

**VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the March 4, 2020 Board Meeting
Gifford Medical Center, Randolph, Vermont**

Approved

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

Richard Bernstein, MD, Chair, called the meeting to order at 12:15 PM

Members Present:

Brent Burgee, MD; Richard Clattenburg, MD; Allen Evans; Francis Heald; Rick A. Hildebrant, MD; 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; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Megan Campbell, AAG; George Belcher, Esq.; Brad Salzmann, PA-C.

2. Public Comment:

Ms. Nenninger informed members that former board member, William H. Stouch, MD passed away.

3. Approval of the Minutes of the February 5 and February 19, 2020 Board Meetings:

Ms. McClain moved to accept the minutes of the February 5 and February 19, 2020 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. Bernstein):

None

5. Administrative Updates (Mr. Herlihy):

Mr. Herlihy informed members that two SCOPE of Pain workshops will be held in VT prior to the end of the physician license renewal period. Boston University will organize the sessions that will be likely held in Woodstock, VT in May and Burlington, VT in late October or early November. Members asked whether it would be possible to include one-hour of palliative care training, since that is the most difficult topic to find trainings. Dr. Bernstein stated his is on the palliative care committee at UVMCC and he will inquire of availability to provide a training. Mr. Herlihy stated he will follow up with BU on the request to include the training.

6. 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.

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

- **In re: MPS 012-0220 – Rameen Hashemiyoon, MD - Cessation of Practice Agreement**

Ms. Campbell addressed the Board, summarizing the facts leading up to the Cessation of Practice Agreement. Dr. Clattenburg made a motion to approve the Cessation of Practice Agreement. Mr. Evans seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and South Investigative Committee.

8. Reconvene meeting; Executive Session to Discuss:

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

The Board began discussion of this topic out of order, before the scheduled time for the beginning of the public hearing. Dr. Hildebrant made a motion at 12:28 PM 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.

Dr. Tortolani made a motion at 1:16 PM to return to Open Session. Dr. Sproul seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Hildebrant made a motion at 1:30 PM to return to Executive Session to discuss confidential matters related to investigations. Dr. Sproul 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:

Ms. Rosenstreich made a motion at 2:22 PM to return to Open Session Dr. Hildebrant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Ms. McClain, North Investigative Committee, asked to close:

MPN 141-0817 – Special Letter #2
MPN 011-0218 – Special Letter #2
MPN 118-1018 – Special Letter #3
MPN 046-0419 – Special Letter #1
MPN 163-1119 – Letter #1
MPN 142-0919 – Special Letter #1
MPN 164-1119 – Special Letter #1

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

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

MPC 033-0219 – Special Letter #1
MPC 103-0619 – Letter #1
MPC 153-1019 – Letter #1
MPC 182-1219 – Letter #1; Dr. Sproul recused
MPC 176-1219 – Letter #1
MPC 175-1219 – Special Letter #1; Dr. Sproul recused
MPC 178-1219 – Letter #1; Dr. Sproul recused
MPC 179-1219 – Letter #1; Dr. Sproul recused
MPC 185-1219 – Letter #1; Dr. Hildebrant recused

Dr. Liebow made a motion to close the cases presented. Mr. Heald seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and Central Investigative Committee.

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

MPS 148-1019 – Letter #1; Dr. Sproul recused

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

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

None

11. Other Business

- **VPHP Quarterly Report Process:** Mr. Herlihy explained to members that the Board had been receiving VPHP quarterly monitoring reports for some licensees who are not under a Board Order that requires participation in the program. The contract with VMS specifies when the Board should receive those reports. He explained that he had agreed with VMS that reports should be forwarded in accordance with the contract. As a result, members may notice a slight drop in the number of quarterly monitoring reports being provided.
- **Training for the Board in 2020:** Mr. Herlihy relayed to members that, as a follow up to the Trauma-Informed Training held in January, there will be two additional training sessions on the topics of Implicit Bias and Cultural Diversity. The members agreed that two 90-minute training sessions would be preferable to one 3-hour session and Mr. Herlihy noted the sessions would likely take place during the June and September meetings.
- **Legislative Updates:** Mr. Herlihy thanked the Ad Hoc Committee for Legislation which provided him much input and support in working out the Board's positions and input on the many bills of interest to the Board. He provided updates on a number of bills of interest to the Board.

