

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the December 5, 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 P.M.

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Allen Evans; Robert G. Hayward, MD; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Ryan Sexton, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenner, Investigator; Scottie Frennier, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Lindsay Browning, AAG; George Belcher, Esq.; Laureen Arena; PAAV President Christine O'Neill, PA-C, Legislative Chair Dan Cole, PA-C, Trustee John Bond, PA-C, Marge Bower, PA-C, Sarah Bushweller, PA-C, and Clare Buckley, Esq., Jessa Barnard, Executive Director, Vermont Medical Society.

2. Public Comment:

Laureen Arena addressed the Board to discuss her concerns regarding HIPAA laws and access to medical records, patient records not accurately reflecting the health issues of the individual, and stated she is seeking legislative changes that will hold physicians to be more accountable. She stated that she hopes more holistic remedies will become more mainstream and that medicine can be viewed in other ways. Mr. Hoser thanked her for taking the time to share her opinions with the Board.

3. Approval of the Minutes of the November 7, 2018 Board Meetings:

Ms. McClain moved to accept the minutes of the November 7, 2018 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Mr. Hoser):

Mr. Hoser asked for a moment of silence to recognize the passing of former President George H.W. Bush.

Mr. Hoser and Mr. Herlihy recognized two of the four board members whose terms will expire as of December 31, 2018: Robert G. Hayward, MD and David Jenkins.

Mr. Hoser noted that he recently spoke at the Ludlow Rotary to provide information about the mission and role of the Board of Medical Practice. Mr. Heald stated that the presentation was well received by the community members who attended.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided a brief summation of the physician license renewal: going into the renewal on August 30th, there were approximately 3600 physician licensees and as of November 30th 529 licenses lapsed. He stated that he and Ms. LaFond would do an analysis of the demographics of the lapsed licenses and potential contributing factors.

Mr. Herlihy informed the members that the Licensing Committee is in need of new members, since 3 of the 4 members who are leaving the Board served on that committee. He also stated that Board members whose terms are up for renewal will need to submit renewal applications to the Governor's office.

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

- **In re: Jeffrey E. Haddock, MD – MPS 097-0918 – Temporary Voluntary Limitation of Practice Agreement**

Ms. Browning addressed the Board, summarizing the facts leading up to the Temporary Voluntary Limitation of Practice Agreement. Dr. Hayward made a motion to approve the Temporary Voluntary Limitation of Practice Agreement. Dr. Bernstein seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and South Investigative Committee.

- **In re: Paul V. Bertocci, MD – MPS 109-0615 – Stipulation and Consent Order**

Ms. Browning addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Hayward made a motion to approve the Stipulation and Consent Order. Mr. Jenkins seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and South Investigative Committee.

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

Ms. Vincent addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Ms. McClain made a motion to approve the Stipulation and Consent Order. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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 1:27 p.m. 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.

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

Dr. Hayward made a motion at 2:41 p.m. to return to Open Session. Dr. Sexton seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 064-0718 – Special Letter #1
MPN 071-0718 – Special Letter #2
MPN 066-0718 – Letter #1
MPN 102-0918 – Letter #1
MPN 041-0518 – Letter #1
MPN 061-0517 – Special Letter #2

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

Ms. Hunter, South Investigative Committee, asked to close:

MPS 119-1018 – Letter #1
MPS 010-0218 – Letter #1; Ms. McClain recused
MPS 069-0416 – Special Letter #1; Ms. McClain recused
MPS 071-0512 – Special Letter #3; Ms. McClain recused
MPS 098-0918 – Special Letter #1
MPS 099-0918 – Letter #1

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

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

Mr. LeCours made a motion to approve Christopher Manfred, MD for physician licensure. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

11. Other Business:

- **Board Consideration of Amending Vermont's Regulated Drug Rule – Discussion and consideration of the proposal by the Vermont Department of Health to amend its rule on Regulated Drugs in order to remain current with trends in harmful drug production use.**

Mr. Herlihy presented the proposed amendments on behalf of Sarah Vose, Health Department Toxicology Chief 8 chemicals were suggested for addition to the Rule:

- Cyclopropyl fentanyl; N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers,
- Fentanyl-related substances
- Methoxyacetyl fentanyl; 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide
- Ortho-fluorofentanyl; 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide
- Para-Fluoroisobutyryl fentanyl; 4-FIBF; 4-fluoroisobutyryl fentanyl; N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers
- Tetrahydrofuran fentanyl; N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide
- Ortho-fluoroisobutyryl fentanyl; 2-FIBF; o-FIBF; 2-fluoroisobutyryl fentanyl
- Meta-fluoroisobutyryl fentanyl; 3-FIBF; m-FIBF; 3-fluoroisobutyryl fentanyl

Under section 3.0 of the Rule the following definition was proposed to be added: 3.9 "Fentanyl-related substances" means any substance that is structurally related to fentanyl by one or more of the following modifications:

(A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(B) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;

(C) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(D) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(E) replacement of the N-propionyl group by another acyl group.

