

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the March 3, 2021 Board Meeting
*****REMOTE MEETING*****

Unapproved

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

Richard Bernstein, MD, Chair, called the meeting to order at 12:07 PM.

Dr. Bernstein welcomed the new member: Gail Falk who is a public member who will serve on the Central Investigative Committee.

Members Present:

Brent Burgee, MD; Richard Clattenburg, MD; Allen Evans; Gail Falk; Francis Heald; Rick A. Hildebrant, MD; William K. Hoser, PA-C; Patricia Hunter; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Ryan Sexton, 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; Tracy Hayes, Licensing Specialist; Margaret Vincent, AAG; Megan Campbell, AAG; Kurt Kuehl AAG; Bill Reynolds, AAG; George Belcher, Esq.

Matt Haddow, American Kratom Association
Dawn Wahlstrom, member of the public
Rameen Hashemiyoon, MD; Anthony Pignatelli, Esq.

2. Public Comment:

Matt Haddow, from the American Kratom Association, thanked the board for taking a moment to introduce himself. He spoke about the consumer advocacy organization and kratom topics, including safe usage noted it is currently illegal in VT. He looks forward to an opportunity to speak with the Board at a future date.

3. Approval of the Minutes of the February 3, 2021 Board Meetings:

Ms. McClain moved to accept the minutes of the February 3, 2021 meeting. Dr. Hildebrant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. Bernstein):

None

5. Administrative Updates (Mr. Herlihy):

Mr. Herlihy updated members that the requirement for state employees to continue working remotely was extended through May 31, 2021. He suggested staff and members start to consider looking for new locations when the time comes for the Board to, once again, meet in person. He noted that the two meetings that had been held at hospital conference rooms, the full Board and the Central Investigation Committee, will need to be relocated. Members discussed the option for continued remote participation for those who find it easier to participate in meetings. Mr. Herlihy noted the importance of in-person meetings and that the ability to have some meetings on an entirely remote

basis would depend on how Vermont law is amended going forward. Emergency provisions were made for the public health emergency, but once the emergency is over the current option for entirely virtual meetings will not be available.

Mr. Herlihy informed members that he has recently participated in the USMLE Advisory Committee meeting and the IMLCC Executive Committee meeting.

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.

Dr. Bernstein moved for the issuance of physician licenses and physician assistant licenses. Recommended by Dr. Sexton for licensure. Seconded by Ms. Hunter. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Bernstein moved for the issuance of limited temporary licenses to practice medicine. Recommended by Ms. McClain for licensure. Seconded by Dr. Tandoh. The motion passed; opposed: none; abstained: none; recused: none.

7. Other Business:

- **Review of Renewal Data** – Ms. LaFond provide a summary of data regarding the 2020 physician renewal, including a profile of licensees who allowed their licenses to lapse. A copy of the slides shown to members summarizing the data is attached as Appendix B. **(I think it will be good to attach it for the outsiders who read our minutes – there are a few).**

- **Report on the February meeting of the USMLE Advisory Committee.**

Mr. Herlihy shared with members that he participated as a member of the FSMB USMLE State Board Advisory Committee on February 23rd. The USMLE State Board Advisory Committee provides input to the Composite Committee that makes policy decisions regarding the USMLE. The Composite Committee is made up of the representatives from the FSMB and National Board of Medical Examiners. The focus of the Advisory Committee's February 23 meeting was issues related to the discontinuation of the Step 2 Clinical Skills examination. For example, the Committee was asked to make a recommendation with regard to how scores will be reported for people who had taken the exam, failed it, and not retaken it before the exam was discontinued. The recommendation of the Committee was to accurately report the scores, but annotate reports to ensure that users of the information will be aware that the exam was discontinued.

- **Legislative Update**

➤ **Update on bills previously discussed.** Mr. Herlihy noted that the legislative session is close to the "cross-over" date, by which bills must be ready to be voted on by the first chamber and ready to be passed over to the other chamber. In theory that means that bills not acted on in the first chamber would not be able to pass during the 2021 session, but there are work arounds that allow some legislation to move forward even if it does not meet the requirement.

Mr. Herlihy advised that S.22 had been passed by the Senate Health and Welfare Committee. This is a bill that would mandate disclosures to patients by health care practitioners before administration of what is marketed as stem cell treatments if the treatments have not been approved by the FDA. The Board had passed a motion to support such legislation during the 2019-2020 biennium and he had submitted testimony in support of the bill to the Senate Health and Welfare Committee again this year.

Mr. Herlihy also explained that the draft of the bill that would extend several COVID-19

emergency provisions is still with the Senate Health and Welfare Committee, but that it is expected to make the cross over deadline. He had submitted testimony to the Committee stating the Board's support for extending emergency licenses to 90 days past the end of the state of emergency, but the Committee has settled on making the expiration March 31, 2022.