- i. **H. 438: “Board Bill”** – the House Healthcare Committee unanimously approved the bill and it was passed by the House.
- ii. **S.233 - Licensing Standards Bill** – the Senate Government Operations Committee and the Administration both strongly favor this bill. It imposes requirements regarding professional licensing for all professions licensed by the executive branch. Of greatest concern is that it forces licensing authorities to endorse licensees of other states who are in good standing; that is because it would lead to licensing of physicians who fall well short of the Board’s existing standards, which were adopted for the purpose of protecting the public from the least well prepared physicians. The Board requested to include provisions that require GME consistent with the Vermont standards and that give the Board a process for excluding licensees of states that have lower standards that do not protect the public. The bill has not been passed by the Senate but is expected to after the Town Meeting Day recess.
- iii. **OPR Bill - Pharmacist Prescribing and Optometrist Surgery Proposals** – the Board engaged in many hearings regarding two proposals in the OPR Bill. The current version of the pharmacist prescribing concept includes some limited categories where pharmacists can prescribe as must be further authorized by the Commissioner of Health in protocols. There are some specific and narrow categories that do not require protocols. As it stands now in the most recent version under consideration the proposals that were of most concern have been removed or modified.
- iv. **S.128 – PA Bill** – the Senate Health and Welfare Committee voted out this bill and it was passed by the Senate. It would fundamentally change the basis for PA practice from being derivative of a supervising physician’s authority to being independent. Although independent, PAs would still be required to have a document supporting collaboration with a physician that is referred to as a “practice agreement.” The PA Academy asked for there to be no requirement for the practice agreement to be filed with the Board. The bill passed with the requirement for filing intact; the PA Academy has indicated they will continue to seek removal of that requirement when the bill is considered in the House.
- v. **S.252 - Stem Cell Therapies Bill** – the Board provided input on this bill that proposes to create some requirements for any medical provider who offers patients stem cell therapies that are not FDA approved. The current version includes a new form of unprofessional conduct for physicians based upon a failure to meet the requirements for notice to patients regarding unapproved treatments.

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

- **March 12, 2020, North Investigative Committee Meeting, 9:00AM, Vermont Department of Health, 108 Cherry Street, Conference Room 2C, Burlington, VT**
- **March 13, 2020, Central Investigative Committee, 9:00AM, Central Vermont Medical Center, Berlin, VT**

- **March 18, 2020, Board meeting on pending applications, 12:10PM, Board of Medical Practice office, 108 Cherry Street, 2nd Floor, Burlington, VT (*and via telephone*)**
- **March 18, 2020, South Investigative Committee Meeting, 12:00PM, Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **April 1, 2020, Licensing Committee Meeting, 11:00AM, Gifford Medical Center, Red Clover Conference Room, Randolph, VT**
- **April 1, 2020, Board Meeting, 12:00PM, Gifford Medical Center, Red Clover Conference Room, Randolph, VT**

13. Open Forum:

- Dr. Bernstein and the Board members acknowledged Mr. Herlihy's official retirement from the National Guard.
- Dr. Hildebrant brought up concerns about the guidance regarding testing for the COVID-19 virus. He asked about the Board or a representative of the Board providing input to the Department of Health about those concerns. Ms. Vincent advised that VDH was in the process of revising the guidance regarding testing for COVID-19 and that was coming soon. It was decided that the Board would monitor this situation and that the Chair or other members could provide input if needed. Members also discussed the anticipated need to change meeting locations for April and May, and possibly for the foreseeable future, and to offer remote meeting options.

14. Adjourn:

Dr. Bernstein declared the meeting adjourned at 3:13 p.m.

APPENDIX A

Presentation of Applications

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

Saeed Ahmed, MD
Ryan Geracimos, MD
Shwan Kim, MD
Robert Sciulli, MD
Harmanpreet Tiwana, MD

Andrew Beckwith, MD
Michael Herrin, MD
Sarah Kopke, PA-C
Shaley Sehgal, MD
Shawn Wayne, MD

Peter Friedmann, MD
Donald Kash, MD
Allon Mordel, MD
Sarah Simmons, MD

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

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

Justin Lockrem, MD

Tai Truong, MD

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