4 chemical rule listings were proposed to be expanded:

- Acetylfentanyl; Desmethyl fentanyl; AT-(1-phenethylpiperidin-4-yl)-iVphenylacetamide including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers
- Butyryl Fentanyl; N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide; N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers
- U-47700; (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-Nmethylbenzamide), including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers
- FUB-AMB; MMB-FUBINACA; AMB-FUBINACA; Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate and its optical, positional, and geometric isomers, salts, and salts of isomers

Corrections were proposed for the following listings:

- Clorazepate (removed "h")
- Diethylpropion (removed "e")
- Pentazocine (removed "HCL and ASA")
- alpha-methylfentanyl (removed from Stimulant Drugs category and placed under Narcotics category)

15 listings under Benchmark Unlawful Dosage not present in other sections of the rule were also added under their respective category:

- Buspirone
- Trazodone
- Amylbarbital
- Bupropion
- Butalbital
- Chlordiazepoxide
- Cyclobenzaprine

- Diethylpropion
- Gabapentin
- Methaqualone hydrochloride
- Pentobarbital
- Phenobarbital
- Secobarbital
- Zolpidem
- Tincture of Opium

The Benchmark Unlawful Dosage listing for Dihydrocodeinone was determined to be duplicative to Hydrocodone and was proposed to be removed, and the corresponding Benchmark Unlawful Dosage was reassessed. A Benchmark Unlawful Dose of 45mg was derived by analyzing dose instructions and labeling for the U.S. Food and Drug Administration (FDA) approved drugs containing hydrocodone included in the FDA 'Orange Book' for which labeling or dosing instructions were available on FDA's website. Out of 189 applications, 6 provided dosing instructions or label inserts. An average 24-hour dose of 45mg was extrapolated from the highest 'usual adult dosage' declared for each FDA approved drug.

Mr. LeCours moved to advise the Board of Health that the Board has reviewed the proposed amendments and has no comments or recommended revisions to the proposed revisions to the Rule. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Proposal for Amendments to Statutes on Physician Assistant Practice – discussion and consideration of a Board position regarding a proposal from the Physician Assistant Academy of Vermont for amendment of the laws that define the requirements for supervision of PAs by physicians.**

PAAV President Christine O'Neill, PA-C and Legislative Chair Dan Cole, PA-C provided a brief overview of PAAV's proposals for legislation to amend the laws that define the requirements for PA supervision. Board member posed questions and discussed supervision and collaboration scenarios to better understand the proposed amendments. Board members expressed openness toward considering changes to the current model of PA supervision in Vermont and encouraged the Academy to continue collaboration with the Vermont Medical Society and other stakeholders.

- **USMLE Update – there will be a brief presentation on the United States Medical Licensing Examination, which is the medical licensing examination relied upon by the Board for most new applicants.**

Mr. Herlihy proposed to table this discussion until the January meeting due to the

hour. Members agreed with no objections.

- **VPHP Liaison Meeting –**

Mr. Herlihy spoke briefly with members about the upcoming VPHP Liaison Committee meeting with representatives of VPHP, Dr. Bernstein, Mr. Evans, Ms. Hunter, and Dr. Payne on December 17. He inquired if there were concerns or questions the members wanted to discuss at the meeting.

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

- **December 13, 2018, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **December 14, 2018, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **December 19, 2018, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **December 19, 2018, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **January 2, 2019 Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **January 2, 2019, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

13. Open Forum:

None

14. Adjourn:

Mr. Hoser declared the meeting adjourned at 2:10 p.m.

Attachments: Appendix A

APPENDIX A

Presentation of Applications

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

Lloyd Bennett, MD	Kyle Craven, PA-C	Sarah Crockett, MD
Amanda Fantry, MD	Ruth Foss, MD	Kristen Glick, PA-C
Rulon Hardman, MD	Ryan Harris, MD	Stanislav Henkin, MD
Jerri Jensen, MD	Christine Miller, MD	Julia O'Malley-Keyes, MD
Todd Peebles, MD	Sarah Pletcher, MD	Bryan Smith, MD
Carl Szot, Jr., MD	Nikhil Teja, MD	Maria Thomas, MD
Sajad Zalzal, MD		

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

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

Mohannad Awad, MD	Ghassan Barayan, MD	Lauren Nadkarni, MD
Austin Ramme, MD		

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