

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the August 3, 2022 Board Meeting
108 Cherry Street, Burlington, VT
and remote via Teams

Unapproved

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

Saran McClain, Chair, called the meeting to order at 12:23 PM.

Members Present:

Richard Bernstein, MD; Maureen Bogosian; Brent Burgee, MD; Richard Clattenburg, MD; Gail Falk; Matt Greenberg, MD; Rick A. Hildebrant, MD; Patricia Hunter; Suzanne Jones, PA-C; Leo LeCours; David Liebow, DPM; Christine Payne, MD; Marga Sproul, MD; Robert E. Tortolani, MD.

Others in Attendance

David Herlihy, Executive Director; Paula Nenninger, Investigator; Karen LaFond, Operations Administrator; Kelly Lawler, Administrative Services Tech IV; Justin Sheng, AAG; Megan Campbell, AAG; Kurt Kuehl, AAG; Bill Reynolds, AAG; George Belcher, Esq., David Smith, MD.

2. Convene hearing to discuss any stipulations or disciplinary matters that are before the Board:

In re: David Smith, MD – Stipulation and Consent Order for Licensure – Licensing Matter

Mr. Sheng addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order for Licensure. Dr. Hildebrant made a motion to approve the Stipulation and Consent Order for Licensure. Ms. Falk seconded the motion.

Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein, Mr. LeCours, Ms. McClain, Dr. Sproul, Dr. Burgee, Ms. Bogosian, Dr. Clattenburg, Ms. Falk, Dr. greenburg, Dr. Payne, Dr. Hildebrant, Ms. Hunter, Dr. Liebow, Ms. Jones, Dr. Tortolani; Opposed: none; Abstained: none; Recused: None.

3. Approval of the Minutes of the July 6, 2022 Board Meetings:

Dr. Tortolani moved to accept the minutes of the July 6, 2022 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Ms. McClain):

Ms. McClain again asked members to consider serving on the two ad hoc subcommittees: Diversity, Equity, and Inclusion (DEI) and Telemedicine. Ms. McClain, Dr. Sproul, and Dr. Tortolani have volunteered for DEI; Dr. Hildebrant, Ms. Jones, and Ms. Hunter have volunteered for Telemedicine. She noted that it would be desirable to have more than 3

members on each committee and encouraged those who are interested to contact her or Mr. Herlihy to sign up for one before the meetings are scheduled.

Members and staff took a moment to recognize Ms. LaFond, who has accepted a position in the Health Department Operations Division. As the meeting was her last day with the Board, many expressed their appreciation for her work and her support for over a decade.

5. Administrative Updates (Mr. Herlihy):

Mr. Herlihy noted that the newsletter email was sent to all licensees since the July meeting. Ms. LaFond shared data about how the email was received:

- The email was sent to 5737 licensees.
- 3211 (58.1%) opened the newsletter
- 82.5% opened it on a desktop
- 17.5% opened it on a mobile device
- 568 clicks on the CME article
- 375 clicks on the Board Rules Highlights article
- 162 clicks on the Board Rules

Mr. Herlihy informed members that the Board is being reviewed by the Sunset Advisory Commission this year. The Sunset Advisory Commission is made up of four Legislators and two public members and its role is to examine all State of Vermont boards and commissions on a rotating basis. All boards and commissions associated with the Health Department are being reviewed this year. Answers will be submitted to a standard set of 10 questions and Mr. Herlihy will appear for the Board at a meeting on August 22nd.

Ms. LaFond's position has been posted. Applications will be accepted through August 14.

6. Presentation of Applications:

Applications for physician, physician assistant, podiatric and limited temporary physician licensure were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

Ms. McClain called for a motion for the issuance of physician licenses and physician assistant licenses. (See Appendix A)

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

Ms. McClain called for a motion for the issuance of limited temporary licenses to practice medicine. (See Appendix A)

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

7. Other Business:

- **VPHP Liaison Meeting** - Members were asked to consider taking part in a VPHP Liaison Meeting in September at a time and date to be determined. The last meeting took place in December 2021. Ms. McClain, Dr. Bernstein, Ms. Hunter, and Dr. Tortolani participated. All members are welcome to take part and all are asked to submit any topics they would like to have brought up at the meeting. An email will be sent reminding members of the opportunity to attend this virtual meeting and to submit topics or concerns. Mr. Herlihy shared that he has already brought up one topic for this meeting with Jessa Barnard. That is clarification of the process to be used when an Investigation Committee makes a recommendation for a licensee who is under investigation to consider VPHP as a resource for assistance contending with the stress of being under investigation. That happens at times and in a recent case there seemed to be some confusion about the process.
- **Laser Tattoo Removal** – a recent investigation served as a reminder that there is no specific regulation in Vermont of the use of lasers for tattoo removal and that the only control on the practice is the prohibition on unlicensed practice of medicine. Mr. Herlihy provided some background about the issue.
 - i. The devices used for laser tattoo removal are regulated by the FDA as medical devices.
 - ii. The Board passed a motion on use of lasers on July 3, 2013 to say: “the use of lasers/pulsed light devices, or other energy source, chemical, or modality that affects living tissue, for the purpose of correcting or treating a disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition constitutes the practice of medicine under Vermont law, 26 VSA § 1311.”
 - iii. The Board had a presentation on medical use of lasers by a dermatologist at its October 2016 meeting.

