

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the April 7, 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

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; Margaret Vincent, AAG; Megan Campbell, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; George Belcher, Esq.; Nicloe Andreson, Esq.; Peter Gunther, MD; Paulette Thabault, DNP, APRN; Mark Pitcher, MD.

2. Approval of the Minutes of the March 3, 2021 Board Meeting:

Ms. McClain moved to accept the minutes of the March 3, 2021 meeting. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

3. Board Issues (Dr. Bernstein):

Dr. Bernstein noted that he wanted members to discuss the draft closing letters that Mr. Herlihy emailed to members, the licensing trends that were presented last month and the legislative items Mr. Herlihy would update members on later in the meeting.

4. Administrative Updates (Mr. Herlihy):

Mr. Herlihy noted that the tables included with the minutes were copies from Ms. LaFond's presentation at the March meeting about the 2020 renewal and a profile of lapsed licenses. He encouraged members to let him know if there were additional questions or comments. He also noted that the VDH workforce census is still underway and more detailed information will become available when that has been completed.

Mr. Herlihy asked members to please submit their expenses to ensure they receive the per-diem payments for their attendance and participation in the board and committee meetings.

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

6. Other Business:

- **Update on legislation of interest to the Board.**

S.22 - An act relating to health care practitioners administering stem cell products not approved by the U.S. Food and Drug Administration - <https://legislature.vermont.gov/bill/status/2022/S.22>. Mr. Herlihy noted that this had passed in the House Health Care Committee and was now before the Senate Health and Welfare Committee. He anticipates it will pass this session.

S.30 - An act relating to prohibiting possession of firearms within hospital buildings - <https://legislature.vermont.gov/bill/status/2022/S.30> . This was passed by the Senate and assigned to the House Judiciary Committee.

S.117 - An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone - <https://legislature.vermont.gov/bill/status/2022/S.117>. Sections of interest to the Board are 9, 12, 17, 18, 20, and 21. Mr. Herlihy informed members that this has passed and is now known as Act 6. It is important to note that while the Act extended through March 2022 the provisions allowing practice in “deemed status” and emergency licenses for former Vermont licensees whose licenses lapsed in recent years, it did not extend the date for emergency licenses granted under 26 V.S.A. § 1353(11). Thus, emergency licenses granted to professionals in good standing in other states will be in effect only through the end of the declared state of

emergency. This has caused a lot of confusion among affected licensees and generated many questions for staff.

H.104 - An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth - <https://legislature.vermont.gov/bill/status/2022/H.104> This bill was passed by the House with provisions that would create a working group formed to study issues related to interstate practice of psychology and psychiatric services. The Board's Executive Director is included as a member of the working group, which would be required to issue a report by December 15, 2021. The bill has been assigned to the Senate Health and Welfare Committee.

H.210 - An act relating to addressing disparities and promoting equity in the health care system <https://legislature.vermont.gov/bill/status/2022/H.210> This bill was passed by the House. The provision of the "as introduced" bill most directly affecting the Board, a requirement for Board licensees to have CME on equity and cultural competency, was amended before it passed. As passed, it creates a Commission that, among other responsibilities, would be required to make recommendations for how to best improve equity through improving cultural competency across the healthcare workforce. The bill is now with the Senate Health and Welfare Committee.

H. 310 - a bill introduced that would legalize kratom, an addictive and presently illegal substance. Mr. Herlihy noted that there has not yet been any activity on this bill and he does not anticipate it will be taken up this legislative session.

Mr. Herlihy stated that just before the meeting, he was asked whether the Board will be able to provide input on an issue that has come forward regarding whether naturopathic physicians can sign death certificates. The law regarding death certificates was amended in 2017 making it clear that only osteopathic and allopathic physicians, APRNs, and physician assistants are legally permitted to sign death certificates. This has come up suddenly, not in the typical manner that proposed legislation arises. Naturopathic physicians have asked for the law to be changed as a "technical correction" or an oversight or error. The Health Department is asking for the Board's input. Several members questioned whether naturopaths have the knowledge and skills needed to complete death certificates. One member noted that completion of a death certificate is often a challenge for MDs and that it would be more challenging with less training and knowledge about the mechanisms and progression of disease that often cause death. One member noted that some people use a naturopath as their PCP but questioned whether naturopaths have education and training to qualify them for the task even with the knowledge of the patient's history. One member asked if naturopaths have sufficient knowledge of the ICD10 Codes that are used in completing death certificates. In the end members did not feel they had enough information about the level of training and education of naturopathic physicians to be able to provide a formal position at this time. Mr.

