

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the January 3, 2018 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

**Members Present:**

Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Robert G. Hayward, MD; Patricia Hunter; 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; Scottie Frenner, 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 6 and December 20, 2017 Board Meetings:**

Dr. Liebow moved to accept the minutes of the December 6, 2017 meeting. Dr. Drew seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Drew moved to accept the minutes of the December 20, 2017 meeting. Ms. Hunter seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Mr. Hoser noted that the annual Federation of State Medical Boards (FSMB) conference will be taking place in April, and that he and Ms. Hunter will be attending.

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

Mr. Herlihy provided a brief update on the status of the license and certification renewal period for Physician Assistants, Anesthesiologist Assistants and

Radiologist Assistants. He noted that out of approximately 400 PAs, only 57 have renewed their license, with 170 more submitted and requiring additional information. The renewal period will conclude on January 31, 2018.

Mr. Herlihy discussed with the Board a request from the Commissioner of the Department of Health to fund continuing education seminars for the treatment of Lyme Disease. Prior Commissioner Harry Chen, MD had agreed for VDH to sponsor the training at a cost of \$6000 per year, and the Board agreed to provide the funding for two years. Mr. Herlihy stated that the Board is receiving a request to fund the training for an additional two years and asked members for their comments or concerns. Members inquired of the effectiveness of the training and Mr. Herlihy noted that evaluations have been very positive, but there has not yet been specific analysis of whether or not the evidence-based information is having an impact in Vermont. Mr. Herlihy also stated that, previously, the Board had a direct interest in this topic since there has been no identified Standard of Care.

Dr. Liebow made a motion to support funding of the seminar for the Treatment of Lyme Disease for one more year in the amount not to exceed \$6000, with the understanding that any future funding of trainings should be evaluated and should not be limited to this subject, and, furthermore, VDH shall consider other sources of funding for future trainings. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Herlihy asked Ms. LaFond to provide an update on the iPads. Ms. LaFond stated that the iPads have been ordered and she hopes they will be shipped this month to disseminate to the members at subsequent meetings.

Mr. Herlihy reminded members to submit their expense reports.

## **6. Presentation of Applications:**

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.

## **7. Presentations to the Board:**

None

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

- **In re: Melanie Mary Canon, MD – MPC 014-0116 – 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 to approve the Stipulation and Consent Order. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

○ **In re: Tracy S. Maurer, MD – MPC 089-0516 – Notice of Entry Order**

Mr. Belcher and Ms. Diederich addressed the Board, summarizing the facts leading up to the Notice of Entry Order. Ms. McClain made a motion to approve the Stipulation and Consent Order. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and Central Investigative Committee.

**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. Ms. McClain made a motion at 12:45 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 1:15 p.m. to return to Open Session. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Hayward made a motion at 1:23 p.m. to return to Executive Session to continue the discussion of confidential matters related to investigations. Ms. McLain 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:**

Dr. Hayard made a motion at 1:49 p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 147-0817 – Special Letter #1  
MPN 163-1017 – Letter #1  
MPN 146-0817 – Special Letter #1  
MPN 024-0317 – Special Letter #1  
MPN 153-1017 – Letter #1; Dr. Payne recused  
MPN 103-0617 – Special Letter #1; Dr. Payne recused

Ms. McLain 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.

**Dr. Clattenburg, Central Investigative Committee, asked to close:**

MPC 119-0717 – Special Letter #1; Dr. Hayward recused  
MPC 139-0817 – Letter #1; Dr. Reich recused  
MPC 145-0817 – Special Letter #1; Dr. Sproul recused  
MPC 125-0717 – Letter #1; Dr. Reich recused  
MPC 047-0417 – Letter #1; Dr. Sproul recused

Ms. McClain made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: 3 and Central Investigative Committee.

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

MPS 155-1017 – Special Letter #1  
MPS 094-0617 – Special Letter #1; Dr. Sproul recused

Mr. LeCours made a motion to close the cases presented. Dr. Payne 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:**

- **Future of Physician Assistant Practice** – The Physician Assistant Academy of Vermont has asked the Board to participate in a panel discussion of an initiative from the American Academy of Physician Assistants that proposes revision to PA status. Their proposal is referred to as Optimal Team Practice, or OTP. More information about OTP is available on the AAPA website at: <https://www.aapa.org/advocacy-central/optimal-team-practice/>.

Mr. Herlihy requested member comments and thoughts to provide some initial reactions to be shared with PAAV and the attendees of their winter meeting. Topics of discussion focused on the current environment where the practice models have changed, but the role of the supervising physician and the supervising relationship with the physician assistant has not; positive impact of increased access to health care with more PAs practicing, especially in rural areas; the concept of increasing educational or training requirements in order to transition into independent practice, in a graduated model; and a sense of support of the members to reexamine PA regulation with the caveat of requiring additional training and/or experience as a condition of more independent practice. Members did not support the AAPA proposal to have separate PA boards.

- **Topics That Might Be Addressed By Policy and/or Rule Amendment.**

- The first involves examinations and procedures that include a need to disrobe or that include touching, treating, or viewing the patient's genitalia, anus, buttocks, (female) breasts, or closely adjacent areas.

Mr. Herlihy asked Board members for input regarding establishing guidelines or a policy regarding the offering of chaperones, the use of gloves, and communication with the patient in advance of such actions. After discussion of this topic, members agreed to establish a workgroup of members to research, develop and propose guidelines or a policy for the full Board to consider. Members of this workgroup include: Ms. McClain, Mr. Hoser, Dr. Hayward and Dr. Payne.

- The second topic of discussion focused on whether or not the Board should establish guidance on medical recordkeeping standards for elective treatments or procedures that fall within the scope of the definition of "practice of medicine," but that generally are considered cosmetic or esthetic in nature, and often are performed by unlicensed staff as a task delegated by a medical professional.

Members agreed that it would be helpful to licensees and the public if there was clarity on the minimal expectations for medical treatments for the purpose of promote best practices, and suggested this be a topic for an article in the next newsletter.

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

- **January 11, 2018, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, Conference Room 2C, Burlington, VT**
- **January 12, 2018, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **January 17, 2018, 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 17, 2018, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **February 7, 2018, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **February 7, 2018, 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 3:08 p.m.

**Attachments: Appendix A**

## APPENDIX A

### Presentation of Applications

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

Abigail Adams, MD	David Auer, PA-C	Ezra Bashaw, PA-C
Kathleen Geary, MD	Kristen Gerjevic, MD	Rosita Hermann, MD
Kinila Mohan, MD	Katelin Morrissette, MD	Sharon Nachbauer, PA-C
Macaulay Onuigbo, MD	Teresa Parrott, MD	Marc-Oliver Ratte, MD
Holly Rochefort, MD	Chantal Roy-Hewitson, MD	Paige Savage, MD

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

**Mr. Hoser moved for the issuance of limited temporary licenses to practice medicine for:**

Devin Gillaspie, MD

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