

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the December 1, 2021 Board Meeting**  
**108 Cherry Street, Burlington, VT**  
**and remote via Teams**

**Approved**

**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; Patricia Hunter; Suzanne Jones, 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; Paula Nenninger, Investigator; Scott Frennier, Investigator; Karen LaFond, Operations Administrator; Bessie Weiss, AAG; Megan Campbell, AAG; Kurt Kuehl, AAG; Bill Reynolds, AAG; George Belcher, Esq.; Nels Kloster, MD; Anthony Folland.

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

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

**3. Board Issues (Dr. Bernstein):**

Dr. Bernstein informed members that this would be the last board meeting for Ryan Sexton, MD.

**4. Other Business:**

Dr. Nels Kloster and Anthony Folland made a presentation on current standards for buprenorphine prescribing, answered questions, and facilitated an informational discussion with Board members. Dr. Kloster is a psychiatrist and addiction medicine specialist who has over 20 years' experience. Mr. Folland is the Manager of Clinical Services for the Health Department's Division of Alcohol and Drug Abuse Programs. In that role he works with medication-assisted treatment programs throughout Vermont. Members had an opportunity to present case scenarios they have investigated over the years and inquired of their professional opinions and recommendations to enhance their understanding of the current standards for opioid prescribing for chronic pain.

**5. Administrative Updates (Mr. Herlihy):**

Mr. Herlihy presented Dr. Sexton with a Certificate of Appreciation and thanked him for his service to the Board.

**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. (See Appendix A)

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

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

- **In re: Richard E. Kast, MD – Stipulation and Consent Order – MPS 087-0818 & MPS 121-1018**

Ms. Campbell addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Payne 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: Dr. Bernstein; Mr. LeCours; Ms. McClain; Dr. Sproul; Dr. Burgee, Dr. Clattenburg, Ms. Falk, Dr. Payne, Dr. Sexton. Opposed: none; Abstained: none; Recused: South Investigative Committee.

- **In re: Kang Lu, MD – Stipulation and Consent Order – MPN 034-0219**

Mr. Reynolds addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Hildebrant 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. Burgee, Dr. Clattenburg, Ms. Falk, Dr. Payne, Dr. Sexton, Mr. Heald; Dr. Hildebrant; Ms. Hunter; Dr. Liebow; Dr. Tortolani. Opposed: none; Abstained: none; Recused: North Investigative Committee.

**8. Reconvene meeting; Executive Session to Discuss:**

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

The Board began discussion of this topic out of order before the scheduled time for the beginning of the public hearing. Dr. Sexton made a motion at 1:10 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.

Dr. Payne made a motion at 1:31 PM to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Tortolani made a motion at 1:57 PM to go into Executive Session to discuss confidential matters related to investigations. Dr. Liebow 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 3:01 PM to return to Open Session. Ms. Jones seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 034-0321 – Special Letter #1  
MPN 143-0921 – Special Letter #1; Dr. Hildebrant recused  
MPN 106-0821 – Special Letter #1  
MPN 005-0121 – Stan Burns Letter  
MPN 020-0121 – Stan Burns Letter

Dr. Clattenburg made a motion to close the cases presented. Dr. Sexton 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 105-0821 – Special Letter #1  
MPC 144-0921 – Letter #1; Ms. Hunter and Dr. Hildebrant recused  
MPC 133-0821 – Letter #1; Dr. Sproul recused  
MPC 055-0621 – Letter #1  
MPC 148-0921 – Letter #1  
MPC 099-1120 – Letter #1

Mr. LeCours made a motion to close the cases presented. Ms. Jones seconded the motion. The motion passed; opposed: none; abstained: none; recused: 4 and Central Investigative Committee.

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

MPS 115-0821 – Special Letter #1  
MPS 044-0421 – Stan Burns Letter  
MPS 128-0821 – Special Letter #1

MPS 118-0821 – Special Letter #1  
MPS 035-0321 – Special Letter #1  
MPS 045-0421 – Letter #1  
MPS 151-0921 – Special Letter #1; Dr. Sproul recused  
MPS 087-0721 – Special Letter #1

Dr. Clattenburg made a motion to close the cases presented. Mr. LeCours seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and South Investigative Committee.

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

- December 9, 2021, North Investigative Committee Meeting, 9 AM, [\*108 Cherry Street, Burlington, VT and remote via Teams\*](#)
- December 10, 2021, North Investigative Committee Meeting, 9 AM, [\*108 Cherry Street, Burlington, VT and remote via Teams\*](#)
- December 15, 2021, Board Meeting on pending applications, 12:10 PM, [\*108 Cherry Street, Burlington, VT and remote via Teams\*](#)
- December 15, 2021, South Investigative Committee Meeting, 12:15 PM, [\*108 Cherry Street, Burlington, VT and remote via Teams\*](#)
- January 5, 2022, Licensing Committee Meeting, 11:00 AM, [\*108 Cherry Street, Burlington, VT and remote via Teams\*](#)
- January 5, 2022, Board Meeting, 12:00 PM, [\*108 Cherry Street, Burlington, VT and remote via Teams\*](#)

**APPENDIX A**

**Presentation of Applications**