

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

Approved

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

Richard Bernstein, MD, Chair, called the meeting to order at 12:02 PM

Members Present:

Brent Burgee, MD; Richard Clattenburg, MD; Allen Evans; 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; Cassandra Diederich, AAG; Bill Reynolds, AAG; George Belcher, Esq.

2. Public Comment: None

3. Approval of the Minutes of the January 6 and January 20, 2021 Board Meetings:

Dr. Hildebrant moved to accept the minutes of the January 6, 2021 meeting. Dr. Sproul seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Ms. McClain moved to accept the minutes of the January 20, 2021 meeting. Mr. Hoser 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 on the status of the amendment to extend the IT contract , which is in the final stages of being signed. This amendment will allow the system to be hosted by Tyler Technologies, which will make it easier on staff to troubleshoot issues and continue with maintenance and updates until we can move to a newer system.

Mr. Herlihy reminded members that some board staff continue to serve in the COVID-19 response. Mr. Frennier and Ms. Nenninger are continuing their roles as contact tracers and Ms. LaFond continues to serve as a lead on the communications team, responding to public inquiries. All staff are under extra stress and Mr. Herlihy simply asked for continued patience if staff are unavailable .

Mr. Herlihy noted that many members have not yet received their re-appointment letters from the governor's office and reassured them that their service on the Board remains valid. The

staff at the Governor's office are also stretched these days and they are allowing continuation of existing appointments at this time. Members serve until a replacement is appointed.

Mr. Herlihy discussed the issue of Step 2, Clinical Skills ("CS") of the USMLE being removed from the exams for physicians. He asked members to consider any implications, especially as related to the residents in training programs. The ECFMG previously required English Language Proficiency testing, but that went away and was incorporated into Step 2 CS. With that now removed, there may be concerns about potential issues with patient care and safety. Because Step 2 CS was being taken before residency, and because completion of residency in an approved program provides reasonable assurance that the MD has adequate clinical and language skills to practice medicine, the concerns about the loss of Step 2 CS are mainly tied to the issuance of LTLs for practice in a residency program. Ms. Hunter added that she serves on a committee with the Federation of State Medical Boards (FSMB) that had been discussing the Step 2 CS issue and noted that the committee was surprised when this change was brought to their attention. She stated that she will share information or plans for further discussion. Mr. Herlihy let members know that if they advise him of concerns he can add it to the agenda for a future meeting. If the Board has collective concerns they could be forwarded to the FSMB and NBME.

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

7. Other Business:

- **CME Audit** – Mr. Herlihy reminded members that, at the January meeting, the Board asked to delay the audit of licensee-reported CME compliance for the 2020 renewal. In accordance with the audit plan, and as has been the practice for renewals since establishment of the CME requirement, the audit will begin with asking 59 licensees to submit documentation of CME activities. Additional licensees will be asked to submit documentation only if more than 10 percent of licensees selected for audit are unable to document completion of CME as claimed on the renewal.

Members discussed concerns about the potential for some licensees to feel overburdened by having to respond during this challenging time of COVID-19, especially since many physicians have not been able to attend or participate in CMEs that were canceled in 2020. Mr. Herlihy reminded members that they had reduced the required hours and that the audit looks at only the hours claimed to have been completed by licensees, so availability of training is not a factor. He added that flexibility and extensions will be permitted on a case-by-case basis when a physician informs the board of circumstances that may interfere with responding to the audit. He suggested that it would not be necessary to have a motion to

decide the matter and stated that absent objection by any members the audit would proceed. No members stated opposition. Mr. Herlihy added that staff will be mindful of Board concerns on behalf of licensees as the audit is conducted.

- **Legislative Update** – Mr. Herlihy provided an overview of bills affecting the Board. Bills have been introduced in the House and Senate to address issues associated with unapproved stem cell treatments. The Board supported such measures during the last session and a lot of work was done, but no bill was passed in the interrupted session. The new bills are similar to the drafts resulting from the work done last session.

He then turned to a discussion currently taking place in the Senate regarding when the emergency authorities for medical licensing should end in relation to the end of the declared state of emergency. At present the emergency authorities passed that created flexibility for medical licensing are scheduled to expire on March 31, 2021. The two options under discussion are having those provisions end 90 days after the state of emergency ends, or having the emergency provisions for medical licensing extended to March 31, 2022 without regard for when the state of emergency comes to an end. The Board has been asked to provide input to the Senate Health & Welfare Committee on this issue.

Mr. Herlihy asked members for input regarding how much time should be allowed after the end of the emergency. He stated that while the March 31, 2022 date has the advantage of certainty, it poses undefined risks associated with the fact that it would allow practice in Vermont without a license for almost 14 more months. While those risks might be outweighed by the need for care during the emergency, how long will such a need continue once conditions no longer justify the declaration of an emergency?

