buksh, DPM	Tessa Cattermole, MD	Brenton Fox, DPM
Tara Higgins, MD	Matthew Jaenicke, MD	Casey Lamb, MD
Emma LeWinter, MD	Emily McCarty, MD	John Palmer, MD
Jacqueline Parker, MD	Michael Robert, MD	Zachary Spalding, MD
Samantha Steinmetz-Wood, MD		Sherry WU, MD

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