

**ERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the September 2, 2020 Board Meeting**  
**Gifford Medical Center, Randolph, Vermont**

**Unapproved**

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

Richard Bernstein, MD, Chair, called the meeting to order at 12:05 PM

**Members Present:**

Brent Burgee, MD; Richard Clattenburg, MD; Allen Evans; Francis Heald; Rick A. Hildebrant, MD; William K. Hoser, PA-C; Patricia Hunter; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Judy P. Rosenstreich; Ryan Sexton, MD; Marga Sproul, MD; Robert E. Tortolani, MD.

**Others in Attendance**

David Herlihy, executive Director; Paula Nenninger, Investigator; Scott Frennier, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Megan Campbell, AAG; Cassandra Diederich, AAG; Bill Reynolds, AAG; George Belcher, Esq.

**2. Approval of the Minutes of the August 5, 2020 Board Meetings:**

Ms. McClain moved to accept the minutes of the August 5, 2020 meeting. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

**3. Board Issues (Dr. Bernstein):**

Dr. Bernstein discussed the following with members:

- Barbara Walker, DO is the liaison for the FSMB
- FSMB webinar and report from the Physician Sexual Misconduct Committee - webinar 9/10/2020 at 3PM
- VPHP liaison meeting is October 14<sup>th</sup>
- October 7<sup>th</sup> meeting times will be moved earlier to allow for the training; licensing will be at 10:30AM and board will be at 11:30
- Acknowledgement of Mr. Herlihy for his work on the IMLC Commission

Dr. Bernstein opened a discussion about the proclamation the Board wished to issue to recognize Dr. Levine. After discussion of some editorial changes, Mr. Heald made a motion to adopt the proposed language of the Board's proclamation. Ms. McClain seconded the motion. The motion passed: opposed: none; abstained: none; recused: none. Dr. Bernstein will sign a certificate with the approved wording.

**4. Administrative Updates (Mr. Herlihy):**

Mr. Herlihy noted the following:

- FSMB webinar re: Physician Sexual Misconduct: New Policies and Approaches will be held Sept. 10<sup>th</sup> at 3:00PM and the FSMB recently emailed information about the course.

- Physician License Renewal period officially opened on August 30, 2020 and there were 4125 physician licensees set to renew. The early opening was well received and as of 9/2/2020 approximately 604 renewal applications have been submitted: 593 MDs and 11 IMLCC MD.
- Reminder to members to submit their expense reports.

Ms. LaFond reminded members that Sue McCormack and Kesha Ram from Creative Discourse will be providing the training at the October 7<sup>th</sup> board meeting and she will be emailing a brief survey that members will need to complete prior to the training. She cautioned that in responses to the survey, members should not disclose confidential information related to committee investigations. She stated that she will send information next week.

## 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. Other Business:

- **VPHP Liaison Agenda Items:** Mr. Herlihy requested members submit any items for discussion with VPHP at the October 14<sup>th</sup> meeting. The purpose is to provide input to the members who will be participating in the liaison meeting and topics could include questions, requests, comments, suggestions, and compliments.

Mr. Herlihy also reviewed information he recently received from VPHP about a new system they are using to test for substance use, with testing of oral fluid replacing testing of urine. Members discussed concerns about the accuracy of the new tests, the potential to falsify results and concerns that the Board was not involved or consulted on the decision to transition to the new system.

- **FSMB Report on Physician Sexual Misconduct:** Mr. Herlihy reminded members about the FSMB Report on Physician Sexual Misconduct that was made available to the Board at its virtual meeting in May. He asked members if they wanted to form a committee to conduct an in-depth review of the report and to determine if recommendations should be undertaken publicly. Members noted their preference would be to review the report and discuss this at the next meeting.
- **Legislative Update:** Mr. Herlihy noted that the Legislature has reconvened once more. Of most interest to the Board is the OPR bill that was discussed earlier this year. Of interest to the Board is the portion that addresses prescribing by pharmacists. Most of the issues related to “clinical pharmacy” have been resolved. However the new issue of a protocol for administration of a COVID-19 vaccine has come up. He noted that it is very challenging for the Board to establish a position before a vaccine has been developed. With no information about how the vaccine will be administered and any risks that it may present. He encouraged members to watchful for news related to this issue as the Board may be asked for input with short notice.

## 7. Reconvene meeting; Executive Session to Discuss:

- **Investigative cases recommended for closure**

- **Other matters that are confidential by law, if any**

Dr. Sexton made a motion at 1:14 PM 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.

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

Dr. Liebow made a motion at 2:05 PM to return to Open Session Dr. Tortolani seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 043-0420 – Special Letter #1  
MPN 127-0717 – Special Letter #2  
MPN 003-0119 – Special Letter #2  
MPN 068-0519 – Letter #1  
MPN 070-0718 – Special Letter #2  
MPN 161-1019 – Special Letter #2  
MPN 030-0320 – Letter #1; Dr. Hildebrant recused

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

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

MPC 182-1216 – Special Letter #1; Dr. Sproul recused

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

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

MPS 050-0620 – Letter #1; Dr. Payne recuse

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

**9. Board Actions on Committee recommendations regarding any non-confidential matters:**

None

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

- **September 10, 2020, North Investigative Committee Meeting, 9 a.m., (Remote)**
- **September 11, 2020, Central Investigative Committee Meeting, 9 a.m., (Remote)**
- **September 16, 2020, Board meeting on pending applications, 12:10 p.m., (Remote)**
- **September 16, 2020, South Investigative Committee Meeting, 12:00 p.m., (Remote)**
- **October 7, 2020, Licensing Committee Meeting, 11:00 a.m., Gifford (Remote)**
- **October 7, 2020, Board Meeting, 12 p.m., (Remote)**

**11. Open Forum:**

**12. Adjourn: Dr. Bernstein declared the meeting adjourned at 2:11PM.**

## APPENDIX A

### Presentation of Applications

**Dr. Bernstein moved for the issuance of physician licenses and physician assistant licenses for:**

\*\*\*See attached list\*\*\*

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

**Dr. Bernstein moved for the issuance of limited temporary licenses to practice medicine for:**

\*\*\*See attached list\*\*\*

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