Members voted on each option. First, Mr. LeCours made a motion to support emergency medical licensure through the end of the State of Emergency plus an additional 90 days beyond the end date. Dr. Tortolani seconded the motion. After discussion, the motion passed; opposed: none; recused: none; abstained: none.

Next, Dr. Tortolani made a motion that the Board declare a preference to extend the emergency medical licensing provisions through March 31, 2022. Dr. Sproul seconded the motion. After discussion, the motion did not pass; in favor: 5; opposed: 9; recused: none; abstained: 2.

Yes: Marga Sproul, MD; Allen Evans; Christine Payne, MD; David Liebow, DPM; Robert Tortolani, MD

No: Richard Bernstein, MD; Leo LeCours; Sarah McClain; Brent Burgee; Ryan Sexton, MD; Frank Heald; Rich Hildebrant, MD; William Hoser, PA-C; Patricia Hunter

Abstain: Margaret Tandoh, MD; Richard Clattenburg, MD

8. **Pet Extravaganza 2021** – In the days preceding the meeting Ms. Nenninger asked members and staff to submit pictures of their pets, and then shared the photos. Participants then were asked to match pets to a list of owners' names. During the meeting the correct answers were disclosed. All participants enjoyed the team building exercise. .

9. Executive Session to Discuss:

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

Mr. LeCours made a motion at 1:23 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.

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

Dr. Tortolani made a motion at 2:37 PM to return to Open Session. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 091-1020 – Special Letter #1
MPN 062-0820 – Special Letter #1
MPN 083-0920 – Special Letter #1

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

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

MPC 066-0820 – Special Letter #1
MPC 147-1019 – Special Letter #2

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

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

MPS 094-1120 – Special Letter #1; Dr. Payne recused
MPS 074-0920 – Special Letter #1; Dr. Sproul and Dr. Tandoh recused.

Ms. McClain made a motion to close the cases presented. Dr. Sexton seconded the motion. The motion passed; opposed: none; abstained: none; recused: 3 and South Investigative Committee.

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

Dr. Bernstein thanked Ms. Nenner for the Pet Extravaganza fun and thanked the members and staff for all of their hard work during this challenging time.

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

- February 11, 2021, Central Investigative Committee Meeting, 9 AM *(Remote)*
- February 12, 2021, North Investigative Committee Meeting, 9 AM *(Remote)*
- February 17, 2021, Board Meeting on pending applications, 12:10 PM *(Remote)*
- February 17, 2021, South Investigative Committee Meeting, 12:15 PM *(Remote)*
- February 3, 2021, Licensing Committee Meeting, 11:00 AM *(Remote)*
- February 3, 2021, Board Meeting, 12:00 PM *(Remote)*

13. Adjourn: Dr. Sproul made a motion at 2:42 PM to adjourn. Dr. Hildebrant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

APPENDIX A

PRESENTATION OF FULL APPLICATIONS

February 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
**Doud Galli, Suzanne MD	SUNY Brooklyn	Otolaryngology (BC)	TBD
**Lair, Timothy MD	University of Kansas	Anesthesiology (BC)	UVMMC
**McDaniel, Brock MD	Med. College of Wisconsin	Diagnostic Radiology (BC)	Virtual Radiologic
Menon, Jennifer MD	University of Massachusetts	Pediatrics (BC)	TBD
Petruzzelli, Anita MD	George Washington University	OB/GYN	BodyLogic MD
Schumer, Amy MD	UVM	OB/GYN	UVMMC
**Stevens, Michael PA-C	Springfield College		TBD

2/3/2021

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>
Misra, Shantum MD	Internal Medicine	DHMC	2/1/21	MD
Stennett, Naima MD	Family Practice	RRMC	2/1/21	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.

February 3, 2021

Credential Number	Name
<u>042.0015135-COMP</u>	Miguel Antonatos
<u>042.0015136-COMP</u>	Daniel Joseph Carlin
<u>042.0015137-COMP</u>	Cynthia L. Netherton
<u>042.0015138-COMP</u>	Resmiye Oral
<u>042.0015139-COMP</u>	Mariela Viera
<u>042.0015140-COMP</u>	Barbara Ann Wilson
<u>042.0015153-COMP</u>	Linda Judith Anegawa
<u>042.0015154-COMP</u>	Barbara Ruth Bellar
<u>042.0015156-COMP</u>	Rafael José Grossmann
<u>042.0015157-COMP</u>	Jerrica Kirkley
<u>042.0015158-COMP</u>	Edward William Schwartz
<u>042.0015159-COMP</u>	Alec Weir