

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the May 4, 2016 Board Meeting
Gifford Medical Center, Randolph, Vermont

Approved

1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:

William K. Hoser, PA-C called the meeting to order at 12:15 P.M.

Members Present:

Richard Bernstein, MD; Richard Clattenburg, MD; Allen Evans; Robert Hayward, MD; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Joshua Plavin, MD; Harvey Reich, MD; Marga Sproul, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Christiana Coyner, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Cassandra Diederich, AAG; Bill Reynolds, AAG; George K. Belcher, Presiding Officer.

2. Public Comment:

None

3. Approval of Minutes of the April 6 and April 20, 2016 Board Meetings:

Dr. Liebow moved to accept the minutes of the April 6, 2016 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Liebow moved to accept the minutes of the April 20, 2016 meeting. Dr. Bernstein seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Mr. Hoser):

Mr. Hoser and Ms. Hunter reported on their experience at the annual Federation of State Medical Boards annual meeting last month. Ms. