

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the September 6, 2017 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 11:00 am.

Members Present: Brent Burgee, MD; Michael Drew, MD; Robert G. Hayward, MD; Patricia Hunter; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Ryan Sexton, MD; Marga Sproul, MD. Richard Bernstein, MD and Richard Clattenburg, MD arrived after item 8 was completed.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenner, Investigator; Scottie Frennier, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; Megan Hereth, AAG.

2. Public Comment:

None

3. Approval of the Minutes of the August 2, 2017 Board Meeting:

Dr. Hayward moved to accept the minutes of the August 2, 2017 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Mr. Hoser):

Mr. Hoser informed members that he will be participating in a Prescription Drug Monitoring forum hosted by the Federation of State Medical Boards in Washington, DC to discuss monitoring systems; barriers, use, costs and other related topics. He stated that he will report on his experience at the October meeting.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy noted that a newsletter had been sent out on August 28th and provided readership statistics to the members as of September 5:

Sent to 4238 individuals
29% open rate (1223 individuals)
2% bounce rate (86 individuals)
69% no info (2929 individuals)

Welcome Message from the Chair: 71 people, 88 clicks
Opioid Rule Update: 220 people, 269 clicks
VPHP Expansion: 95 people, 108 clicks
VPMS Tips & Tricks: 25 people, 32 clicks
PA MAT: 13 people, 21 clicks
PA Renewal Reminder: 14 people, 20 clicks
CME Audit Results: 154 people, 177 clicks
VDH News
 Medical Reserve Corps: 25 people, 29 clicks
 Sepsis Awareness: 8 people, 10 clicks
 Zika testing: 8 people, 10 clicks
 Lead Poisoning Prevention: 8 people, 11 clicks

He added that the newsletter will be resent during September with some additional email updates. Ms. LaFond noted that an open rate of 29% is extremely high for an email sending a newsletter from a government agency.

Mr. Herlihy informed members that the Board Rules will be before the Legislative Committee on Administrative Rules on September 14, 2017 and barring any unforeseen problems they will be in effect soon. He stated that he is considering a winter newsletter to inform all licensees about the new rules and to include updates from the Department of Health.

Mr. Herlihy provided an update on the status of contracts. Currently, Board staff are working on establishing a direct, one-to-one contract with MicroPact, the vendor for the elicensing system. The existing contract has been held between the Agency of Digital Services and the Vermont Information Consortium, which has not always been an effective way of managing the system for the Board. Staff are hopeful a direct contract will be approved by ADS to allow for the elicense system to be hosted by MicroPact.

Board staff are also working on the amendment to the Vermont Practitioner Health Program contract with the Vermont Medical Society. With the expansion of VPHP services to include behavioral health services, the existing contract required amendments to document the services to be provided and the change in the fee schedule. It is hoped the amendment will be approved by October 1st.

Mr. Herlihy noted that the North Investigative Committee meeting was rescheduled to September 21, 2017.

Mr. Herlihy reported progress on the Board's proposed legislative initiatives. Two of the three submitted by the Board were selected by the Health Department and Agency of Human Services to be forwarded to the Administration. The two selected were the Interstate Compact on Medical Licensure and the proposal to amend the patient privilege law to resolve difficulty the Board has had with

obtaining medical records held by providers and facilities that are not licensed by the Board. The Agency of Human Services asked for more information about the Board's third proposal, which was to amend the law regarding reporting of employer and peer review actions to the Board. He is optimistic that the Administration will support each of the proposals that were forwarded by the Agency and will continue to update the Board throughout the legislative session.

6. 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.

7. Executive Session to Discuss:

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

Dr. Hayward made a motion at 11:24 a.m. to enter into Executive Session to discuss confidential matters related to investigations. Ms. McClain seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

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

Dr. Burgee made a motion at 11:37 p.m. to return to Open Session. Dr. Drew seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Mr. LeCours, North Investigative Committee asked to close:

MPN 093-0617 – Letter #1; Mr. Hoser recused
MPN 108-0617 – Special Letter #1
MPN 096 – 0617 – Letter #1
MPN 112-0617 – Special Letter #1; Mr. Hoser recused
MPN 071-0517 – Letter #1
MPN 091-0617 – Letter #1

Dr. Sexton made a motion to close the cases presented. Dr. Drew 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 107-0617 – Special Letter #1
MPC 062-0517 – Letter #1

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

9. Other Business:

At 11:41 am Mr. Hoser declared the Board's regular business completed. The Board took up the retreat topics beginning at 12 noon.

Board Retreat

Topic 1: A Visit with the new Health Commissioner, Mark Levine, MD

Dr. Levine met with the Board and held an open discussion about the role of the Health Department, recent changes in legislation around prescribing practices for the treatment of chronic pain, and the Rules promulgated by the department. Members discussed concerns regarding evidence of effectiveness of the measures that have been implemented to-date. Dr. Levine discussed improvements to the Vermont Prescription Monitoring System (VPMS), including a feature that will allow individual practitioners to compare their prescribing practices within their specialty. He also noted the improvements in collaboration and information sharing between law enforcement and public health officials. Dr. Levine spoke briefly about an upcoming health impact assessment or legalizing marijuana, and talked about the role of the Board in the realm of public safety.

Topic 2: Practitioner Health

Susy Parker, MD, Medical Director for the Vermont Practitioner Health Program (VPH) and Colleen Magne, VPH Program Administrator provided an overview of the expanded VPH services. Vermont Legislative Act 39 of 2017 expanded the scope of services of the VPH to include monitoring, evaluation and coordination of services addressing issues caused by any factor that interferes with cognition, judgement or behavior. Dr. Parker also provided an informative presentation on physician "burnout," covering the topics of substance abuse, depression, suicide, and the role of physician health programs in assisting those affected by those issues. .

Topic 3: Conflicts

Margaret Vincent, AAG, presented scenarios that potentially give rise to conflicts requiring members to recuse or abstain from discussions or votes.

Topic 4: Corporate Practice of Medicine: Should Vermont Consider Action?

Mr. Herlihy led a discussion regarding the considerations for physicians working for non-physicians or corporations and whether Vermont should take action to limit the potential for profit-driven decisions about medical care.

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

- **September 15, 2017, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **September 20, 2017, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **September 20, 2017, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **September 21, 2017, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **October 4, 2017, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **October 4, 2017, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

11. Adjourn:

Mr. Hoser declared the meeting adjourned at 11:41 a.m.

Attachments: Appendix A

APPENDIX A

Presentation of Applications

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

Susan Austin, MD	Ryan Brandt, MD	Brittany Bryan, PA-C
Julia Chickering, PA-C	Jessica Cintolo-Gonzalez, MD	Dell Dembosky, MD
John DeWitt, MD	Milton Dupuy, MD	Paul El Azoury, MD
Anthony Holbert, MD	Cody Holloway, AA-C	Lakshmipriya Kasirajan, MD
Robert Klaehn, MD	Sharon Kuong, MD	Jeffrey Kuvn, MD
Bruce Linder, MD	Sarah Mednansky, MD	Emmanuel Nwadike, MD
Alexander Orem, MD	Mukti Patel-Promeas, MD	Eammon Quinn, MD
Vijay Renga, MD	Cecily Reynolds, MD	Barry Ryan, MD
Mirabelle Sajisevi, MD	Sujata Singh, MD	Amy Wheaton, PA-C
Emmett Whitaker, III, MD	Colin Zepeda, MD	

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

Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:

Andrew Kriger, MD	Jessica Louie, MD	Julianne Macaulay, MD
Yoav Metzger, MD	Benefsha Mohammad, MD	

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