

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the October 6, 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; Rick A. Hildebrant, MD; Patricia Hunter; Suzanne Jones, PA-C; 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; Kurt Kuehl, AAG; Bill Reynolds, AAG. Jessa Barnard, Executive Director, Vermont Medical Society; Brad Salzman, PA-C.

2. Approval of the Minutes of the September 1 and September 15, 2021 Board Meetings:

Dr. Clattenburg moved to accept the minutes of the September 1, 2021 meeting. Dr. Tortolani seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Clattenburg moved to accept the minutes of the September 15, 2021 meeting. Dr. Sproul seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

3. Board Issues (Dr. Bernstein):

Dr. Bernstein provided a staffing update:

- Acknowledged Ms. Vincent who is officially retiring this month.
- Welcomed Suzanne Jones, PA-C who is the new physician assistant member who will serve on the South Investigative Committee.
- Acknowledged Ms. Hayes and Ms. LaFond for their efforts to transition the eLicense system to Tyler Technologies.
- Noted Ms. Nenninger and Mr. Frennier's release from the COVID-19 response efforts and welcomed them both back to full-time board work.

Dr. Bernstein noted the need for North and Central Investigative Committee members to serve on a hearing panel.

Dr. Bernstein noted that discussion in the Other Business section would consider action taken by the MA Board of Medicine against physicians handing out false vaccination certificates and providing misinformation regarding the COVID-19 vaccine.

Mr. Herlihy further acknowledged Ms. Vincent for her 30 years of service to the State of Vermont and 14 years of work with the Board. She will truly be missed and we all wish her a happy and safe retirement.

4. Administrative Updates (Mr. Herlihy):

Ms. LaFond informed the North and Central Investigative Committee members of the need for their willingness to serve on a public hearing panel and asked them to respond to the email she sent with the information about the hearing.

Mr. Herlihy noted that the proposed Board Rules will be reviewed by ICAR on October 11th, which is the first formal step in the review and approval process.

Mr. Herlihy informed the Board that staff worked with the IT system vendor, Tyler Technologies, to migrate the eLicense system from the state servers to the Tyler Technologies hosted environment. He noted that the benefits of the system residing on the vendor's servers include improved response time to resolution of issues and maintenance upgrades and less Board staff time for troubleshooting problems and work arounds. He thanked Ms. Hayes and Ms. LaFond for their hard work over many months getting the project to this point, and for their work over the weekend to complete the process.

Mr. Herlihy provided a brief staffing update: Carolyn Antone worked in the Board office for 7 years as a temporary employee. She had previously retired after a long career with the State of Vermont and Department of Health rising to positions of significant responsibility. She retired again on September 30th from her work as a temporary employee. She supported the process of digitizing and uploading all the paper investigative and licensing files into the eLicense system, and she also supported the paper process for license renewals. Although these duties were not visible to most, she showed great dedication and was immensely helpful. She will be missed. Staff is working on filling that opening.

Mr. Herlihy reminded members of the Central Investigative Committee that their meeting is October 8th.

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)

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

6. Other Business:

- **COVID-19 Misinformation Statements** – FSMB, some other state medical boards, and specialty boards have issued statements regarding physicians who put out bad information about COVID-19, preventative measures, and treatments. Mr. Herlihy noted this topic had been touched on briefly at a prior meeting and opened the discussion inquiring if the Board should issue a statement regarding licensees who disseminate misinformation and/or disinformation about COVID-19.

Dr. Sexton had contacted Dr. Bernstein and Mr. Herlihy previously viewing this as an opportunity for the Board to issue a strong statement in the interest of public protection.

Dr. Hildebrant supported the idea of a statement noting that one of the roles of the Board is to protect the public, and when medical professionals issue advice in error, it puts their communities and patients at risk.

Dr. Sproul suggested the Board also consider commenting on vaccine mandates, mask requirements, false vaccine documents and various forms of malfeasance.

Ms. Falk noted that doctors who make public statements were granted authority from the Board when they were granted a license. Physicians making false statements to patients is an abuse of that authority.