Dr. Sexton asked Mr. Herlihy if there as any information on S. 30, which is a bill to ban firearms in hospitals except for law enforcement. Mr. Herlihy stated that he did not have any information and would report back at the next meeting.

Mr. Herlihy also noted two newer bills that had not yet been brought to the attention of the Board:

- **H.210 – equity in the health care system.** Mr. Herlihy informed members about the provision in the bill (Section 4 on pages 26-28) that would add a new requirement to the law for physicians licensed by the Board to complete an additional 2 hours of CME on the topic of cultural competency in the practice of medicine each licensing cycle. Members discussed concerns that enacting a legislative requirement was not the appropriate mechanism to address the issue, including the risk of establishing a “check the box” requirement as opposed to more effective steps that might be taken.

Dr. Tandoh noted that some other states have established requirements for similar CME and that while it might not be perfect it makes a statement about the importance of the topic. She also noted that the term “cultural competence” is being questioned and some are replacing it with “cultural humility,” which reflects the fact that it is not always possible to be competent in another culture. It was also noted that the legislation imposes the requirement for only MDs and does not include other medical professionals and that all licensed healthcare practitioners could benefit from such training.

Mr. Herlihy mentioned that he had heard that there was mention that there are so many components to the discussion that it might result in a legislative study rather than trying to pass a bill this session. He will keep the Board updated as this moves forward. He also noted that the Vermont Medical Society submitted comments and he would forward that to members for their review.

- **H.310 – a bill introduced that would legalize kratom, an addictive and presently illegal substance.** Mr. Herlihy noted that the Board has not yet been asked for input on H.310 but wanted to bring it to the attention of members so that anyone interested in looking into kratom could. The Board has previously encountered the topic of kratom in its role as an advisor to the Board of Health for matters concerning the Regulated Drug Rule in 2012. At that time, the Board supported inclusion of the drug on the Regulated Drug List. he bill is in the House Health and Human Services Committee and it has not yet been brought forth for discussion.

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

- **In re: Amalia Lee, MD – Stipulation and Consent Order – MPC 028-0317**

Ms. Campbell addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Ms. McClain made a motion to approve the Stipulation and Consent Order. Mr. Heald seconded the motion.

Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein; Mr. LeCours; Ms. McClain; Dr. Sproul; Dr. Tandoh; Mr. Heald; Dr. Hildebrant; Mr. Hoser; Ms. Hunter; Opposed: none; Abstained: Dr. Liebow; Recused: Dr. Tortolani and Central Investigative Committee.

- **In re: John M. Severinghaus, MD – Modified Stipulation and Consent Order – MPN 135-0916**

Mr. Kuehl addressed the Board, summarizing the facts leading up to the Modified Stipulation and Consent Order. Mr. Heald made a motion to approve the Modified Stipulation and Consent Order. Dr. Tortolani seconded the motion.

Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Burgee; Dr. Clattenburg; Ms. Falk; Dr. Payne; Dr. Sexton; Mr. Heald; Dr. Hildebrant; Mr. Hoser; Ms. Hunter; Dr. Liebow; Opposed: none; Abstained: none; Recused: North Investigative Committee.

- **In re: Heidi R. Newkirk, DPM – Stipulation and Consent Order – MPC 137-0919**

Ms. Campbell addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Mr. Heald made a motion to approve the Stipulation and Consent Order. Ms. Hunter seconded the motion.

Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein; Mr. LeCours; Ms. McClain; Dr. Tandoh; Mr. Heald; Dr. Hildebrant; Mr. Hoser; Ms. Hunter; Opposed: none; Abstained: none; Recused: Dr. Liebow and Central Investigative Committee.

- **In re: Rameen Hashemiyoan, MD – Stipulation and Consent Order – MPS 012-0220**

Ms. Campbell addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Mr. Pignatelli attended the hearing and stated Dr. Hashemiyoan was present to answer any questions or to address concerns of the board.

Mr. Lecours made a motion to approve the Stipulation and Consent Order. Dr. Sproul seconded the motion.

Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein; Mr. LeCours; Ms. McClain; Dr. Sproul; Dr. Tandoh; Dr. Clattenburg; Mr. Evans; Dr. Payne; Dr. Sexton; Opposed: none; Abstained: Ms. Falk; Recused: South Investigative Committee.

9. 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 1:55 PM to go into Executive Session to discuss confidential matters related to investigations. Dr. Tandoh 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:

Ms. McClain made a motion at 2:32 PM to return to Open Session Dr. Hildebrant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 001-0121 – Special Letter #1
MPN 075-0920 – Special Letter #1; Dr. Sexton abstained.

Dr. Tortolani made a motion to close the cases presented. Dr. Hildebrant seconded the motion. The motion passed; opposed: none; abstained: 1; recused: North Investigative Committee.

