

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the August 7, 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 12:14PM

Members Present:

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Francis J. Heald; Rick A. Hildebrant, MD; Patricia Hunter; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Judy Rosenstreich; Ryan Sexton, MD; Marga Sproul, MD; Gillian L. Stearns-Parr, MD; Robert E. Tortolani, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Scottie Frennier, Board Investigator; Karen LaFond, Operations Administrator; Lillian Colasurdo, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; Greyson Parr.

Public Comment:

None

2. Approval of the Minutes of the July 10 and July 24, 2019 Board Meetings:

Dr. Tortolani moved to accept the minutes of the July 10, 2019 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Bernstein moved to accept the minutes of the July 24, 2019 meeting. Dr. Hildebrant 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 reminded members that August 16, 2019 is Bennington Battle Day and state offices are closed.

Mr. Herlihy informed members that Dr. Stearns advised him that she will be moving and will no longer be able to serve on the Board as of the end of August. He noted that he has reached out to physicians who might fill her position and

one has expressed interest in serving. He hopes to have more information about her replacement at the September meeting.

Mr. Herlihy acknowledged Ms. Diederich and Mr. Frennier for their work on a complicated investigation that had been slated for a Summary Suspension Order to be considered by the Board. Their hard work and persistence set the conditions under which the licensee opted for voluntary suspension of license.

5. Presentation of Applications:

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

6. Executive Session to Discuss:

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

Dr. Liebow made a motion at 12:22 p.m. to go into Executive Session to discuss confidential matters related to investigations. Ms. Rosenstreich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Liebow made a motion at 1:32 p.m. to return to Open Session. Ms. Hunter seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 008-0119 – Special Letter #1
MPN 043-0319 – Special Letter #1
MPN 023-0318 – Letter 1
MPN 024-0318 – Letter 1; Mr. Hoser recused
MPN 017-0219 – Special Letter #1
MPN 077-0519 – Special Letter #1
MPN 078-0519 – Special Letter #1
MPN 070-0519 – Special Letter #1
MPN 081-0519 – Special Letter #1
MPN 094-0619 – Special Letter #1

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

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

MPC 031-0219 – Letter 1
MPC 152-1218 – Special Letter #1

Dr. Bernstein made a motion to close the cases presented. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

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

MPS 026-0219 – Special Letter #1
MPS 006-0119 – Special Letter #2
MPS 100-0918 – Special Letter #2
MPS 083-0519 – Special Letter #1
MPS 055-0419 – Letter #1; Dr. Sproul recused
MPS 024-0219 – Special Letter #1
MPS 155-1218 – Special Letter #1
MPS 115-0619 – Special Letter #1

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

8. Other Business: Update regarding Board approval standard for international medical schools (Mr. Herlihy).

Mr. Herlihy informed the Board that the language of the emergency rule that was adopted at the meeting in July was revised and finalized after being reviewed by Health Department attorneys and the policy staff who work on administrative rules. The substance of the language remained consistent with the approved motion and he spoke about the changes. Mr. Herlihy stated that the next step will be the formal rulemaking process and he asked the Board to indicate if there were any concerns with the final language. Members did not object to the wording revisions of the initial emergency rule.

Mr. Herlihy discussed the rulemaking process and noted that there will be notice to the public and interested stakeholders will have the opportunity to submit comments. He informed members that he has already received feedback from some applicants and one hospital about the expanded standards in the emergency rule, which still exclude graduates of some international medical

schools. He believes the Board can anticipate receiving suggestions to make the standard more inclusive and/or to add a waiver process that could provide more applicants a pathway to eligibility for a Vermont license. He and members discussed concerns about taking away the qualitative component from the international medical school standard, especially given the requirement for U.S. graduates to have graduated from an LCME-accredited school. He told members they could submit their thoughts to him about other possible amendments to the standard or share in one of the future discussions of this issue.

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

- **August 15, 2019, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, Conference Room 2C, Burlington, VT**
- **August 23, 2019, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **August 21, 2019, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**
- **August 21, 2019, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **September 4, 2019, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **September 4, 2019, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

10. Open Forum:

None

11. Adjourn:

Mr. Hoser declared the meeting adjourned at 1:59PM

Attachments: Appendix A

APPENDIX A

Presentation of Applications

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

Thomas Church, MD	Jeremy Clain, MD	Andrew Colucci, MD
Vincent Conte, MD	Alfred Goldyne, MD	Jonathan Jensen, MD
Humayon Khan, MD	Lucy Lane, MD	Carol Lindsey, PA-C
Kathryn MacDonald, PA-C	Darla Morgan, MD	James Picone, PA-C
Jetuan Rowley, Herron, MD	Jonathan Weed, MD	Johnny Wu, MD

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

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

Timothy Burton, MD-LTL

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