

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the October 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

**Members Present:**

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Faisal Gill; Robert G. Hayward, MD; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Harvey Reich, MD; Ryan Sexton, MD; Marga Sproul, MD.

**Others in Attendance:**

David Herlihy, Executive Director; Paula Nenner, Investigator; Scott Frennier, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG.

**2. Public Comment:**

None

**3. Approval of the Minutes of the September 6 and September 20, 2017 Board Meetings:**

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

Dr. Reich moved to accept the minutes of the September 20, 2017 meeting. Dr. Bernstein seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Mr. Hoser mentioned that Patricia King, MD would like to come to a board meeting within the next few months to give members an update on news from the Federation of State Medical Boards (FSMB).

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

Mr. Herlihy asked Ms. LaFond to provide an update on the iPads used by the Board members. Ms. LaFond advised that the iPad 2 is unable to accept the recent IOS 11.0 update, which will impact the security of the devices. She conducted a straw poll of members as to their preferences for what kind of device

they would prefer for conducting Board business. Mr. Herlihy and Ms. LaFond advised that they will further investigate what can be purchased for member use.

Mr. Herlihy provided a brief update on contracts, noting the amendment to the Vermont Medical Society (VMS) VPHP was completed on September 30, and the contract for George Belcher, Presiding Officer, is in the process of being renewed. Mr. Herlihy stated that he's working on scheduling the VPHP Liaison meeting and thanked the volunteers who will make up the Committee, Dr. Bernstein, Dr. Burgee, Mr. Evans, and Mr. LeCours.

Mr. Herlihy informed members that the Board processed the first application for a fee waiver of the MD licensing fee based upon practice being limited to the Medical Reserve Corps. This basis for fee waiver was added to the law during the 2017 legislative session.

Mr. Herlihy noted that he will be out of the office on Monday, 10/9, and Tuesday, 10/10, at the annual AIM conference for Medical Board Executive Directors.

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

- **In re: Richard W. Graham, MD – MPN 089-0914 – Petition for Relief from Conditions**

Ms. Deiderich addressed the Board, summarizing the facts leading up to the Petition for Relief from Conditions. Mr. Hoser made a motion to approve the Request for Relief from Conditions. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

- **In re: Maria Clough, PA-C – Licensing Matter – Stipulation and Consent Order**

Ms. Vincent addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Clattenburg made a motion to approve the Stipulation and Consent Order for a Conditioned Reentry to Practice. Dr. Reich seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Ms. Hunter made a motion to approve the application for medical licensure

of Maria Clough, PA-C. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

- **In re: Scott Durgin, MD – Licensing Matter – Petition for Relief from Conditions**

Ms. Vincent addressed the Board, summarizing the facts leading up to the Petition for Relief from Conditions. Dr. Drew made a motion to approve the Request for Relief from Conditions. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

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

Dr. Liebow made a motion at 12:53 p.m. to enter into Executive Session to discuss confidential matters related to investigations. Mr. Gill seconded the motion. The motion passed; opposed: none; abstained: none; recused: none

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

Mr. Gill made a motion at 2:10 p.m. to return to Open Session. Dr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

MPN 137-0817 – Letter #1  
MPN 109-0617 – Special Letter #1  
MPN 117-0717 – Letter #1  
MPN 075-0517 – Special Letter #1  
MPN 088-0617 – Special Letter #1  
MPN 076-0517 – Special Letter #1  
MPN 102-0617 – Letter #1  
MPN 111-0617 – Special Letter #1  
MPN 110-0617 – Special Letter #1

Dr. Clattenburgh 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 092-0617 – Special Letter #1  
MPC 105-0617 – Special Letter #1

MPC 033-0317 – Special Letter #2  
MPC 124-0717 – Letter #1  
MPC 122-0717 – Letter #1  
MPC 098-0617 – Letter #1; Dr. Sproul recused  
MPC 055-0417 – Letter #1  
MPC 101-0617 – Letter #1; Dr. Sproul recused  
MPC 056-0417 – Letter #1  
MPC 123-0717 – Letter #1

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

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

MPS 126-0717 – Special Letter #1  
MPS 136-0817 – Letter #1  
MPS 114-0717 – Special Letter #1  
MPS 121-0717 – Letter #1; Dr. Sproul recused  
MPS 132-0717 – Special Letter #1  
MPS 077-0517 – Special Letter #1  
MPS 029-0317 – Special Letter #2; Dr. Sexton recused  
MPS 003-0117 – Special Letter #2  
MPS 120-0717 – Letter #1  
MPS 104-0617 – Letter #1; Dr. Sproul recused  
MPS 068-0517 – Special Letter #1; Dr. Sproul recused

Mr. LeCours made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and South Investigative Committee.

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

None

**11. Other Business:**

Ms. Hunter spoke to members about her recent experience at a presentation by the National Board of Medical Examiners (NBME) where she was able to observe an exam being administered. She encouraged other members to attend one if they get a chance because she felt it was very informative.

Mr. Herlihy thanked everyone who submitted their expense reports and requested other members to submit their expenses in a timely manner.

Mr. Herlihy informed members of a recent request regarding direct notification of Board actions to a member of the public and asked the Board for guidance on whether the Board's practice should be modified. This arose because of a request from a member of the public to be notified by email of Board actions. The requester noted that California offers this service, and Mr. Herlihy verified that the California Medical Board website offers a sign-up for such a service. Members were advised that the Board does not do this now, but does offer the option of requesting to be on a distribution list to receive a copy of the Board's agenda, which includes the proposed orders. Members discussed the matter; no motion to modify the current practice for notification of board actions was offered.

Mr. Herlihy reviewed the recent reports provided by the Vermont Prescription Monitoring Program (VPMS) and asked members for their input about the data. Dr. Sexton asked if it would be possible to obtain reports that exclude prescriptions written by out-of-state prescribers. Dr. Reich asked about getting reports that reflect data about the patient's age.

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

- **October 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**
- **October 13, 2017, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **October 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)**
- **October 18, 2017, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **November 1, 2017, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **November 1, 2017, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**13. Open Forum:**

**14. Adjourn:**

Mr. Hoser declared the meeting adjourned at 2:40 p.m.

**Attachments: Appendix A**

**APPENDIX A**

**Presentation of Applications**

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

Whittney Barkhuff, MD	David Cleary, MD	Richard Davies, PA-C
Michael Fuller, MD	Elizabeth Habersfeld, MD	Leah Hillier, MD
Karen Hoover, MD	Elaine Khatod, MD	James Nuttall, MD
Judith Ritzholz, MD	Margaret Spottswood, MD	Joshua Torres-Cruz, MD
Laura Yard, MD	Michael Young, MD	

Recommended by Mr. Gill for licensure. Seconded by Mr. LeCours. The motion passed; opposed: none; abstained: none; recused: none. (Note that Maria Clough, PA-C, was granted a license as reflected at paragraph 7 of the minutes.)

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

Tracy Bras, MD	Priya Kateri, MD	David Sargent, MD
Thai Trinh, MD		

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