

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the October 3, 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 12:22.

Members Present:

Richard Bernstein, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Robert G. Hayward, MD; Francis J. Heald; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Harvey Reich, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Scottie Frennier, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; 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:

None

3. Approval of the Minutes of the September 5 and September 19, 2018 Board Meetings:

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

Mr. LeCours moved to accept the minutes of the September 19, 2018 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Mr. Hoser):

Mr. Hoser gave a brief update from the Federation of State Medical Boards (FSMB) Board Education, Service and Training (BEST) Workgroup, which is currently forming a Medical Regulation Model.

Mr. Hoser asked Ms. Hunter to share with members the updates from the FSMB Ethics/Professionalism Committee. She noted that she will be attending a

meeting in November that will focus on “Social Media Use” and encouraged members to share thoughts with her to take to the meeting. She also informed members that the United Way is offering an all-day workshop on the Dynamics of Addiction, both physical and mental.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy provided an update on the physician license renewal period, which began on August 30. Going into renewal, approximately 3,600 licenses were up for renewal. As of the meeting date 1,313 had submitted renewal applications, with 1,089 fully processed. He noted that there have been many questions about the CME requirements.

Mr. Herlihy reported to the Board that the SCOPE of Pain conference held on September 29 was well attended, with over 125 attendees. He noted that the Northwestern Medical Center in St. Albans, VT is hosting a SCOPE of Pain session in October and the information is on the Board’s website.

Mr. Herlihy informed the Board that he is participating in a study group related to the licensing of free-standing health facilities. In the last legislative session there was a bill that would have created a licensing requirement for ambulatory surgical centers. That bill did not pass, but the Legislature passed a bill calling for a study of licensing for all forms of “freestanding health care facilities.” He will provide more information at future meetings.

6. Presentations to the Board:

The Physician Assistant Academy of Vermont spoke with the board about proposed amendments to the statutes governing PA licensure and regulation.

PAAV President Christine O’Neill, PA-C, Legislative Chair Dan Cole provided a background and history of PA training, certification and CME requirements. They noted that there are over 360 PA in Vermont and 65% work in rural settings, averaging over 100 patients per week. They stated that statistics indicate a shortage of primary care MDs in Vermont and PAs are a good solution to the gap in access to health care.

They noted that under the current model physicians supervise PAs and are legally responsible for the PAs practice of medicine. More MDs are moving from a private practice model to an “employed” model, where the MDs are practicing alongside PAs, not as the PAs employers. They argued that MDs no longer have an economic incentive to take on the work of supervision of PAs or the liability for PA practice. The employment landscape is changing: 1) MDs do need to be

legally liable for PAs practice. They work in partnership and this model reduced unreasonable employment barriers that negative impact access to care; 2) In light of the changes to APRN legislation, where they no longer need to have a documented collaborative relationship with MDs, PAs are hoping to adopt similar legislative language that would negate the required Delegation Agreements and Primary and Secondary Supervisor Agreements. They believe that health care employers are coming to see PAs as a less desirable option due to the amount of paperwork.

PAAV will be working with the Vermont Medical Society to draft legislative changes that will speak to a collaborative working relationship with MDs and more accurately reflect that PAs are currently operating autonomously. PAs are seeking to take responsibility for their practice and to reduce the administrative burden of the paperwork.

A number of Board members expressed openness toward considering changes to the current model of PA supervision in Vermont. The PAAV representatives said they will return to the Board with a draft for discussion at a future meeting.

7. 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.

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

- **In re: Cheryl Swan Gagnon, PA-C – MPC 129-0816 – Stipulation and Consent Order**

Ms. Diederich 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. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

9. Reconvene meeting; Executive Session to Discuss:

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

Dr. Hayward made a motion at 1:35 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Payne made a motion at 1:51 p.m. to return to Open Session. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 082-0818 – Letter #1; Dr. Payne recused

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

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

MPC 046-0518 – Letter #1; Dr. Sproul recused

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

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

MPS 085-0818 – Special #1
MPS 078-0718 – Letter #1; Dr. Sproul recused
MPS 047-0518 – Letter #1

Ms. McClain 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.

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

12. Other Business:

- Vermont Attorney General filing against Purdue Pharma for violations of Vermont Consumer Protection Act based upon actions and omissions relating to the marketing and promotion of opioids. Mr. Herlihy summarized the suit that was recently filed by the Vermont Attorney General and invited members to ask questions or make comments.
- VPHP Liaison Committee Discussion – Dr. Bernstein, Dr. Payne and Mr. Evans volunteered to serve on this committee.

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

- **October 11, 2018, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **October 12, 2018, Central Investigative Committee Meeting, 9 a.m., Central Vermont Medical Center, Conf. Rm. 2, Berlin, VT**
- **October 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)**
- **October 17, 2018, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **November 7, 2018, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **November 7, 2018, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

14. Open Forum:

None

15. 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:

Amy Alto-Primrose, PA-C
Martin Chang, MD
Richard Derby, MD
Michael Grabinski, MD
William Harris, MD
Laurie Kreiter, MD
Ryan Sopelsa, MD

Gary An, MD
Amanda Cuda, MD
David Dickey, MD
Walter Grabowski, MD
Peter Kaufman, MD
Sonia Kulchycky, MD
Charles Wilson, MD

Elizabeth Brant, MD
Amanda Dauten, MD
Anika Goodwin, MD
Ivette Guttman, MD
Jeffrey Knox, MD
Serena Murphy, MD
Robert Yeager, MD

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