

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the July 1, 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 12:05 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; Margaret Tandoh, 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 June 3 and June 17, 2020 Board Meetings:**

Dr. Tortolani moved to accept the minutes of the June 3, 2020 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Heald moved to accept the minutes of the June 17, 2020 meeting. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Bernstein informed members that Mr. Herlihy was accepted as the one of the Vermont Commissioners for the Interstate Medical Licensure Compact (IMLC) and was also appointed to the IMLC Personnel Committee.

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

Mr. Herlihy informed members that on Friday, June 26 he served as a presenter for a CME program on medication assisted treatment for substance use disorder. The audience was approximately 100 members of clinical teams associated with practices that participate in the Hub and Spoke system.

He added that he was asked to be a member of the Federation of State Medical Boards (FSMB) advisory panel for the USMLE. The group has been very active recently because of the issues relating to the suspension of the Step 2 Clinical Skills (CS) portion of the USMLE.

Mr. Herlihy advised that S.128, the bill modifying PA supervision, had passed and had been signed by the Governor that morning. The bill is effective on July 1, so he and the staff will

work on a message to licensees stated that he will work with staff to prepare a message to licensees regarding the changes.

Ms. Rosenstreich asked how the public is informed of the changes in the laws that impact their health care. She noted that many patients are seen by a PA rather than and MD and it would be helpful for the public to be informed. Mr. Herlihy agreed and stated he would work with the Health Department Communications Office to prepare a press release and thanked her for raising the importance of informing the public.

Ms. Rosenstreich stated that she is also interested in more trainings and would be interested in attending a SCOPE of Pain training. Mr. Herlihy said that doing the online SCOPE training may be available for public members, but that he is continuing to work on a special Vermont SCOPE online program with Boston University School of Medicine and that the Vermont program would definitely be available to all members. Mr. LeCours and other public members mentioned having attended prior SCOPE events. Ms. Hunter mentioned another program on addiction that she and Ms. Nenner had attended. Further discussion of public member training was put on hold until later to ensure that the scheduled hearings would begin on time.

#### **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. Convene hearing to discuss any stipulations or disciplinary matters that are before the Board:**

- **In re: Kellie M. Malaney, PA-C – Stipulation and Consent Order – MPS 133-0819**

Ms. Diederich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Ms. Rosenstreich made a motion to approve the Stipulation and Consent Order. Dr. Sexton seconded the motion.

Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein, Dr. Sproul, Dr. Burgee, Dr. Clattenburg, Mr. LeCours, Ms. McClain. Dr. Payne, Ms. Rosenstreich, Dr. Sexton, Dr. Tandoh. Opposed: none; Abstained: Mr. Evans; Recused: South Investigative Committee.

- **In re: Francis P. Kalibat, MD – Stipulation and Consent Order – MPS 100-0617, MPS 164-1110, MPS 110-1018, MPS 091-0519**

Ms. Campbell addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Bernstein made a motion to approve the Stipulation and Consent Order. Ms. Rosenstreich seconded the motion. The motion passed; opposed: none; abstained: Mr. Evans; recused: South Investigative Committee.

Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein, Dr. Sproul, Dr. Burgee, Dr. Clattenburg, Mr. LeCours, Ms. McClain; Ms. Rosenstreich, Dr. Sexton, Dr. Tandoh. Opposed: none; Abstained: Mr. Evans; Recused: Dr. Payne and South Investigative Committee.

**7. 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 12:27 PM to go into Executive Session to discuss confidential matters related to investigations. Dr. Tandoh seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Mr. Hoser made a motion at 1:39 PM to return to Executive Session to discuss confidential matters related to investigations. Dr. Tandoh 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. Hildebrant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 126-0719 – Letter #1  
MPN 001-0120 – Letter #1; Dr. Payne recused.

Dr. Hildebrant 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 181-1217 – Special Letter #1; Dr. Tandoh recused  
MPC 187-1219 – Letter #1  
MPC 044-0420 – Letter #1  
MPC 134-0819 – Special Letter #1; Dr. Hildebrant recused  
MPC 018-0220 – Letter #1

Ms. Hunter made a motion to close the cases presented. Dr. Tortolani 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 035-0420 – Letter #1; Dr. Sproul recused  
MPS 019-0220 – Special Letter #1  
MPS 166-1119 – Special Letter #1  
MPS 031-0320 – Letter #1  
MPS 180-1219 – Special Letter #1

Mr. LeCours made a motion to close the cases presented. Dr. Sexton 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. Other Business**

- **Board Retreat** – Mr. Herlihy and Dr. Bernstein noted that over the past several years the Board has made the September meeting a retreat, at which regular business is compressed and the afternoon is devoted to professional development topics. The Board was asked for its feelings about having a retreat while meetings are being held remotely and proposed suggestions for topics of the annual Board Retreat. Members indicated interest and asked about the status of the implicit bias training that had been discussed at previous meetings. Mr. Herlihy noted that he and Ms. LaFond have been working with Creative Discourse to establish a contract for training on the topics of implicit bias and cultural competency. Several members indicated that they are very interested in having such training. Ms. LaFond stated that Creative Discourse is not available for the September meeting, but is proposing to hold two 2-hour workshops or three 90-minute workshops and she requested input from the members about their preference for the time and dates for scheduling. Members agreed to the two, 2-hour sessions to be held on the October 7 and November 4 Board meetings.

