**VERMONT BOARD OF MEDICAL PRACTICE  
Minutes of the November 3, 2021 Board Meeting  
*108 Cherry Street, Burlington, VT   
and remote via Teams***

**Unapproved**

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

Richard Bernstein, MD, Chair, called the meeting to order at 12:03 PM

**Members Present:**

Brent Burgee, MD; Richard Clattenburg, MD; Gail Falk; Francis Heald; Rick A. Hildebrant, MD; Patricia Hunter; Suzanne Jones, PA-C; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Marga Sproul, MD; Margaret Tandoh, MD; Robert E. Tortolani, MD.

**Others in Attendance**

David Herlihy, Executive Director; Paula Nenninger, Investigator; Scott Frennier, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Megan Campbell, AAG; Kurt Kuehl, AAG; Bill Reynolds, AAG; Brad Salzman, PA-C.

1. **Approval of the Minutes of the October 6 and October 20, 2021 Board Meetings:**

Ms. McClain moved to accept the minutes of the October 6, 2021 meeting. Dr. Tortolani seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Tortolani moved to accept the minutes of the October 20, 2021 meeting. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

1. **Board Issues (Dr. Bernstein):**

Dr. Bernstein asked Mr. Herlihy to give an update on board member issues.

1. **Administrative Updates (Mr. Herlihy):**

Mr. Herlihy informed members that Ryan Sexton, MD notified him that he will need to step down from the Board and hopes to attend the December meeting to say farewell.

Mr. Herlihy provided an update on the recruitment process for the part-time position. A job offer was made to a candidate and although she had accepted initially, she recently declined due to travel expense concerns to Burlington.

Mr. Herlihy noted that state employees are returning to state offices this month. Board staff will start with approved hybrid schedules next week and the office will be staffed and open daily.

1. **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.

Dr. Bernstein moved for the issuance of physician licenses and physician assistant licenses. (See Appendix A)

Dr. Tortolani made a motion to accept all applicants for licensure as presented. Seconded by Dr. Payne. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Bernstein moved for the issuance of limited temporary licenses to practice medicine. (See Appendix A)

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

1. **Other Business:**
   * **VPHP Liaison Committee:** Mr. Herlihy noted that the Board and VPHP have scheduled a virtual meeting to discuss issues of mutual interest from 4:30 p.m. to 5:30 p.m. on Monday, December 13. Four members have volunteered to participate and Mr. Herlihy encouraged members to contact him if there are issues they would like the Liaison Committee to raise at the meeting.
   * **Position Statement on Unprofessional Conduct and COVID-19:** At the October meeting, the Board passed a motion calling for a position statement on unprofessional conduct related to COVID-19. Mr. Herlihy asked members for edits or input on the proposed statement. After noting minor grammatical edits, members were satisfied with the position statement.

Ms. McClain made a motion to accept the Position Statement on Unprofessional Conduct and COVID-19 with the noted edits. Ms. Falk seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

* + **Application for Doctoral-Level Psychologists to Have Prescribing Authority:** Mr. Herlihy informed members that an application dated September 30, 2021 was filed with OPR to begin a process to seek legislation that would authorize doctoral-level psychologists to prescribe psychiatric pharmaceuticals. OPR notified the Board of the application by email on October 27. The first public meeting on the application was held on September 29 and another will be held on November 9. Mr. Herlihy asked members if the Board should take a position and, if so, what they would like to include.

Mr. Herlihy noted that the Vermont Medical Society, the Vermont Psychiatric Association and the American Psychiatric Association uniformly opposed the proposal for doctoral-level psychologists to prescribe psychiatric pharmaceuticals.

Members discussed concerns regarding the training, medication interactions, potential for incomplete drug information, and not considering the whole patient. Psychiatrists rely on broader medical training and medical school curriculum of physical diseases that can manifest in behavioral or mental health problems that need attention. One member noted that psychologists sometimes make recommendations to physicians regarding drugs they believe should be prescribed to their psychology patients and that frequently the recommended drug would be inappropriate and dangerous for the patient.

Members asked if there have been any studies or statistics of harm to patients regarding inappropriate prescribing of psychologists. Mr. Herlihy noted it is difficult to quantify reported incidents, but there is some information that may be useful to reference.

Mr. Herlihy explained that the process taking place now is only for the purpose of OPR collecting information and input and making a report of its preliminary assessment of the change to the scope of practice requested. Regardless of the outcome of this preliminary assessment, it is only through legislation that a change can be made. Thus, this will not be the only opportunity for the Board to provide its input. He then asked members if they wished to issue a formal motion.

Mr. LeCours made a motion to oppose applications presented by doctoral-level psychologists for prescribing authority. Dr. Tortolani seconded. The motion passed; opposed: none; recused: none; abstained: Ms. Falk.

1. **Reconvene meeting; Executive Session to Discuss:**
   * **Investigative cases recommended for closure**
   * **Other matters that are confidential by law, if any**

Dr. Hildebrant made a motion at 1:25 PM to go into Executive Session to discuss confidential matters related to investigations. Dr. Tortolani seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Hildebrant made a motion at 2:10 PM 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 023-0121 – Letter #1

MPN 104-0821 – Special Letter #1

MPN 030-0321 – Letter #1

MPN 113-0821 – Special Letter #1

MPN 114-0821 – Special Letter #1

MPN 121-0821 – Special Letter #1

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

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

MPC 100-0821 – Special Letter #1; Dr. Tandoh recused

MPC 101-0821 – Special Letter #1

MPC 094-0821 – Letter #1

MPC 095-0821 – Letter #1

MPC 107-0821 – Special Letter #1

MPC 119-0821 – Special Letter #1; Dr. Tandoh recused

MPC 123-0821 – Special Letter#1

MPC 130-0821 – Special Letter #1

MPC 013-0121 – Letter #1

MPC 076-0721 – Special Letter #1

MPC 149-0921 – Special Letter #1

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

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

MPS 097-0821 – Special Letter #1; Dr. Sproul recused

MPS 098-0821 – Special Letter #1

MPS 110-0821 – Special Letter #1; Dr. Payne recused

MPS 131-0821 – Special Letter #1

MPS 026-0121 – Special Letter #2

MPS 042-0421 – Special Letter #2

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

1. **Board Actions on Committee recommendations regarding any non-confidential matters:**

None

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

* **November 12, 2021, Central Investigative Committee Meeting, 9 AM, *108 Cherry Street, Burlington, VT and remote via Teams***
* **November 17, 2021, Board Meeting on pending applications, 12:10 PM November 17, 2021, , *108 Cherry Street, Burlington, VT and remote via Teams***
* **South Investigative Committee Meeting, 12:15 PM, *108 Cherry Street, Burlington, VT and remote via Teams***
* **November 18, 2021, North Investigative Committee Meeting, 9 AM, *108 Cherry Street, Burlington, VT and remote via Teams***
* **December 1, 2021, Licensing Committee Meeting, 11:00 AM, *108 Cherry Street, Burlington, VT and remote via Teams***
* **December 1, 2021, Board Meeting, 12:00 PM, *108 Cherry Street, Burlington, VT and remote via Teams***

1. **Open Forum:** Mr. Herlihy mentioned that he heard Dr. Hildebrant speaking about COVID-19 efforts in Vermont on national news during All Things Considered.
2. **Adjourn:** Dr. Bernstein declared the meeting adjourned at 2:30 PM.

**APPENDIX A**

**Presentation of Applications**