

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the November 1, 2017 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

**Members Present:**

Richard Bernstein, MD; 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; 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.; Hannah Hauser, Program Manager, VDH; Nicole Rau, VDH Prescription Drug Overdose Prevention Manager.

**2. Public Comment:**

None

**3. Approval of the Minutes of the October 4 and October 18, 2017 Board Meetings:**

Dr. Liebow moved to accept the minutes of the October 4, 2017 meeting. Mr. Jenkins seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Jenkins moved to accept the minutes of the October 18, 2017 meeting. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Mr. Hoser noted that he attended the Federation of State Medical Boards workgroup for Prescription Drug Monitoring Programs (PDMP) in Washington, DC on September 8<sup>th</sup>. The charge of the workgroup is to: 1) evaluate the impact of mandatory PDMP query on patient outcomes and the prescribing of controlled substances; 2) evaluation of challenges to increasing PDMP utilization, including, but not limited to: authority to access, currency of data, EMR integration and

interoperability; and 3) develop recommendations to state medical and osteopathic boards regarding physician utilization of PDMPs, including recommendations regarding mandatory query. Mr. Hoser stated that a draft report will be circulated to all member boards for comment prior to being sent to the House of Delegates at the Annual Meeting.

He also encouraged the members to consider participating in other opportunities to serve on FSMB committees and workgroups, and that the deadline to submit interest is December 29<sup>th</sup>. He noted that the Board's former Chair, Dr. King, will be taking over as FSMB Chair beginning in April 2018 and that service with FSMB will be a way to support her.

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

Mr. Herlihy reminded members to submit their expense sheets for the third calendar quarter, July, August, and September, if they have not done so already.

Mr. Herlihy noted that the Central Investigative Committee meeting was moved to November 3<sup>rd</sup> due to state offices being closed in recognition of Veteran's Day.

Mr. Herlihy informed members that the license and certification renewal period for Physician Assistants, Anesthesiologist Assistants and Radiologist Assistants has begun. For this renewal period, all documentation will be submitted at the same time to reduce the burden on staff to track pieces for the applications. Also, the CME requirement for PAs who hold a DEA registration to take at least two hours of CME on safe prescribing of controlled substances is not in effect for this renewal cycle because it is became effective only two weeks before renewal, but it will be a requirement of the 2020 license renewal cycle.

Mr. Herlihy recently attended the annual AIM Executive Directors meeting in Memphis, TN. He participated as a member of the Board of Directors in strategic planning. There was a focus on educational offerings, including the certification program for board investigators and a new program to provide certification for licensing staff. He also shared that he taught at the Executive Director's Academy for new Executive Directors. There was discussion about anti-trust laws and mitigating the impact of the US Supreme Court decision in the North Carolina Board of Dental Examiners case, and Dr. Gold from the University of Michigan spoke about physician burnout, suicide and depression. Mr. Herlihy stated that her presentation was very informative and would like to share it with the Board at the January or February meeting.

#### **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: VPMS Update**

Hannah Hauser, Program Manager for the Vermont Prescription Monitoring System (VPMS) provided the Board with an update on VPMS. There have been many changes, including the recent migration to a new platform, which resulted in changes for staff and users of the system, as well as new rules for VPMS that became effective July 1, 2017. There will also be a transition to a new interface for users in November, which will give the system a different appearance. There was discussion of the new quarterly reports on prescribing activity, which now include statistics on a county level, by county of residence of the patient. She informed members that users of the system can now query Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, and Rhode Island. An additional enhancement coming in late 2017 is the addition of clinical alerts to prescribers to call to their attention prescriptions that may indicate a problem. There was extensive discussion about how to best use the system and some of the technical limitations that impact use for interstate searches

Nicole Rau, VDH Prescription Drug Overdose Prevention Manager, provided an overview of the Health Department efforts to support prescribers and pharmacists to reduce overdose of controlled substances. In improving practices surrounding controlled substances. Members were especially interested in the work on practice improvement with Dr. Charles MacLean of UVM. Members were encouraged to pass on any suggestions for additional programs that VDH might consider.

