

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the January 2, 2019 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

Members Present:

Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Robert G. Hayward, MD; Francis J. Heald; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Harvey Reich, 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; Bill Reynolds, AAG; Sarah Bushweller, PA-C; Teba Toffling-Holmes, Paralegal, Health Department.

Public Comment:

None

2. Approval of the Minutes of the December 5, 2018 Board Meetings:

Dr. Hayward moved to accept the minutes of the December 5, 2018 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

3. Board Issues (Mr. Hoser):

Mr. Hoser and Mr. Herlihy recognized two of the four Board members whose terms expired as of December 31, 2018: Michael Drew, MD and Harvey Reich, MD.

4. Administrative Update (Mr. Herlihy):

Mr. Herlihy asked Ms. LaFond to present physician license renewal data for the 2018 renewal cycle. See Appendix B. Members were interested in receiving additional data regarding work-site locations, both within Vermont and on trends relating to telemedicine practitioners. Members also asked about the information on the age of licensees who allowed their licenses to lapse and asked for data about the age of licensees in general. Mr. Herlihy and Ms. LaFond offered to provide more information at a future meeting.

Mr. Herlihy asked members to volunteer to serve on the Nominating Committee to nominate officers of the Board at the February meeting. Three members volunteered: Ms. McClain, Dr. Liebow, and Dr. Clattenburg.

5. 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.

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 Marie Biggie, MD – Proposed Amended Order – Licensing Matter

Ms. Vincent addressed the Board, summarizing the facts leading up to the Proposed Amended Order. Mr. Heald made a motion to approve the Proposed Amended Order. Dr. Sexton 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 1:07 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 1:38 p.m. to return to Open Session. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 081-0818 – Special Letter #1
MPN 012-0218 – Special Letter #1

MPN 035-0418 – Special Letter #1
MPN 095-0918 – Special Letter #3

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

Dr. Sexton, Central Investigative Committee, asked to close:

MPC 039-0418 – Special Letter #1; Dr. Sproul recused
MPC 092-0818 – Letter #1; Dr. Sproul recused

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

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

MPS 075-0718 – Letter #1; Dr. Sproul and Dr. Bernstein recused.
MPS 111-1018 – Letter #1
MPS 076-0178 – Letter #1; Dr. Sproul and Dr. Bernstein recused.
MPS 077-0718 – Letter #1; Dr. Sproul and Dr. Bernstein recused.
MPS 101-0918 – Special Letter #1

Dr. Sexton made a motion to close the cases presented. Mr. LeCours 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:

None

11. Other Business:

• **Vermont Abuse & Offender Registry Checks**

Mr. Herlihy led a discussion about options for the Board to expand use of available registries to ensure awareness about any Licensees who are identified as abusers or offenders. Members were supportive of obtaining access to the information as available through these resources in order to ensure the Board is adequately protecting the public.

Dr. Reich made a motion to support the use of the Vermont abuse and offender registries to obtain information on new and existing licensees. Dr. Hayward

seconded the motion. The motion passed; opposed: none; abstained: none; recused: 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.**

Members continued discussion of this topic from the previous meeting. Concerns and points of discussion focused on: the language regarding the role and responsibility of physicians in supporting PA practice under the proposed “practice agreement” term or a grant of privileges by a facility; timeframes for notifying the Board of termination of a PA; whether or not the administrative burden on the larger medical facilities would be reduced; clarification of how the proposed changes to the relationship between physicians and PAs would cause the title “physician assistant” to be misleading to the public; and whether changes to the requirements for supervision would impact patient safety . No vote was taken on a position, but several members indicated that changes to the existing requirements for supervision would be appropriate and better reflect the current realities of practice given the changes in PA training since the existing requirements were established and changes to the structure of most practices in which PAs and MDs work. Overall, the members are open to amending the statutory requirements for PAs. Mr. Herlihy and AAG Vincent indicated they would work on a proposal for members to consider at the February meeting.

- **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.**

This item was delayed to a later meeting.

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

- **January 11, 2018, North Investigative Committee Meeting, 9 a.m., Vermont Department of Health, 108 Cherry Street, Conference Room 2C, Burlington, VT**
- **January 12, 2018, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **January 17, 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)**

- **January 17, 2018, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **February 7, 2018, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **February 7, 2018, 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 2:59 p.m.

Attachments: Appendix A

APPENDIX A

Presentation of Applications

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

| | | |
|------------------------|----------------------|----------------------|
| Andrew Boyer, MD | Krystal Buchanan, MD | Krista Buckley, MD |
| Barbara Chaitin, MD | Andrew DeNicco, MD | Joan DeSantis, MD |
| James Faliszek, MD | Jessica Faraci, MD | Joseph Farmer, MD |
| Alexandra Fenton, MD | Todd Hansen, MD | Anna Hilton, PA-C |
| Mary Theresa Hoang, MD | Valerie Jones, MD | Richard McCauley, MD |
| James Mullen III, MD | Nava Nawaz, MD | Michael Parker, MD |
| Harmeet Singh, MD | Eric Teitel, MD | Glenn Webster, MD |

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

Mr. Hoser moved for the issuance of limited temporary licenses to practice medicine for:

Marcia Nicole Newby-Goodman, MD Karan Patel, MD Amy West, MD

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

APPENDIX B



