

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the July 11, 2018 Board Meeting**  
**Gifford Medical Center, Randolph, Vermont**

**Approved**

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

William K. Hoser, PA-C, called the meeting to order at 12:17.

**Members Present:**

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Robert G. Hayward, MD; Francis J. Heald; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Harvey Reich, MD; Marga Sproul, MD.

**Others in Attendance:**

David Herlihy, Executive Director; Paula Nenner, Investigator; Scottie Frenner, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Dan Cole, Physician Assistant; Marge Bower, Physician Assistant.

**Public Comment:**

None

**2. Approval of the Minutes of the June 6 and June 20, 2018 Board Meetings:**

Dr. Liebow moved to accept the minutes of the June 6, 2018 meeting. Dr. Payne seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Bernstein moved to accept the minutes of the June 20, 2018 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

**3. Board Issues (Mr. Hoser):**

None

**4. Administrative Update (Mr. Herlihy):**

Mr. Herlihy welcomed and introduced the new board member, Francis J. Heald to serve as a Public Member.

Mr. Herlihy noted that during the special session of the Vermont Legislature, the bill proposing to create a commission to oversee all professional licensing boards

passed. He reiterated that under the proposal, all boards would be divided into three groups, with the boards of each group being reviewed every three years to verify the need for regulation of the profession. The commission would be made up of Legislators and members appointed by the Governor, and he did not anticipate any negative impact for the Board of Medical Practice.

Mr. Herlihy reminded members that all email communications are subject to be disclosed in a response to a public records request. He noted that he recently received a public records request to include email communications between he and Mr. Hoser, so he wanted to simply remind members of the Public Meeting Law as related to email communication.

Mr. Herlihy informed members that he will be meeting with the Commissioner of Health to discuss the Health Department's strategic plan sometime in the next two weeks.

Mr. Herlihy reported that he attended the annual FSMB Education Committee meeting on June 26<sup>th</sup> to participating in the planning for the 2019 FSMB annual conference.

#### **5. Presentation of Applications:**

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

#### **6. Presentations to the Board:**

None

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

- **In re: Jessica Biggie, MD – Stipulation and Consent Order – Licensing Matter**

Ms. Vincent 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. Dr. Reich seconded the motion. The motion passed; opposed: 1; abstained: none; recused: none.

- **In re: Christopher S. Manfred, MD – Stipulation and Consent Order – Licensing Matter**

Ms. Vincent informed the board that she spoke with Dr. Manfred prior to the meeting to clarify the licensing process and upcoming license renewal

process. Given that any license issued prior to August 30, 2018 would be required to be renewed prior to November 30, 2018, Dr. Manfred requested the board consider the Stipulation and Consent Order as a condition of granting a license at the September 5, 2018 meeting so as to avoid the renewal requirement. The order will be held and presented on September 2, 2018.

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

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

Dr. Liebow made a motion at 12:47 p.m. to go into Executive Session to discuss confidential matters related to investigations. Mr. LeCours 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:**

Mr. Jenkins made a motion at 1:07 p.m. to return to Open Session. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 178-1217 – Special Letter #1

MPN 017-0218 – Letter #1

MPN 168-1117 – Special Letter #2; Dr. Reich recused

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

**Dr. Reich, South Investigative Committee, asked to close:**

MPS 034-0418 – Letter #1

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

**10. Board Actions on Committee recommendations with regard to any non-confidential matters:**

Dr. Hayward made a motion to approve Jessica Biggie, MD for physician licensure. Dr. Drew seconded the motion. The motion passed; opposed: 1; abstained: none; recused: none.

## 11. Other Business:

### a. Discussion and Possible Vote to Approve Board Recommendations with Regard to Intimate Exams

Dr. Hayward made a motion to approve the Board of Medical Practice Recommendations for Intimate Exams. Mr. LeCours seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Herilhy noted that the document will be posted on the Board's website and he will work with Ms. LaFond to disseminate the document to all licensees, the hospitals and other stakeholder groups such as the Vermont Medical Society. He will also include an article in the newsletter.

### b. Expert Qualifications:

Mr. Herily sought guidance from members regarding a question that has arisen about the qualifications necessary to act as an expert. In some cases, the pool of potential experts includes one or more physicians licensed as doctors of osteopathy (DOs). Among Investigating Committees, there have been different conclusions regarding whether the Board should rely on DOs as experts, or if the Board should limit itself to using MDs for expert reviews (or perhaps experts licensed in the other professions within the Board's jurisdiction in cases concerning those other professions).

Members agreed to take this issue on a case-by-case basis. If the individual is adequately qualified and has been appropriately vetted by the AAGs and Board Investigators, then it shouldn't matter if the person is a DO or MD. In essence, members found it acceptable to consider Dos as experts, especially given the pool of experts is not that large in Vermont. Members also agreed that a formal motion was not necessary at this time.

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

- July 18, 2018, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- July 19, 2018, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 2C, Burlington, VT
- July 27, 2018, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Board Room, Berlin, VT

- **August 1, 2018, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Maple Leaf Conference Room, Randolph**
- **August 1, 2018, Board Meeting, 12 p.m., Gifford Medical Center, Maple Leaf Conference Room, Randolph**

**13. Open Forum:**

None

**14. Adjourn:**

Mr. Hoser declared the meeting adjourned at 1:48 p.m.

**Attachments: Appendix A**

## APPENDIX A

### Presentation of Applications

**Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses for:**

Maria Alvarado, MD	Brady Bradshaw, MD	Jean Butterfield, MD
John Draeger, MD	Jamie Evert, PA-C	Judith Feld, MD
James Flannery, MD	Emilija Florance, MD	Nora Frisch, MD
Ankit Gor, MD	Anubha Jati, MD	Joseph Krainin, MD
Amichai Kilchevsky, MD	Brandon Liebelt, MD	Sonya Martin, MD
Rafael Montecino, MD	Gatha Nair, MD	Laura Nixon, PA-C
Andrea Reed, MD	Theresa Ruddy, MD	

Recommended by Ms. McClean for licensure. Seconded by Ms. Hunter. The motion passed; opposed: none; abstained: 1; recused: none.

**Mr. Hoser moved for the issuance of limited temporary physician and limited temporary podiatric licenses for:**

Ali Mejaddam, MD	Lori Richer, MD
------------------	-----------------

Recommended by Dr. Hayward for licensure. Seconded by Dr. Clattenburg. The motion passed; opposed: none; abstained: none; recused: none.