Dr. Hildebrant added that the issue had come up in the South Committee and they would be willing to do some research and discuss options, and report back to the Board. Dr. Clattenburg said that he would like information about what complaints or problems have been seen with tattoo removal. Mr. Herlihy noted that the Board might consider laser tattoo removal as a topic for the retreat during discussion of the next agenda item.

- **Continued Discussion of Retreat** – Mr. Herlihy recapped suggestions from the July meeting. Members had offered telemedicine, physician morale, and workforce/staffing issues as topics for the retreat. There were no additional topics submitted by email.

Most of the discussion focused on the topic of physician morale/wellness. Mr. Herlihy noted that he and Dr. Bernstein had seen a presentation on physician wellness by a Vermont consultant at a VMS annual meeting a few years ago. He thought it well done and could look into what they might be able to offer that would be relevant to the Board. Members commented that this should not be a session detailing observations that indicate a problem with morale and wellness but a more productive endeavor. Dr. Hildebrant shared a concept known as “the Triple Aim.” In short, it sums up the three goals of health care as (1) great quality/low cost (2) great patient experience (3) great clinician experience. He observed that the clinician experience seems to get overlooked. Members built on that and the discussion turned to the experience of licensees with the Board and how we might improve that experience, or at least reduce

stress or annoyance experienced during investigations. Ms. Falk observed that an important part of such a discussion should be an internal discussion among the Board of how the experience could be improved. Mr. Herlihy said that he would look further into what might be available in terms of presentations and or a facilitator for a Board discussion of improving the experience of those who interact with the Board. Dr. Sproul added that the *Dobbs* decision will have a significant impact on the practice of medicine and commented that the topic would be a good use of retreat time. Ms. Falk commented that while she thinks that the laser tattoo removal issue is significant, it is not so central to the Board's mission and functioning that it should be a main topic for the retreat.

Ms. McClain thanked members for their input and said that she and Mr. Herlihy will work further on an agenda.

- **Supreme Court Decision in *Dobbs v. Jackson Women's Health Organization*.** Mr. Herlihy explained that this is to introduce members to issues that the Board may encounter in the wake of the recent US Supreme Court decision overruling the *Roe v. Wade* case that found a constitutional right to abortion in 1973. There is great variance in the way states are responding to the case, which did away with the federal right to abortion, opening the door to state-by-state handling of the issue. One example of an issue that will come up for the Board is seen in the actions and proposals in other states to limit the effect on licensees of actions taken by states to discipline licensees for conduct that is prohibited in the disciplining state, but that was legal in the state where the care was rendered. Two references were distributed that give insight to controversies that may involve medical boards: slides from a presentation put on by The Network for Public Health Law, which lists some state responses already taken (pages 34-41); and, a newspaper article regarding the plans announced by two candidates for Vermont Attorney General as to how they would respond to *Dobbs*.

8. 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 1:46 PM to go into Executive Session to discuss confidential matters related to investigations. Dr. Clattenburg seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Hildebrant made a motion at 2:44 PM to return to Open Session Dr. Sproul seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Payne, Central Investigative Committee, asked to close:

MPC 019-0322 – Letter #1

MPC 033-0422 – Special Letter #1

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

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

MPS 047-0522 – Letter #1 – Dr. Greenberg, Dr. Sproul recused
MPS 050-0522 – Letter #1 – Dr. Sproul recused
MPS 049-0522 – Letter #1 – Dr. Sproul recused
MPS 048-0522 – Letter #1 – Dr. Sproul recused

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

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

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

- August 11, 2022, North Investigative Committee Meeting, 9 AM, *108 Cherry Street, Burlington, VT and remote via Teams*
- August 12, 2022, Central Investigative Committee Meeting, 9 AM, *108 Cherry Street, Burlington, VT and remote via Teams*
- August 17, 2022, Board Meeting on pending applications, 12:10 PM, *108 Cherry Street, Burlington, VT and remote via Teams*
- August 17, 2022, South Investigative Committee Meeting, 12:15 PM, *108 Cherry Street, Burlington, VT and remote via Teams*
- September 7, 2022, Licensing Committee Meeting, 11:00 AM, *108 Cherry Street, Burlington, VT and remote via Teams*
- September 7, 2022, Board Meeting, 12:00 PM, *108 Cherry Street, Burlington, VT and remote via Teams*

12. Open Forum:

13. Adjourn: Ms. McClain declared the meeting adjourned at 2:53PM.

APPENDIX A

PRESENTATION OF FULL APPLICATIONS

August 3, 2022

Note: Applicants listed below have been notified that their applications for licensure appear to be complete and may be presented at the next scheduled Board Meeting.

