

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the May 2, 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:**

Richard Bernstein, 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 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 April 4 and April 18, 2018 Board Meetings:**

Dr. Hayward moved to accept the minutes of the April 4, 2018 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. LeCours moved to accept the minutes of the April 18, 2018 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Mr. Hoser noted that he and Ms. Hunter attended the Federation of State Medical Boards (FSMB) annual conference, and they will prepare a presentation to present at the next monthly meeting.

Mr. Hoser thanked all of the members for their dedication and participation on the Board.

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

Mr. Herlihy reminded members to submit their quarterly expense sheets for January through March and noted that the end of the state fiscal year is June 30<sup>th</sup>.

Mr. Herlihy provided a brief update on the license renewal cycle for the Limited Training Licenses: 84 new applicants, with 66 fully processed, and approximately 200 LTL licenses to renew by June 30<sup>th</sup>.

Mr. Herlihy noted that he and Ms. LaFond will be working with the Communications Division at the Department of Health to improve the Health Professionals web page. They are also hoping to improve accessibility of the Board's website.

Mr. Herlihy noted that he is planning out the next newsletter and is considering the following topics for articles: Interstate Medical Licensure Compact and other new legislation; an update on the National Transportation Safety Board regulations; Social Determinants of Health, which has recently gained interest from the American College of Physicians; information about the VDH Alcohol and Drug Abuse Prevention resource web page on opioid prescription issues; and a Physician Wellness Corner to include information about burnout prevention and mindfulness practices. He asked members to submit other ideas and hopes this edition will go out in July or August.

Mr. Herlihy also asked members to start thinking about topics for the annual Board retreat for September. Ms. Nenninger suggested members consider topics of interest to have guests or speakers come to present. Initial suggestions included: standard of care for long term prescribing of opioids; stimulant use disorders; medical marijuana; bedside point of care ultrasounds.

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

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. Presentations to the Board:**

None

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

- **In re: James M. Cartwright, AA-C – MPC 161-1015 – Stipulation and Consent Order**

Mr. Belcher and Ms. Diederich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Hayward made a motion to approve the Stipulation and Consent Order. Mr. Hoser seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

- **In re: Mark. S. Harris, MD – MPN 142-0817 – Stipulation and Consent Order**

Mr. Belcher and Ms. Diederich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Clattenburgh made a motion to approve the Stipulation and Consent Order. Mr. Jenkins seconded the motion. The motion passed; opposed: 1; abstained: none; recused: North 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. Dr. Liebow made a motion at 12:46 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Clattenburgh 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. Liebow made a motion at 1:19 p.m. to return to Open Session. Dr. Bernstein seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 016-0218 – Letter #1; Dr. Payne recused  
MPN 025-0318 – Letter #1  
MPN 162-1116 – Letter #1  
MPN 151-0917 – Letter #1; Dr. Reich recused  
MPN 001-0118 – Dr. Liebow recused

Dr. Clattenburgh made a motion to close the cases presented. Dr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: 3 and North Investigative Committee.

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

MPC 014-0218 – Letter #1  
MPC 174-1117 – Letter #1  
MPC 175-1117 – Letter #1  
MPC 015-0218 – Letter #1; Dr. Sproul recused

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

## 11. Other Business:

- **Discussion and Possible Vote to Approve Board Recommendations with Regard to Intimate Exams. A copy of the revised draft with changes reflecting the discussion at the April Board meeting is attached.**

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 state he would share the updated draft at the next meeting.

- **Bill of Interest – S.216:** An act relating to the administration of Vermont's Medical Marijuana Registry.

Mr. Herlihy discussed issues of interest to the Board, including 18 VSA § 4474(b), which currently prohibits disciplining a licensee who commits unprofessional conduct by falsifying information on documentation for a medical marijuana registry program application. Members agreed that it would be better to have an avenue to address such violations.

Members also reviewed and considered feedback provided by the Vermont Medical Society regarding sections 3 and 4 of the proposed legislation.

Section 3 proposes to expand the definition of “debilitating medical conditions” to “other disease, condition, or treatment as determined in writing by a qualifying patient’s health care professional.” Members discussed concerns about the implications of recommending or prescribing marijuana, and having legislation that implies physicians have a legal obligation to prescribe marijuana as a treatment for “any other” conditions.

The language in Section 4 as proposed: “The use of marijuana by a registered patient shall not disqualify the patient from any needed medical procedure or treatment, including organ and tissue transplants.”

Mr. Herlihy asked members for guidance and input for representing the board’s position on this issue in testimony on to the House Human Services

Committee on May 3, 2018. The members proposed and approved the following motions:

Mr. LeCours made a motion to request amendment of 18 VSA § 4474(b), regarding the proposed exemption from criminal and civil penalties, to allow the board to discipline licensees who have been found to have engaged in unprofessional conduct. Dr. Sproul seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Hayward made a motion to oppose the language proposed in Section 4 of 18 VSA § 4474c (g). Dr. Sproul seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Payne made a motion to oppose expanding the list of medical conditions as proposed in Section 3 of 18 VSA § 4472 4(c). Mr. LeCours seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

- Dr. Liebow shared with members that he recently participated in the annual meeting of the Federation of Podiatric Medical Boards by call in. He noted that 13 states attended and topics of interest included an interstate podiatric licensure compact, similar to the medical licensure compact recently approved by the Vermont legislature, and the North Carolina FTC ruling. He was proud of to participate and represent Vermont at this meeting.

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

- **May 10, 2018, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 2C, Burlington, VT**
- **May 11, 2018, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **May 16, 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)**
- **May 16, 2018, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **June 6, 2018, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

- **June 6, 2018, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**13. Open Forum:**

None

**14. Adjourn:**

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

**Attachments: Appendix A**

## APPENDIX A

### Presentation of Applications

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

Steven Albert, MD	Ariel Bensimhon, MD	Audrey Butcher, MD
Lindsay Clarkson, MD	Ana Echenique, MD	Brett Erdreich, MD
Jed Freeman, MD	Michele Goodbread, PA-C	Amos Hare, PA-C
Charles Hopley, MD	Michael Hurtado, MD	Danielle Jasinski, PA-C
Janice Johnston, MD	Sagar Kadakia, MD	Maximilian Klein, MD
Evadne Marcolini, MD	Allan Marks, MD	Lauren Miller, MD
Carolyn Orgain, MD	Cydney Parker, MD	Khola Qamar, MD
Daniel Ramirez, PA-C	Peter Schroer, MD	Larry Sonna, MD
Beth Vermont, MD	Emily Zeitler, MD	

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

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

Brett Giblin, MD	Karen Halldorsdottir, MD	Justin Jones, MD
Christina Lisakos, MD	Ann Novak, MD	Andre Sheridan, MD
Luke Silveira, MD	Laura Van Leuven, MD	

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