

**VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the October 7, 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 11:32 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; Kassandra Diederich, AAG; George Belcher, Esq.; Sue McCormack and Kesha Ram, Creative Discourse.

2. Approval of the Minutes of the September 2 and September 16, 2020 Board Meetings:

Dr. Hildebrant moved to accept the minutes of the September 2, 2020 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Tortolani moved to accept the minutes of the September 16, 2020 meeting. Dr. Hildebrant seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

3. Board Issues (Dr. Bernstein):

Dr. Bernstein reminded members that the annual VPHP liaison meeting will be taking place on October 14 and noted the members still had time to submit topics for discussion.

Dr. Bernstein reminded the physician members of the board to renew their medical license.

Dr. Bernstein noted that Barbara Walker, DO, the liaison to the Board from the Federation of State Medical Boards will be participating in one of the upcoming virtual meetings. Likely dates are January or February 2021.

Dr. Bernstein asked members to review the USMLE Report on that includes information about suspension of the Step 2 Clinical Skills test and changes to the way scores are reported.

4. Administrative Updates (Mr. Herlihy):

Mr. Herlihy noted that one of the topics to be discussed at the VPHP liaison meeting is the change in the lab testing process used by the program. Until recently the program had relied

on urinalysis, hair, and Soberlink testing. The program has now added testing of oral fluid, which is being used as an alternative to urinalysis testing for a number of participants.

Mr. Herlihy provided an update on the physician license renewal: at the start, there were 4125 licenses to be renewed; as of Oct. 6th, 1148 had been received, 1086 had been processed and 996 had been printed, which is more than in prior license renewal periods for this time period. He noted that the Continuous Query reports from the NPDB have been very helpful for the license renewal period. In the past there would be a substantial surge in review cases during renewal as reports of malpractice and other adverse events during the licensing period were disclosed on renewals. With more reports being received promptly because of Continuous Query, many of the events being disclosed on renewals have already been reviewed.

Mr. Herlihy shared with members that the SCOPE of Pain CME course held on September 23, 2020 on-line was very successful with roughly 160 participants.

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. Other Business: VPHP Liaison Meeting – this will be the last opportunity for members to share matters to be discussed with VPHP representatives at the remote meeting that will take place on October 14. Dr. Bernstein, Ms. McClain, Ms. Rosenstreich, and Dr. Tortolani will represent the Board.

This topic was discussed during the Chair's Board Issues and Administrative Updates and was not covered separately.

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

- **In re: Clifford B. Langweiler, MD – Cessation of Practice Agreement – MPN 056-0720**

Megan Campbell, AAG addressed the Board, summarizing the facts leading up to the Cessation of Practice Agreement. Ms. Hunter made a motion to approve the Cessation of Practice Agreement. Dr. Clattenburg seconded the motion.

Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Clattenburg; Mr. Evans; Mr. Heald; Dr. Hildebrant; Mr. Hoser, Ms. Hunter; Dr. Liebow; Dr. Payne; Opposed: none; Abstained: none; Recused: Dr. Tortolani and North Investigative Committee.

- **In re: Arthur J. Esswein, MD – Request for Removal of Conditions – Licensing Matter**

Ms. Diederich addressed the Board, summarizing the facts leading up to the Request for Removal of Conditions. Ms. LaFond recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein; Dr. Sproul; Ms. McClain; Dr. Burgee; Dr. Clattenburg; Mr. Evans; Mr. LeCours. Opposed: none; Abstained: none; Recused: Dr. Payne 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**

Dr. Hildebrant made a motion at 12:02 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.

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

Dr. Tortolani made a motion at 1:08 PM to return to Open Session Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

MPN 057-0720 – Letter #1
MPN 051-0620 – Special Letter #1
MPN 039-0420 – Letter #1
MPN 042-0420 – Letter #1
MPN 025-0320 – Letter #1

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

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

MPC 038-0420 – Special Letter #1
MPC 054-0419 – Special Letter #1 – Mr. Hoser and Dr. Hildebrant recused
MPC 021-0220 – Special Letter #2
MPC 037-0420 – Special Letter #1
MPC 052-0620 – Letter #1

Ms. McClain made a motion to close the cases presented. Ms. Hunter 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 009-0120 – Letter #1 – Dr. Tandoh recused
MPS 049-0620 – Letter #1 – Dr. Sproul recused

Dr. Payne made a motion to close the cases presented. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and South Investigative Committee.

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

None

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

- October 15, 2020, North Investigative Committee Meeting, 9 a.m., **(Remote)**
- October 9, 2020, Central Investigative Committee Meeting, 9 a.m., **(Remote)**
- October 21, 2020, South Investigative Committee Meeting, 11:00 a.m., **(Remote)**
- October 21, 2020, Board meeting on pending applications, 12:10 p.m., **(Remote)**
- November 4, 2020, Licensing Committee Meeting, 11:00 a.m. **(Remote)**
- November 4, 2020, Board Meeting, 12 p.m., **(Remote)**

12. Open Forum:

13. Adjourn: The meeting was adjourned for a presentation over Zoom by a contracted training firm on the topic of implicit bias.

APPENDIX A

Presentation of Applications

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

*****SEE ATTACHED LIST*****

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