**** Must pass through licensing prior to being presented.**

Name	School	Specialty	Practice Location
Barnes, Ashley PA-C	Mass College of Pharmacy	Unknown	Rockingham Health Ctr.
**Barnes, Esther DPM	Temple University	Podiatry (BC)	NWVMC
Champ, Michael MD	Univ. of Vermont	Psychiatry	UVMC
Chittineni, Vivek MD	University of Minnesota	Anesthesiology	UVMC
**Denkmann, Jan MD	University of Goettingen (Germany)	Internal Medicine (BC)	UVMC
Everett, Wyll MD	University of Vermont	Family Medicine	Grace Cottage Hospital
Feis, Bethany MD	University of Nebraska	Internal Medicine (BC)	WRJ VA
**Fiore, Marissa MD	University of Cincinnati	Diagnostic Radiology (BC)	Virtual Radiologic
Gersten, Mark MD	Indiana University	Emergency Medicine (BC)	UCM Health
Gupta, Ena MD	Lady Hardine Med College (India)	Critical Care Medicine (BC)	UVMC
Habib, Matthew MD	Albany Medical College	Surgery	Advanced Eyecare
Higgins, Bridget PA-C	Drexel University	Unknown	TBD
Hobart, Edward MD	University of Kansas	Diagnostic Radiology (BC)	StatRad
Hodgson, Cody PA-C	Clarkson University	Unknown	Mansfield Orthopedics
Hwang, Janice MD	University of Maryland	Diagnostic Radiology (BC)	StatRad
**Knox, Stephen MD	University of Massachusetts	Internal Medicine (BC)	CHCRR
**McGregor, Bradley MD	Tufts University	Internal Medicine (BC)	TBD
Perry, Danielle PA-C	Wagner College	Unknown	Clear Choice MD
**Smith, David MD	Boston University	Surgery (BC)	Porter Medical Center
Stacey, Michelle MD	University of Chicago	Neurology (BC)	UVMC

Stevens, Mark MD

University of Texas

Psychiatry (BC)

UVMMC

Sullivan-Durand, Jane MD

University of Vermont

Family Medicine (BC)

Concentra

Torrey, Joshua MD

Tufts University

Emergency Medicine

Brattleboro Memorial

Walter, Chelsea PA-C

A. T. Still University

UCM Digital Health

Yang, Chih Chao MD

National Peking University (China)

Internal Medicine (BC)

New England Wellness

8/32022

Presentation of Limited Temporary License Applications for Board Approval

26 VSA Section 1391 (e) authorizes a limited temporary license to practice medicine/Podiatry in the State of Vermont for a period of one year only. The following persons have applied for limited temporary licenses:

<u>Name</u>	<u>Program</u>	<u>Hospital</u>	<u>Start Date</u>	<u>Type</u>
Damron, Joseph MD	Anesthesiology	DHMC	8/1/22	MD
Grua, Bengt MD	Anesthesiology	DHMC	8/1/22	MD
Huether, Katherine MD	Internal Medicine	UVMHC	8/1/22	MD
Maciejewski, Abigail MD	Pediatrics	DHMC	8/1/22	MD
Panjawatanan, Panadeekarn MD	Endocrinology	DHMC	8/1/22	MD
Tarabochia, Alex MD	Nephrology	DHMC	8/1/22	MD
Yelton, Caleb MD	Internal Medicine	DHMC	8/1/22	MD

** Must pass through licensing prior to being presented.

These applications appear to have met the requirements. The Board, pursuant to 26 VSA Section 1391 (e), grants to each of them a limited temporary license.

**PRESENTATION OF FULL APPLICATIONS THAT HAVE BEEN ISSUED THROUGH THE
COMPACT**

Note: Applicants listed below have already received a license through the compact.

August 3, 2022

Credential Number	Name
<u>042.0016229-COMP</u>	Arthur Anthony Blain
<u>042.0016230-COMP</u>	Kerry Eley
<u>042.0016233-COMP</u>	Joshua Brian Beck
<u>042.0016234-COMP</u>	Cy Cedar
<u>042.0016235-COMP</u>	Steven Kelley
<u>042.0016259-COMP</u>	Thomas Eugene Crosslin III
<u>042.0016260-COMP</u>	Aalok Vijay Khole
<u>042.0016261-COMP</u>	Andrea Lavigne Pearson
<u>042.0016262-COMP</u>	Michelle Ann Russell
<u>042.0016263-COMP</u>	Su Chong Weber
<u>042.0016264-COMP</u>	RACHANA YALAMANCHILI
<u>042.0016268-COMP</u>	Derrick Bowling
<u>042.0016269-COMP</u>	Ana Lisa Carr
<u>042.0016270-COMP</u>	Divyansu Dharendra Patel
<u>042.0016271-COMP</u>	Neha Reshamwala
<u>042.0016272-COMP</u>	Jonathan Stewart Rouwhorst
<u>042.0016275-COMP</u>	Fatima Y Hussein
<u>042.0016276-COMP</u>	Jessica Lynn Schum
<u>042.0016277-COMP</u>	SIVA Padmanabhan SIVAKUMAR
<u>042.0016278-COMP</u>	Choua Thao