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

MPC 069-0920 – Special Letter #1
MPC 093-1120 – Letter #1
MPC 105-1220 – Special Letter #1; Mr. Hoser recused.

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

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

None

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

- **March 11, 2021, Central Investigative Committee Meeting, 9 AM *(Remote)***
- **March 12, 2021, North Investigative Committee Meeting, 9 AM *(Remote)***
- **March 17, 2021, Board Meeting on pending applications, 12:10 PM *(Remote)***
- **March 17, 2021, South Investigative Committee Meeting, 12:15 PM *(Remote)***
- **April 7, 2021, Licensing Committee Meeting, 11:00 AM *(Remote)***
- **April 7, 2021, Board Meeting, 12:00 PM *(Remote)***

13. Open Forum:

Members and staff introduced themselves to the new member, Gail Falk, and welcomed her to the Board.

14. Adjourn: Dr. Bernstein declared the meeting adjourned at 2:58PM.

APPENDIX A

PRESENTATION OF FULL APPLICATIONS

March 3, 2021

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
**Aigbe Lebarty, Nosa MD	Karol Mrcinkowski Univ. (Poland)	Family Practice (BC)	SWVMC
Alfidi, Mary MD	Case Western University	Diagnostic Radiology (BC)	Virtual Radiologic
Buhac, John MD	Tufts University	Gastroenterology (BC)	SWVMC
**Chotas, William MD	Ross University (Dominica)	Pediatrics (BC)	UVMC
Covington, Jeffrey MD	LSU	Pathology	UVMC
Dionne, Audrey MD	Universite de Sherbrooke (Quebec)	Pediatrics (BC)	UVMC
Fiorentino, Alexander MD	Tufts University	Internal Medicine	WRJ VA
Flanagan, Theresa MD	UVM	Psychiatry	UVMC
**Garvey, Keelin MD	Yale	Psychiatry (BC)	VT Dept of Mental Health
Imming, Christina MD	University of Cincinnati	Pediatrics (BC)	UVMC
Javed, Noman MD	Saba University (Caribbean)	Pathology	UVMC
Kennedy, Elan PA-C	Philadelphia College of Osteo Medicine		UVMC Dept of Surgery
Kovacs, Nicholas MD	UVM	Emergency Medicine	NWVMC
**Rosenberg, Arlene MD	Univ. of South Florida	Dermatopathology (BC)	Ameripath
Simmons, Brian MD	University of Miami	Dermatology (BC)	DHMC
Simonton, Zoe PA-C	Mass College of Pharmacy		Springfield Hospital ER
**Stoll, Sharon MD	Michigan State University	Family Practice (BC)	NOTCH
Tobe, Joshua MD	Univ. of Western Ontario	Anesthesiology (BC)	SWVMC
**Ward, Meghan MD	St. Georges Univ. (Grenada)	Family Practice (BC)	Mountain Valley Health
Wiest, Elysha PA-C	Philadelphia College of Osteo Medicine		TBD
Yang, Patricia MD	University of Missouri	Emergency Medicine	UVMC

**Zeisler, Jonathan MD

SUNY Stony Brook

OB/GYN (BC)

NVRH

Zimmerman, Meghan MD

UVM

Pediatrics

DHMC

3/3/2021

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>
Bischin, Alina MD	Internal Medicine	DHMC	3/1/21	MD
Chik, Ivan MD	Psychiatry	DHMC	3/1/21	MD
Feis, Bethany MD	Internal Medicine	DHMC	3/1/21	MD
Kulkarni, Aditya MD	Internal Medicine	DHMC	3/1/21	MD
Lara-Martinez, Hugo MD	Internal Medicine	DHMC	3/1/21	MD
Milbridge, Andrew MD	Internal Medicine	DHMC	3/1/21	MD
Patel, Krina MD	Internal Medicine	DHMC	3/1/21	MD
Pondicherry, Arnav MD	Psychiatry	DHMC	3/1/21	MD
Stock, Jonathan MD	Cardiovascular Disease	DHMC	3/1/21	MD
Washington, Cyrus MD	Internal Medicine	DHMC	3/1/21	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.

