

**Vermont Board of Medical Practice  
Minutes of the February 4, 2009 Board Meeting  
Gifford Medical Center, Randolph, Vermont**

**“Approved – March 4, 2009”**

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

David W. Clauss, MD, Chair, called the meeting to order at 12:13 p.m.

**Members Present:**

David W. Clauss, MD; Patricia A. King, MD; Margaret F. Martin; James D. Cahill, MD; William K. Hoser, PA-C; Hon. David A. Jenkins; John J. Murray, MD; Sharon L. Nicol; Robert R. Rinaldi, DPM; Janice E. Ryan, RSM; Toby Sadkin, MD; William H. Stouch, MD; Florence Young.

**Others in Attendance:**

William E. Wargo, Director; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Paula Nenninger, Investigator; James Arisman, Assistant Attorney General; Marjorie Power, Legal Counsel and Presiding Officer (joined meeting at approximately 1:10 p.m.); Bessie Weiss, Assistant Attorney General; Margaret Vincent, Assistant Attorney General;

**2. Approval of the Minutes of the January 7 & 21, 2009 Board Meetings:**

Dr. Cahill made a motion to accept the minutes of the January 7, 2009 Board meeting. Ms. Martin seconded the motion. The motion passed, opposed: none; recused: none.

Sr. Ryan made a motion to accept the minutes of the January 21, 2009 Board meeting. Dr. Murray seconded the motion. The motion passed, opposed: none; recused: none.

**3. Board Matters (Dr. Clauss):**

The Legislature is continuing to look at Continuing Medical Education (CME) requirements regarding pain management and palliative care. Vermont is one of the few states that do not require CME. Recommendations have been made that Vermont start requiring CME, but as part of licensure, there are no specifics at this time.

Dr. Clauss would like to see a multi-disciplinary CME presentation put together on topics and issues that have come before the Board. This presentation could be made available through a web site or by having the information presented at different locations throughout the state.

Board members raised concerns as to legislation mandating what CME physicians should be required to have.

Dr. Clauss informed the Board that the Vermont Practitioner Health Program (VPHP) is looking at amending 26 V.S.A. §§ 1401a, 374, 1740, and 1662, to increase the fees they receive from the Board of Medical Practice to support the current program and allow them to expand and address both chemical dependent and other medical conditions. Fletcher Allen Health Care seems interested in having the statute amended, and would be willing to contribute funds to support the program. The average cost per year per physician is approximately \$30. VPHP asked to increase their fee by \$25 per physician. Currently the Vermont Board of Medical Practice supports two-thirds of the VPHP budget.

Dr. Murray raised the concern that there may be a huge number of expenses attached to the expansion that the fees VPHP receives from the Board of Medical Practice may not cover.

#### **4. Administrative Update (Mr. Wargo):**

Mr. Wargo told the Board that he had spoken with Dr. Donald Swartz, the Health Department's Medical Director, regarding what the Legislature has been discussing regarding mandated Continuing Medical Education (CME) and the Board's involvement.

Mr. Wargo informed the Board that Ms. Hayes was in the process of sending out the 2009 Renewal Limited Temporary License applications. Approximately 306 renewal applications will be sent out for completion.

#### **5. Presentation of Applications:**

Applications for physician licensure and physician assistant certification were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

**Break:** 12:55 p.m.

**Return:** 1:10 p.m.

**6. Recess; Convene Hearing (Ms. Power):**

Ms. Power convened a hearing to consider adjudicative matters before the Board.

**In re: Ely Zaslow, MD – MPC 84-0507 – Stipulation and Consent Order**

Brought forth by and presented by Ms. Vincent

Ms. Martin made a motion to grant the Stipulation and Consent Order. Dr. King seconded the motion. The motion passed, opposed: none; recused: Central Committee (Dr. Clauss, Hon. D. Jenkins, Dr. Murray, and Ms. Young).

**7. Executive Session to Discuss Investigative Matters**

Sr. Ryan made a motion at 1:17 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Cahill seconded the motion. The motion passed, opposed: none; recused: none.

**8. Open Session**

Return to open session: 1:47 p.m.

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

MPS 87-0808

Dr. Murray made a motion to close the case presented. Dr. King seconded the motion. The motion passed, opposed: none; recused: South (Mr. Hoser, Ms. Martin, Dr. Cahill, and Dr. Rinaldi).