Herlihy stated that he will report back that the Board does not have enough information at this time to comfortably form an opinion and that this may be revisited in May if an opinion is still desired.

- **Draft changes to Letter 1 standard format.**

Mr. Herlihy provided the draft letters to members and reviewed the changes. Members were supportive of the proposed changes. It was suggested that the sentence that says the case has been closed should be in bold type. Dr. Tortolani asked for the addition of a comma, with credit given to a schoolteacher. Another member commented that Dr. Sproul had suggested during the earlier discussions of the letters that the Board should acknowledge excellent work of medical professionals in appropriate cases. Mr. Herlihy noted that such letters would be Special letters, which are customized for each case. From now on they can be referred to as “Marga Sproul letters.” Mr. Herlihy stated that he will make edits to the Letter 1 as suggested and will distribute it in advance of the mid-month meeting for final approval.

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

- **Peter Gunther, MD – Stipulation and Consent Order – MPC 162-1017**

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

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

- **William F. Long, MD - Voluntary Limitation of Practice Agreement – MPC 160-1019**

Ms. Campbell addressed the Board, summarizing the facts leading up to the Voluntary Limitation of Practice Agreement. Dr. Hildebrant made a motion to approve the Voluntary Limitation of Practice Agreement. Dr. Tortolani 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; Dr. Liebow; Dr. Tortolani. Opposed: none; Abstained: none; Recused: Central Investigative Committee.

8. Executive Session to Discuss:

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

Dr. Tortolani made a motion at 1:51 PM to go into Executive Session to discuss confidential matters related to investigations. Ms. McClain 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. Liebow made a motion at 3:23 PM to return to Open Session. Dr. Sexton seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 106-1220 – Letter #1; Dr. Hildebrant recused

MPN 101-0619 – Special Letter #1

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

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

MPC 104-1220 – Letter #1

MPC 043-0216 – Special Letter #1; Dr. Liebow recused

Dr. Tortolani made a motion to close the cases presented. Mr. Hoser seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

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

MPS 060-0820 – Special Letter #1

MPS 071-0920 – Special Letter #1

MPS 004-0120 – Special Letter #2

MPS 027-0219 – Special Letter #2

MPS 058-0820 – Special Letter #1

MPS 088-1020 – Special Letter #2

MPS 096-1120 – Letter #1; Dr. Sproul recused

Ms. McClain made a motion to close the cases presented. Dr. Sexton 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:

None

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

- April 9, 2021, Central Investigative Committee Meeting, 9 AM *(Remote)*
- April 15, 2021, North Investigative Committee Meeting, 9 AM *(Remote)*
- April 21, 2021, Board Meeting on pending applications, 12:10 PM *(Remote)*
- April 21, 2021, South Investigative Committee Meeting, 12:15 PM *(Remote)*
- May 5, 2021, Licensing Committee Meeting, 11:00 AM *(Remote)*
- May 5, 2021, Board Meeting, 12:00 PM *(Remote)*

12. Adjourn: Dr. Bernstein declared the meeting adjourned at 3:33PM.

APPENDIX A

PRESENTATION OF FULL APPLICATIONS

April 7, 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
Ames, Robert MD	Temple University	Orthopedic Surgery (BC)	Carlos Otis
**Ashai, Ayesha MD	Wright State University	Psychiatry (BC)	TBD
**Baer, Geraldine MD	University of California Davis	Emergency Medicine (BC)	North Country Hospital
Bettag, Charles MD	Creighton University	Internal Medicine	DHMC
Buhl, Ethan DPM	NY College of Podiatric Medicine	Podiatry	Manchester Podiatry
Copening, Mary Ellen PA-C	Touro College		Valley Terrace
**Dixon, Michael MD	OHSU	Diagnostic Radiology (BC)	Virtual Radiology
Duchene, Brittany MD	Aureus University (Aruba)	Internal Medicine (BC)	NVRH
Ellington, Kenneth MD	Univ. of North Carolina	Anesthesiology (BC)	Brattleboro Memorial
Fosbenner, Stephanie MD	University of South Florida	Psychiatry (BC)	UVMHC
**Galín, Amy MD	NY Medical College	Pediatrics (BC)	IngenioRX
**Gandhi, Tripty MD	Seth G.S. Medical College (India)	Family Practice (BC)	Doctor on Demand
Geeslin, Andrew MD	University of Minnesota	Orthopedic Surgery (BC)	UVMHC
Gray, Jon MD	LSU	Emergency Medicine	DHMC
Hearn, John MD	LSU	Psychiatry (BC)	InnovaTel Telepsychiatry
Kalagher, Sean MD	Boston University	Diagnostic Radiology (BC)	Virtual Radiologic
Martin, Victoria PA-C	Franklin Pierce University		North Country Primary C
Murai, Naoki MD	Louisiana State University	Diagnostic Radiology	Virtual Radiology
**Nardi, Rodrigo MD	Faculdade Evangelica Do Parana (Brazil)	Psychiatry (BC)	Phoenix House
Nesbit-Bartsch, Ariana MD	UVM	Psychiatry (BC)	Innovatel
Nori Janosz, Katherine MD	Wayne State University	Internal Medicine	TBD