March 3, 2021

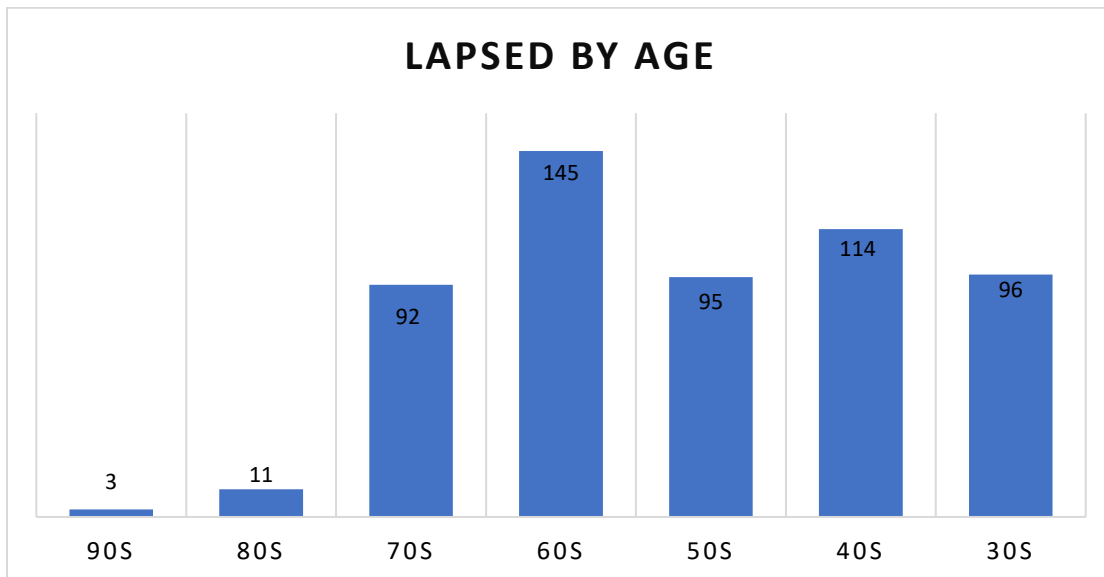
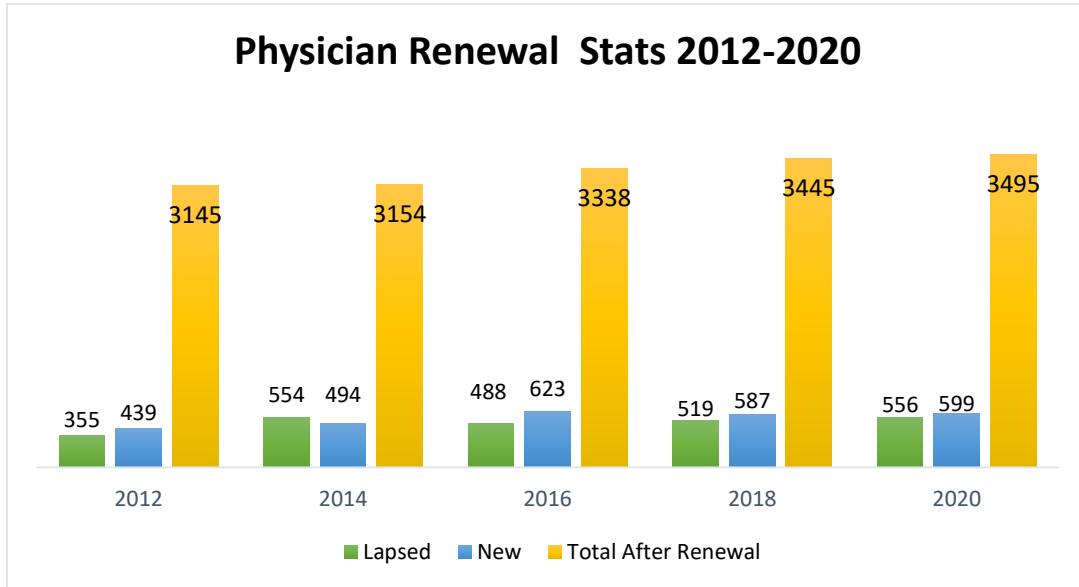
Credential Number	Name
<u>042.0015176-COMP</u>	Jordan Gardner
<u>042.0015177-COMP</u>	Melissa Susann Lim
<u>042.0015179-COMP</u>	Julie Craig
<u>042.0015180-COMP</u>	Jill Anne Griffin
<u>042.0015181-COMP</u>	Sina Haeri
<u>042.0015182-COMP</u>	John Michael Martinez
<u>042.0015183-COMP</u>	Carl Norsworthy Schofield
<u>042.0015184-COMP</u>	Lydia Zhang
<u>042.0015186-COMP</u>	James Edward Gray
<u>042.0015187-COMP</u>	Michael Sean Luedeman
<u>042.0015188-COMP</u>	Kirk N. O'Donnell
<u>042.0015189-COMP</u>	Annie Rosenberg Sarid
<u>042.0015191-COMP</u>	Steven Arthur Creelman
<u>042.0015192-COMP</u>	Raul Ryan Das
<u>042.0015193-COMP</u>	Francis Goldshmid
<u>042.0015194-COMP</u>	George Nicholas Welch

APPENDIX B

2020 PHYSICIAN LICENSE RENEWAL STATS

As of 12/2/2020:

Total Renewed	3495
Total Lapsed	556
VT	182
NH (DHMC)	15



Vermont Specialities Impacted by License Renewal