**The Central Investigative Committee, asked to close.**

MPC 101-0908  
MPC 119-1008

MPC 153-1208  
MPC 124-1108

MPC 132-1108

Dr. King made a motion to close the cases presented. Dr. Cahill seconded the motion. The motion passed, opposed: none; recused: Central Committee (Dr. Clauss, Hon. D. Jenkins, Dr. Murray, and Ms. Young).

**Dr. King, North Investigative Committee, asked to close:**

MPN 113-1008

MPN 99-0908

Dr. Murray made a motion to close the cases presented. Dr. Cahill seconded the motion. The motion passed, opposed: none; recused: North Committee (Dr. King, Ms. Nicol, Sr. Ryan, Dr. Sadkin and Dr. Stouch).

**9. Any Other Business:**

- **Election of Board Chair, Vice-Chair and Secretary:** Dr. Murray announced the nominees Dr. Clauss for Board Chair, Dr. King for Vice-Chair, and Ms. Martin for Secretary.

Dr. Cahill made the motion to close the nomination process and elect Dr. Clauss as Chair, Dr. King as Vice Chair, and Ms. Martin as Secretary. Ms. Martin seconded the motion. The motion passed; opposed: none; recused: none.

Dr. Clauss will continue as Chair, Dr. King as Vice-Chair and, Ms. Martin as Secretary.

- **Appointment of Marijuana Review Board Members:**

Mr. Wargo informed the Board that Dr. Stouch needed to be reappointed and Dr. Reich was interested in being appointed to the Marijuana Review Board.

Dr. Murray made a motion to reappoint Dr. Stouch and appoint Dr. Reich to the Marijuana Review Board. Dr. Cahill seconded the motion. The motion passed; opposed: none; recused: none.

Term expirations: Dr. Stouch – January 31, 2011  
Dr. Thomashow – January 31, 2010  
Dr. Reich – January 31, 2012

**10. Next meetings:**

Upcoming meetings:

- **March 4, 2009**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **March 4, 2009**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph

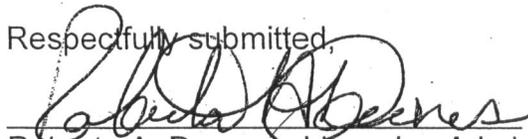
- **March 12, 2009**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **March 13, 2009**, Central Investigative Committee Meeting, 12 p.m., Liquor Control Conference Room, 13 Green Mountain Drive, Montpelier
- **March 18, 2009**, Board meeting on pending applications, 1:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **March 18, 2009**, South Investigative Committee Meeting, 1:00 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

### 11. Adjournment

Sr. Ryan made a motion to adjourn. Mr. Hoser seconded the motion. The vote was all in favor, opposed: none, recused: none.

Meeting adjourned at 1:49 p.m.

Respectfully submitted,



Roberta A. Downes, Licensing Administrator I

**Attachments:**

## Appendix A

**Presentation of Applications** (Recommendations were in the form of motions by the member making the recommendation)

**Dr. Cahill reported on an interview conducted with**

Justin Mowchum, MD

Recommended by Dr. Cahill for physician licensure  
Seconded by Dr. Murray, passed, opposed: none, recused: none

**Dr. Clauss reported on an interview conducted with**

Smita Suterwala, MD

Recommended by Dr. Clauss for physician licensure  
Seconded by Sr. Ryan, passed, opposed: none, recused: none

**Dr. Clauss moved for the issuance of a limited temporary license for**

Matthew Smith, MD

Seconded by Dr. Murray, passed, opposed: none, recused: none

**Mr. Hoser moved for the issuance of secondary certifications for:**

Thomas Beauregard, PA-C      Patty Thornton, PA-C (2)

Recommended Mr. Hoser for secondary physician assistant certifications  
Seconded by Dr. Rinaldi, passed, opposed: none, recused: none

**Dr. King reported on interviews conducted with**

Irvin Sabrsula, MD      Bing Wu, MD

Recommended by Dr. King for physician licensure  
Seconded by Dr. Murray, passed, opposed: none, recused: none

**Dr. Murray reported on interviews conducted with**

Matthew Moore, MD      Sammy Nakhla, MD      Robert Sasse, MD

Recommended by Dr. Murray for physician licensure  
Seconded by Dr. Stouch, passed, opposed: none, recused: none

**Dr. Sadkin reported on an interview conducted with**

Robert Winders, MD

Recommended by Dr. Sadkin for physician licensure

Seconded by Dr. Cahill, passed, opposed: none, recused: none

**Dr. Stouch reported on an interview conducted with**

Julio Lemos, MD

Recommended by Dr. Stouch for physician licensure

Seconded by Dr. Cahill, passed, opposed: none, recused: none