Dr. Tortolani asked what other medical boards have done and encouraged members to include good information in a statement issued by this Board.

Dr. Hildebrant noted that it is not within the purview of the Board to monitor social media for public comments made by Vermont licensed physicians, but there is governance over the patient encounters that may be reported to the Board.

Ms. McClain remarked about the challenges of balancing protection of the public with the presence Vermont licensees portray in the public sphere.

Dr. Clattenburg suggested issuing a statement in a positive voice regarding support for vaccines and other prevention strategies.

Ms. Barnard noted that the Vermont Medical Society will be very interested in a public statement issued by the Board and that VMS members support the Board issuing a statement.

Dr. Hildebrant made a motion at 12:58 PM to go into Executive Session to discuss confidential attorney-client communications made for the purpose of providing legal guidance to the Board, as premature general public knowledge of what is to be discussed would clearly place the Board and/or persons involved at a substantial disadvantage. Ms.

Jones seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Sexton made a motion at 1:33PM to return to Open Session Dr. Sproul seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Hildebrant made a motion for the Board to issue a statement modeled after the statement from the WA Board of Medicine regarding COVID-19 with links to Vermont Health Department resources on the website. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Update on the Interstate Telehealth Work Group process.**

Mr. Herlihy briefed the Board on actions to date by the Interstate Telehealth Work Group, which was created by a law passed this year. He explained there has not yet been a meeting of the ad hoc committee formed to assist him with the Board's input to the process because the group's work to this point has been a very broad survey to gathering and examine a lot of information about the full spectrum of measures that might be taken with regard to telehealth practice. That work has been done in subcommittees arranged by topics (waiver of licensure, compacts, telehealth licenses, regional reciprocity, and other/international issues). Those subgroups will soon present their research to the full work group and the work group will hold a series of meetings to finalize a report and recommendations to the General Assembly. Now that the discussion is becoming more focused and approaching the point at which recommendations will be drafted the ad hoc committee will meet to provide member guidance as to the Board's position.

7. Executive Session to Discuss:

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

Ms. McClain made a motion at 1:45 PM to go into Executive Session to discuss confidential matters related to investigations. Dr. Hildebrant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Ms. McClain made a motion at 2:23 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 039-0421 – Letter #1

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

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

MPC 073-0721 – Special Letter #1

MPC 072-0721 – Special Letter #1

MPC 012-0121 – Letter #1
MPC 078-0721 – Special Letter #1
MPC 079-0721 – Special Letter #1
MPC 080-0721 – Special Letter #1
MPC 082-0721 – Special Letter #1
MPC 084-0721 – Special Letter #1
MPC 086-0721 – Special Letter #1
MPC 088-0721 – Special Letter #1
MPC 124-0821 – Special Letter #1
MPC 089-0721 – Special Letter #1
MPC 090-0721 – Special Letter #1
MPC 091-0721 – Special Letter #1

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

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

MPS 074-0721 – Special Letter #1
MPS 075-0721 – Special Letter #1
MPS 077-0721 – Special Letter #1
MPS 081-0721 – Special Letter #1
MPS 083-0721 – Special Letter #1
MPS 047-0421 – Special Letter #1

Mr. LeCours made a motion to close the cases presented. Dr. Payne seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee.

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

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

- **October 8, 2021, Central Investigative Committee Meeting, 9 AM, [108 Cherry Street, Burlington, VT and remote via Teams](#)**
- **October 14, 2021, North Investigative Committee Meeting, 9 AM, [108 Cherry Street, Burlington, VT and remote via Teams](#)**
- **October 20, 2021, Board Meeting on pending applications, 12:10 PM, [108 Cherry Street, Burlington, VT and remote via Teams](#)**
- **October 20, 2021, South Investigative Committee Meeting, 12:15 PM, [108 Cherry Street, Burlington, VT and remote via Teams](#)**
- **November 3, 2021, Licensing Committee Meeting, 11:00 AM, [108 Cherry Street, Burlington, VT and remote via Teams](#)**

- **November 3, 2021, Board Meeting, 12:00 PM, *108 Cherry Street, Burlington, VT and remote via Teams***

