

**Vermont Board of Medical Practice
Minutes of the March 20, 2019 Board Meeting
Board of Medical Practice, Burlington, Vermont
Meeting Conducted via Phone**

Approved

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

Will Hoser, called the meeting to order at 12:10 p.m.

Members Present via phone:

Richard Bernstein, MD; Allen Evans; Leo LeCours; David Liebow, DPM; Sarah McClain; Patricia Hunter; Richard Clattenburg, MD; Ryan Sexton, MD; Judy Rosenstreich; Robert E. Tortolani, MD

Others in Attendance via phone:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Scott Frennier, Investigator; Lindsay Browning, AAG; Kassandra Diederich, AAG; Karen LaFond, Medical Licensing & Operations Administrator; Clare Buckley, Esq., Public Affairs; Dan Cole, PA-C, Legislative Chair, Physicians Assistance Academy of Vermont. Two former physician members who finished their terms in recent weeks upon the appointment of their replacements were also present: Harvey Reich, MD; Michael Drew, MD.

2. Public Comments: None

3. Presentation of Applications: None

4. Other Business:

Consideration of the report from a subcommittee formed by the Board to review H.116/S.128, a bill concerning PA licensure.

Prior to the meeting, Mr. Herlihy provided members with a summary of the subcommittee's discussion regarding H.116/S.128 and a proposed draft of a position statement for the members to consider. Mr. Herlihy noted that the subcommittee was made up of Will Hoser, PA-C, Judy Rosenstreich, Public Member, Ryan Sexton, MD, and Bob Tortolani, MD, and Margaret Vincent, AAG, attended the meeting as well. He stated that it was difficult to find a time that worked for all participants to have a conference call, but they met via phone on March 14. He stated that at the conclusion of the meeting, the subcommittee did not reach the point of having a vote to establish a position, however their discussion informed his work on the draft document, as well as the Board discussion at the March 6th meeting. Although the proposed draft is not a recommendation of the subcommittee, he proposed the written draft for the full Board's consideration because he has been asked to testify on March 21 at the Senate Health and Welfare Committee.

Mr. Hoser asked members in roll-call order to provide comments on the matter.

Board Member Comments, Round 1:

- Dr. Bernstein: no comment
- Dr. Clattenburgh: the bill is not optimal, but he supports the bill and supports the draft position that was sent out for consideration.
- Mr. Evans: Looks good; no further comment.
- Ms. Hunter: Was not present for Board discussion on March 6, no comment.
- Mr. LeCours: Stated his support for the recommendations of subcommittee. At that time Mr. Herlihy

clarified the proposal is a staff-prepared document based upon the input from the subcommittee but was not formally adopted as the recommendation of the subcommittee. Mr. LeCours clarified that he supported the draft proposal.

- Dr. Liebow: while he sees issues, he supports the proposal.
- Ms. McClain: supports the proposal
- Ms. Rosenstreich: noted that without having the background she wished she had for the subcommittee discussions, she feels the Board hasn't said in a straightforward manner, given current practice trends, that PAs are an essential component, and she would like the opening paragraph to be more robust. She also feels the proposal requires a statement of essence of why legislation is being done.
- Dr. Sexton: supports proposal
- Dr. Tortolani: supports proposal
- Mr. Hoser: stated he would like to see the following modification:

- 1) In section 4(a) – 2 years of practice in any state, remove the word “Vermont”.

Mr. Herlihy clarified that the subcommittee believed the Licensing Committee would have the discretion to review the years of practice upon consideration of approving applications.

- 2) In section 4(b), Mr. Hoser supports option #2.

Mr. Herlihy noted the details could be filled in by rule.

Other Comments from Participants:

- Clare Buckley: while she did not have the proposed statement, she noted that she has spoken previously with Mr. Herlihy who discussed much of what had been presented during the call. She noted that two PAs would be testifying at the hearing and would attempt to explain the “why” this legislation has been proposed. She stated that she worked closely with VMS and PAAV and she looks forward to working with the board as the bill moved forward. While there does not appear there is currently an agreement, she believes there can be continued dialogue as the bill moves forward.
- Dan Cole: echoed Ms. Buckley's comments.

Mr. Hoser asked members by roll-call order to make any additional comments:

- Dr. Bernstein noted that he supports the “why” and would like the Board to consider adding a robust endorsement to support the PAs in the system.

Mr. Hoser asked if members were prepared to make a motion.

Ms. Hunter made a motion to adopt the proposed statement with the inclusion of 4(b) number two. Dr. Bernstein seconded the motion.

Discussion of the motion:

Dr. Reich: in the capacity of a member of the public, he suggested that instead of getting into the details regarding transition to practice in statute, the Board might consider adding areas of specificity to the Board Rules.

Dr. Drew: in the capacity of a member of the public, he agreed with Dr. Reich and supported putting the specifics into rule rather than statute.

Ms. Hunter modified her original proposal. Final version voted on attached.

Mr. Hoser asked for a roll call vote on the motion:

Dr. Bernstein: Yea
Dr. Clattenburg: Yea
Ms. Hunter: Yea
Mr. LeCours: Yea
Mr. Evans – no longer on the phone
Dr. Liebow: Yea
Ms. McClain: Yea
Ms. Rosenstreich – no longer on the phone
Dr. Sexton: Yea
Dr. Tortonlani: Yea
Mr. Hoser: Yea

The motion passed; opposed – none; recused: none; abstained: none.

5. Next Regular Board meeting: April 3, 2019, 12 p.m., Gifford Medical Center, Randolph, Vermont.

6. Adjournment

Ms. Hoser adjourned the meeting at 12:45 p.m.

Respectfully submitted,
Karen LaFond