

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the July 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 12:03 PM

Members Present:

Brent Burgee, MD; Richard Clattenburg, MD; Gail Falk; Francis Heald; Rick A. Hildebrant, MD; William K. Hoser, PA-C; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Ryan Sexton, MD; Marga Sproul, MD; Robert E. Tortolani, MD.

Others in Attendance

David Herlihy, Executive Director; Scott Frennier, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Megan Campbell, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; George Belcher, Esq., Jessa Barnard, Vermont Medical Society; Sarah Bushweller, PA-C; Brad Salzman, PA-C.

2. Approval of the Minutes of the June 2 and June 16, 2021 Board Meetings:

Mr. Hoser moved to accept the minutes of the June 2, 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 June 16, 2021 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

3. Board Issues (Dr. Bernstein):

Dr. Bernstein informed members that former Board member, David Clauss, MD, was promoted as Chief Medical Officer of the University of Vermont Health Network.

Dr. Bernstein noted that the discussion about conflicts of interest and voting on motions will be moved to the August meeting.

4. Administrative Updates (Mr. Herlihy):

Mr. Herlihy reminded members that it is the end of another quarter and asked everyone to submit their quarterly expense reports.

Ms. LaFond informed members that she received a notification from HSIN that Microsoft will be sunsetting the Internet Explorer (IE) web browser starting August 17, 2021 and will be eliminated in 2022. The IE web browser will no longer receive security updates and it will not be a secure environment to review confidential board documents. HSIN advised that the system will not operate on IE after that date and members should use Microsoft Edge, Google Chrome, or Firefox web browsers.

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 (See Appendix A)

Ms. McClain made a motion to accept all applicants for licensure as presented. seconded by Dr. Sproul. 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 Dr. Hildebrant. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Bernstein invited AAG Vincent to introduce a request by Dr. Catherine Lewis to withdraw her application to be licensed as an MD. After AAG Vincent summarized the circumstances and noted the recommendation of the Licensing Committee to approve the request, Ms. McClain moved to approve the request and Mr. Hoser seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

6. Other Business:

- **Revision to Normal Time Allowed to Submit a Response** – the Board had informally and temporarily revised procedure to give all Respondents more time to file a response in investigations during the COVID-19 pandemic. Mr. Herlihy asked members to consider if the process should revert back to the normal procedure, which calls for advising Respondents that they have 21 days to file a response. Members agreed to return to the 21-day response time provided any requests for extensions would be reviewed and considered given many medical professionals remain impacted by the pandemic. It was noted that although COVID-19 hospitalizations and cases have significantly decreased in our state, medical facilities and practitioners are now contending with a large volume of appointments for both in-patient and out-patient treatment and procedures. Many people delayed care for minor or chronic conditions during the pandemic.

Dr. Tortolani made a motion for the response timeframe to revert back to the normal procedure of 21 days to file a response to an investigation with the allowance of requests for extensions as appropriate. Dr. Sproul seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

- **Telehealth Legislative Workgroup** – the Board is part of a workgroup created by Act 21 of 2021 to study options regarding telehealth. The scope of the workgroup is broad, with the end result to be information and recommendations as to how Vermont law might be changed to facilitate interstate practice using telehealth. The workgroup will continue its work through the

remainder of 2021 and provide a report to the Legislature. Mr. Herlihy asked how members would like to identify Board positions on issues relating to telehealth to inform the input provided on behalf of the Board during the workgroup process. Members agreed it would be useful to establish a subcommittee for this topic and volunteers to serve on the committee include: Dr. Hildebrant, Dr. Tortolani, Dr. Clattenburg, Dr. Payne, Ms. Falk and Mr. Heald. It was noted there were a couple of absent board members who might be interested in participating on this subcommittee and Mr. Herlihy stated he would contact them before the next monthly meeting and he will set up a meeting for the subcommittee.

Members briefly discussed terminology, specifically “telehealth” as not being well defined. The term “Virtual Visits” was proposed as capturing telephonic, secure messaging and video patient encounters. Members agreed this is a timely topic given the post-pandemic medical environment where many patients and medical professionals continue to visit virtually.