Ms. Rosenstreich noted that she would like to have more training for the non-medical board members and to discuss better on-boarding for new members. She suggested assigning a mentor to the new members to assist with the steep learning curve. The suggestions were met with support from other public members who also noted the opportunities to attend trainings as extremely valuable. Members noted that many CME events can be quite technical in nature and might not be valuable for public members. Mr. Herlihy asked licensed members if they would forward information about CME opportunities that they believe may be of interest and value to public members. Public members noted that activities with a focus on medical records that could assist them in reviewing medical records would be helpful.

- **USMLE Step 2 CS Suspension** – Mr. Herlihy reminded members of the recent suspension of the USMLE Step 2 Clinical Skills test, which has been suspended because of the COVID-19 pandemic. In May it was announced that it would be suspended for a period of 12 to 18 months. He added that when he participated in a USMLE Advisory Panel last week one of the leading issues was how Boards will deal with licensees who have not taken that part of the exam. During that call it was noted that states have indicated that they will license applicants who did not have the opportunity to take Step 2 CS, but some states have also indicated that licensees who lack Step 2 CS will be asked to take it once it is available again. Mr. Herlihy told members that he would like their thoughts on that question, but first wanted to share some information. He reviewed the table from the 2019 USMLE report that summarizes Step 2 CS passing rates from 2017-2018. The data shows that

95% of graduates of US and Canadian medical schools pass on the first attempt and almost all who don't pass on the second try. For graduates of foreign medical schools the pass rate on the first attempt was 75%, and for the second attempt it was 61%. He added that this is probably reflective of the role of Step 2 CS as a test of proficiency in English. He also noted that Step 2 CS is administered before starting residency, so that this may be more an issue for issuing training licenses, as opposed to full licenses that require US grads to complete two years of residency and foreign grads to have completed three years of residency. Ms. Hunter also noted that there was discussion of a desire to have a viable alternative to the Step 2 CS exam prior to the onset of COVID-19. Members held a thoughtful discussion on the issue. No motion was voted, but a clear consensus was expressed; Mr. Herlihy indicated that would be adequate for the purpose of participating in the Advisory Panel. Members would not feel it necessary for physicians who become licensed without having passed Step 2 CS to go back and take it. They felt that would be unnecessarily disruptive and that it would be unnecessary given the fact that the applicants would have to meet residency training requirements. Members also mentioned concern about the impact that the situation would have on residency programs that would need to determine English proficiency; there was interest in having an alternative means for English proficiency testing.

- **Legislative Update** – Mr. Herlihy noted that H.438 and S.128 had passed; those are the Board of Medical Practice and PA bills. Two bills that the Board had provided input for were not passed before the General Assembly recessed on June 26; S.220 is the OPR bill that included the provisions regarding pharmacist prescribing and S.233 is the bill that proposes to require certain changes to all professional licensing, such as accommodations for military spouses and a requirement to issue advisory opinions about whether a criminal conviction would be disqualifying for licensure. In a normal year that would mean that those bills would not pass in the biennium, but there is another remote session scheduled to begin in late August and it is unknown if those bills will be taken up then. Finally, measures to extend the effective period of the emergency provisions related to COVID-19 were tacked onto a miscellaneous health care bill, H.960, and that bill was passed. The emergency provisions affecting the Board are now extended to March 31, 2021, regardless of when the state of emergency ends.

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

- **July 9, 2020, North Investigative Committee Meeting, 9 a.m., (Remote)**
- **July 10, 2020, Central Investigative Committee Meeting, 9 a.m., (Remote)**
- **July 15, 2020, Board meeting on pending applications, 12:10 p.m (Remote)**
- **July 15, 2020, South Investigative Committee Meeting, 12:00 p.m.(Remote)**
- **August 5, 2020, Licensing Committee Meeting, 11:00 a.m., (Remote)**
- **August 5, 2020, Board Meeting, 12 p.m., (Remote)**

**12. Adjourn:** Dr. Bernstein declared the meeting adjourned at 3:06 PM.

## APPENDIX A

### Presentation of Applications

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

Kylie Abe, MD	Richard Boothby, MD	Francesco Congiusta, MD
Lisa Deuel, MD	Tyler Fanning, MD	Jennifer Haley, MD
Thomas Hawk, MD	Rachael Kandath, MD	Larissa Murphey, PA-C
Zachary Nollet, PA-C	Karina Perusse, MD	Marisa Prego Lopez, MD
Douglas Reed, MD	Elly Riser, MD	Katharine Runte, MD
Eli Schned, MD	Leah Siegel, PA-C	Michael Theriault, MD
Maria Zambrano Espinoza, MD	Chason Ziino, MD	

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

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

Gregory Alberto, MD	Dineth Bandarage, MD	Frederick Butt, MD
Kathleen Duemling, MD	Gabrielle Duprat, MD	Olivia Fournier, MD
Brittany Hale, MD	Michelle Kim, MD	Melissa Ley-Thomson, MD
Regina Lief, MD	Frank Papik, MD	Ryan Pate, MD
Dhrumil Patel, MD	Jason Rakita, MD	Brian Rosen, MD
Sunali Shah, MD	Pirianthini Suntharalingam, MD	Pamela Trio, MD
Quyen Truong, MD	Oakland Walters, MD	

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