11. Open Forum: None

12. Adjourn: Dr. Bernstein declared the meeting adjourned at 2:30 PM.

APPENDIX A

PRESENTATION OF FULL APPLICATIONS

October 6, 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
Ackerman, Adam MD	UVM	Surgery (BC)	UVMMC
Anderson, Ryan MD	Duke University	Anesthesiology (BC)	UVMMC
Craig, Steven MD	F. Edward Hebert SOM	Diagnostic Radiology (BC)	Radiology Partners
**DiSabatino, Stephen MD	Jefferson Medical College	Emergency Medicine (BC)	TBD
**Ebner, Joseph MD	Medical College of Ohio	OB/GYN (BC)	First Step Pregnancy
Foxman, Ethan MD	Stanford University	Neuroradiology (BC)	NWMC
**Gardner, Timothy MD	University of Connecticut	Internal Medicine (BC)	SWVMC
**Hendrzak, Ann MD	Temple University	OB/GYN (BC)	NWVMC
Ibanez, Maria DPM	Temple University	Podiatry	CVMC
**Levinson, Andrew MD	Drexel University	Internal Medicine (BC)	RRMC
**Mills, Andrew MD	Creighton University	Diagnostic Radiology (BC)	TBD
Morgan, Michael MD	University of South Florida	Dermatopathology (BC)	Korpath
**Nasraway, Stanley MD	University of S. California	Critical Care Med. (BC)	RRMC
Nissaisorakarn, Pitchaphon MD	University of Siriraj (Thailand)	Internal Medicine (BC)	Telemedicine
Pelletier, Andrea MD	UVM	OB/GYN (BC)	PPNNE
**Rondeau, Rafael PA-C	MGH Institute		TBD
Rosenberg, Noah MD	OHSU	Emergency Medicine (BC)	Springfield Hospital
Sokolowski, Rebecca PA-C	Daemen College		TBD
**Speer, Jonathan PA-C	Franklin Pierce		NOTCH
Sydow, Gregg MD	Southern Illinois University	Diagnostic Radiology (BC)	Virtual Radiologic
Thawait, Shrey MD	Gajra Rajo Med College (India)	Radiology (BC)	Radiology Partners

Thomas Jr., Charles MD

**Weinreich, David MD

Yrsha, Rachel PA-C

University of Illinois

Hahnemann Medical College

Frostburg State University

Internal Medicine (BC)

Internal Medicine (BC)

Norris Cotton Cancer Ctr

Brattleboro Walk in/MRC

CHCRR

10/6/2021

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>
**Rubino, Jessica MD	Radiology	DHMC	10/1/21	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.

October 6, 2021

<u>042.0015485-COMP</u>	Michael Harmon Albert
<u>042.0015486-COMP</u>	Danial Arshed
<u>042.0015487-COMP</u>	Theresa Fitzgerald
<u>042.0015488-COMP</u>	Randolph Henry Helmholtz
<u>042.0015489-COMP</u>	Andrew Robert Kim
<u>042.0015490-COMP</u>	Gene Schwartz
<u>042.0015514-COMP</u>	Shaun David Carstairs
<u>042.0015515-COMP</u>	Teresa Kuo
<u>042.0015516-COMP</u>	Audrey Rosa Nath
<u>042.0015517-COMP</u>	Ilene Sue Ruhoy
<u>042.0015518-COMP</u>	Jonathan Andrew Figg
<u>042.0015519-COMP</u>	Katherine Bell Hill
<u>042.0015520-COMP</u>	Khurram J Khan
<u>042.0015521-COMP</u>	Maria Bernadette Mainolfi
<u>042.0015522-COMP</u>	Casey Wayne Melton MD
<u>042.0015525-COMP</u>	Anne DePasquale
<u>042.0015526-COMP</u>	Thomas Kleisli
<u>042.0015527-COMP</u>	Mark Schlangel
<u>042.0015528-COMP</u>	Veronica Slootsky
<u>042.0015529-COMP</u>	James Ronald Varrell
<u>042.0015530-COMP</u>	Lin-Fan Wang