- **Health Equity** – as provided by Act 33 of 2021, the Board will be called on to be a consultant for the Health Equity Advisory Commission. The topics for consultation will be how to improve cultural competency and cultural humility, and to promote antiracism in Vermont’s healthcare system through initial training, CME, and other investments. Mr. Herlihy opened the discussion for members to share thoughts about how best to serve as consultants. Members were concerned as to whether the Board has the capacity and knowledge to serve as consultants as the Board has no special expertise in health equity and antiracism. Mr. Herlihy noted that he believes the Board was included because of its oversight of the CME requirements and its interest in how modification of the requirements to address issues of health equity would impact the overall goals for CME. He also explained that while there has not yet been a request for consultation by the Health Equity Advisory Commission that the Board should remain mindful that such a request will be coming.
- **Revision of the Board of Medical Practice Administrative Rules** – Mr. Herlihy continued the discussion that began at the June meeting of the updates to the rules.

Discussion resumed of the question whether the rules should continue to prohibit a PA from prescribing controlled substances for a physician with whom they have a documented relationship as Participating Physician, similar to the current prohibition with regard to supervision physicians. Ms. Falk made a motion to accept Section 22.3, 27.1 and 27.2 as drafted to maintain a prohibition on a physician receiving a prescription for controlled substances from a physician assistant for whom the physician acts as a “participating physician”. Dr. Tortolani seconded the motion.

Members discussed scenarios when the rule could potentially impact access to care, especially in extreme or emergency situations in which care might include controlled substances. In those cases, documentation would be essential to justifying the circumstances.

An amendment of the motion was proposed to add language that the sole exception to the prohibition is when there are documented compelling exigent circumstances. Dr. Liebow moved to include the amended language in the main motion. Dr. Hildebrant seconded the motion. The vote on the motion for the amendment was included in the final vote of the main motion.

The motion as amended passed; opposed: none; abstained: none; recused: none.

Discussion on this agenda item was paused at 1:15PM to allow commencement of the public hearing and a brief recess. Members resumed the discussion at 2:10PM.

Section III – Physician Assistants: Dr. Bernstein asked for input from public members who were in attendance.

- Ms. Barnard suggested the rule clearly state that a digital copy of the Delegation Agreement would be acceptable since the law allows for digital copies. Mr. Herlihy stated he would make the revision.
- Ms. Bushweller sought clarification of the language regarding the submission of new practice agreements for each practice location as related to larger health facilities and practices such as UVMHC that has multiple locations under one medical facility. Mr. Herlihy indicated that he supports clarification of that, but that it would be better to hold some of these issues to allow the Board to complete discussion of the Rules during the meeting.

Dr. Sproul made a motion to accept all changes in Section III as presented with incorporation of the changes proposed by Jessa Barnard of the Vermont Medical Society. Mr. Hoser seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Section 8 – Non-Disciplinary Financial Penalties. Mr. LeCours made a motion to accept the section on financial penalties as presented. Dr. Hildebrand seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Mr. Herlihy presented the remaining new sections as listed in the agenda: preapplication determinations on criminal background, expedited licensing for military spouses, and special fee provisions for military members and their spouses. He explained that it would not be necessary to have motions for all those sections but invited members to raise any questions or concerns. There were no further comments on the additional sections.

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

- **In re: Jeffrey E. Haddock, MD – Stipulation and Consent Order – MPS 097-0918**

Mr. Kuehl 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. Mr. LeCours seconded the motion.

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

8. Reconvene meeting; Executive Session to Discuss:

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

Ms. McClain made a motion at 3:05 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. Hildebrand made a motion at 3:18 PM to return to Open Session. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPC 049-0421 – Special Letter #1

Mr. LeCours 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 085-1020 – Special Letter #2

Ms. McClain made a motion to close the cases presented. Mr. LeCours 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.)*

- July 9, 2021, Central Investigative Committee Meeting, 9 AM, *108 Cherry Street, Burlington, VT and remote via Teams*
- July 15, 2021, North Investigative Committee Meeting, 9 AM, *108 Cherry Street, Burlington, VT and remote via Teams*
- July 21, 2021, Board Meeting on pending applications, 12:10 PM, *108 Cherry Street, Burlington, VT and remote via Teams*
- July 21, 2021, South Investigative Committee Meeting, 12:15 PM, *108 Cherry Street, Burlington, VT and remote via Teams*
- August 4, 2021, Licensing Committee Meeting, 11:00 AM, *108 Cherry Street, Burlington, VT and remote via Teams*
- August 4, 2021, Board Meeting, 12:00 PM, *108 Cherry Street, Burlington, VT and remote via Teams*

12. Open Forum

None

13. Adjourn: Dr. Bernstein declared the meeting adjourned at 3:23PM. Moira had a salad, Johnny had a tuna melt, and Alexis had a smoothie.