Patel, Bianca MD	East Carolina University	Pediatrics (BC)	Gifford
Pinar, Mehmet MD	University of Ankara (Turkey)	Pediatrics (BC)	Women and Infants Hosp
Rahmati, Rahmatullah MD	University of Sydney (Australia)	Otolaryngology (BC)	TBD
**Sall, Edward MD	SUNY Syracuse	Otolaryngology (BC)	Better Night Medical
Sevey, Whitney MD	University of Connecticut	Pediatrics (BC)	UVMMC
Seward, Trevor PA-C	Franklin Pierce		TBD
Sherman, Whitney MD	Tulane University	Internal Medicine (BC)	RRMC
Shoff, Kelsey PA-C	Massachusetts College of Pharmacy		TBD
Shutter, Kelle MD	Medical College of Wisconsin	Pediatrics (BC)	TBD
Slater, Jonathan MD	Columbia University	Psychiatry (BC)	Telepsychiatry
**Stellar, William MD	UCLA	Internal Medicine (BC)	UVMMC
Sullivan, Brendan MD	University of Pennsylvania	Internal Medicine (BC)	Eden Health
Swinehart, Meghan MD	Univ of Massachusetts	Pediatrics	St. Johnsbury Peds
Trapnell, James MD	NY Medical College	Family Practice (BC)	Norrthshire Clinic
Trevino, Jesus MD	Harvard Medical School	Emergency Medicine (BC)	Carlos Otis Clinic
Valentine, Allison MD	University of North Carolina	Family Practice	AMWell
Villanueva Jr., Israel MD	University of California	Internal Medicine (BC)	TBD
Wallsh, Josh MD	Albany Medical College	Ophthalmology	Advanced Eye Care
Wang, Susan MD	Harvard Medical School	Internal Medicine	VA WRJ
West, Kia MD	Howard University	Family Practice (BC)	Crossover Health
Wild, Nicholas MD	Albany Medical College	Family Practice BC)	SWVMC Northshire
Wolfley, Alissa PA-C	Northeastern University		Savida Health
Wu, Sherry MD	Dartmouth	Internal Medicine	WRJ VA

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.

April 7, 2021

Credential Number	Name
<u>042.0015216-COMP</u>	Julius Damijonaitis Damion
<u>042.0015217-COMP</u>	Lev Grinman
<u>042.0015218-COMP</u>	Randon Charles Johnson
<u>042.0015219-COMP</u>	Rhet Langley
<u>042.0015220-COMP</u>	Steven M Malkin
<u>042.0015221-COMP</u>	Kirk Andrew Roberts
<u>042.0015223-COMP</u>	Jimmy Chen
<u>042.0015224-COMP</u>	Micah Timothy Hoffman
<u>042.0015225-COMP</u>	Amit Batra
<u>042.0015226-COMP</u>	Dartmouth-Hitchcock Medical Center
<u>042.0015227-COMP</u>	Gregory Francis Paczkowski
<u>042.0015228-COMP</u>	Erin Foran Wolff
<u>042.0015229-COMP</u>	Natalie Naomi Young Albanese
<u>042.0015230-COMP</u>	Mark Alan Dittenbir
<u>042.0015231-COMP</u>	Gerard Joseph Hevern
<u>042.0015232-COMP</u>	Reiner Henson B See
<u>042.0015233-COMP</u>	Paul Michael Angleton
<u>042.0015234-COMP</u>	Robert Hitchcock
<u>042.0015235-COMP</u>	Kaleouiokawai Staszkw
<u>042.0015236-COMP</u>	Zaid Fadul
<u>042.0015237-COMP</u>	Karen Louise Herbst