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

### **o In re: George A. Idelkope, MD – MPN 066-0517 – Stipulation and Consent Order**

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

### **o In re: Kellie Michelle Marlow, PA-C – MPS 150-0917 – Stipulation and Consent Order**

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

Mr. Hoser presented the application for physician assistant licensure of Kellie Michelle Marlow, PA-C for board consideration. Mr. LeCours made a motion to approve Ms. Marlow's application for physician assistant licensure. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

**9. Reconvene meeting; Executive Session to Discuss:**

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

Ms. McClain made a motion at 2:10 p.m. to enter into Executive Session to discuss confidential matters related to investigations. Ms. Hunter seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

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

Ms. McClain made a motion at 2:19 p.m. to return to Open Session. Dr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

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

MPN 118-0717 – Special Letter #1  
MPN 131-0717 – Special Letter #1

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

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

MPC 144-0817 – 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: Central Investigative Committee.

**Ms. McClain, South Investigative Committee, asked to close:**

MPS 037-0417 – Special Letter #1  
MPS 149-0817 – 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: South Investigative Committee.

## 12. Other Business:

**PA MAT Prescribing and Supervision** – Mr. Herlihy explained that the Board recently received a letter sent jointly by the American Academy of Physician Assistants, the American Association of Nurse Practitioners, and the American Society of Addiction Medicine regarding the recent change to federal law that authorizes prescribing buprenorphine for medication-assisted treatment (MAT) for addiction by PAs and APRNs. The letter encouraged boards to communicate with licensees about this authorization for MAT. The last newsletter included an announcement about PAs and APRNs being able to obtain an “X-license” to prescribe buprenorphine. However, the letter also encouraged boards to allow PAs to be supervised in MAT prescribing by physicians who do not themselves hold an X-license to prescribe buprenorphine. Mr. Herlihy reminded members that an announcement in the newsletter included guidance that a PA who prescribes buprenorphine must be supervised by a physician who prescribes buprenorphine. He added that the guidance was based on the statutory and rule provisions that limit PAs to engaging in practice within their supervisors’ scopes of practice, and that in his view the Board would need to look into modification of the law and Board rules if members wanted to allow PAs to prescribe buprenorphine without supervision by an X-license holder. No members expressed interest in investigating changes that would allow the Board to change the guidance on PAs prescribing buprenorphine.

**Vermont Practitioner Health Program** – Mr. Herlihy reminded members that a meeting has been scheduled for November 9 between the Liaison Committees of the Board and the Program. The members of the Board appointed to the ad hoc VPHP Liaison Committee are: Dr. Bernstein, Dr. Burgee, Mr. Evans, and Mr. LeCours. Members were invited to share input about agenda items or concerns with him and the Liaison Committee members.

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

- **November 9, 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**
- **November 3, 2017, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **November 15, 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)**

- **November 15, 2017, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **December 6, 2017, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **December 6, 2017, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**14. Open Forum:**

**15. Adjourn:**

Mr. Hoser declared the meeting adjourned at 3:00 p.m.

**Attachments: Appendix A**

**APPENDIX A**

**Presentation of Applications**

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

Aditya Ancha, MD	Robert Belniak, MD	Lisa Hosea, MD
Alexandar Jovanovich, MD	Jeffrey Kellogg, PA-C	Ruth Lininger, MD
Karla Martinez-Dulmer, MD	Stacey McKenna, AA-C	Amy Neal, PA-C
Phong Phan, MD	Alan Pratt, MD	Donald Sawyer II, MD
Malcolm Schinstine, MD	Robert Spencer, MD	Eric Wesphal, PA-C
Laura Westphal, PA-C	Eric Williams, MD	

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

**Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:**

Lauren Gamble, MD	Zachary Phillips, MD	Erika Sadeghi, MD
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Recommended by Dr. Hayward for licensure. Seconded by Dr. Liebow. The motion passed; opposed: none; abstained: none; recused: none.