APPENDIX A

PRESENTATION OF FULL APPLICATIONS

July 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
Ansari, Arash PA-C	University of Connecticut	Psychiatry (BC)	Private Practice
**Askew, Allyson MD	Tulane University	Surgery (BC)	UVMC
**Banerjee, Sara MD	SUNY Buffalo	Diagnostic Radiology (BC)	Virtual Radiologic
Blanc, Anna PA-C	Franklin Pierce		Rockingham H. Center
**Borden, Neil MD	Medical College of Georgia	Neuroradiology (BC)	TBD
Bortinger, Jonathan MD	Univ. of Pittsburg	Internal Medicine (BC)	Grand Rounds
**Budnikas, Arunas MD	SUNY Upstate	Family Practice (BC)	Pro Bono
Coffee, Megan MD	Harvard Medical School	Internal Medicine (BC)	Bellvue Hopsital
**Cook, Matthew MD	University of Washington	Anesthesiology (BC)	Bio Reset Medical
**David, Christopher MD	University of Pittsburgh	Psychiatry	UVMC
**David, Miriam MD	NY Medical College	Diagnostic Radiology(BC)	Virtual Radiologic
**Drury, Jennifer PA-C	Drexel University		TBD
**Haider, Naeem MD	Khyber Med College (Pakistan)	Anesthesiology (BC)	UVMC
Harrigan, Deborah MD	Tufts University	Family Practice (BC)	Corner Medical
**Hershorin, Laura MD	Tufts University	Family Practice (BC)	Teladoc Health
Kooperkamp, Hannah MD	University of Louisville	Surgery	UVMC
**McGowan, Maria MD	Mercer University	Dermatology	Four Seasons Derm.
Navarette, Kristen MD	Albany Medical College	Pediatrics (BC)	MVP Healthcare
Paskin, Samuel MD	SUNY Downstate	Emergency Medicine	UVMC
Rosen, Brian MD	UVM	Psychiatry	CVMC
Short, Tori PA-C	Mass College of Pharmacy		TBD

Viterbo, Domenico MD

Wunrow, Zachary MD

**Zahid, Zahira MD

SUNY Downstate

UVM

Ben Gurion Med School (Israel)

Internal Medicine (BC)

Psychiatry

Anesthesiology (BC)

Southwestern

CVMC

UVMMC

7/7/2021

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>
Doumlele, Kyra MD	Psychiatry	DHMC	7/1/21	MD
**McCall, Daniel MD	Internal Medicine	DHMC	7/1/21	MD
Trump Redd, Victoria MD	Psychiatry	DHMC	7/1/21	MD
Wankel, Bret MD	Internal Medicine	DHMC	7/1/21	MD
**West, James MD	Internal Medicine	DHMC	7/1/21	MD
Zhang, Rui MD	Internal Medicine	DHMC	7/1/21	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.

July 7, 2021

<u>042.0015379-COMP</u>	Todd Matthew Jarrell
<u>042.0015380-COMP</u>	Jonah Mink
<u>042.0015381-COMP</u>	Michelle Cowden Sharpe
<u>042.0015382-COMP</u>	Quintisha Marie Walker
<u>042.0015383-COMP</u>	Theresa Hadlock
<u>042.0015384-COMP</u>	Rachael Ollivierre-Agard
<u>042.0015385-COMP</u>	Jeremy Ryan Smith
<u>042.0015386-COMP</u>	Bradley Jon Haupricht
<u>042.0015396-COMP</u>	Tyler Jacob Hendricks
<u>042.0015397-COMP</u>	Jeffrey Adam Morgan
<u>042.0015398-COMP</u>	Muhammad Umar Farooq
<u>042.0015399-COMP</u>	Christiana Nwofor Jones
<u>042.0015400-COMP</u>	Swati Singh
<u>042.0015403-COMP</u>	Richard Ian Enelow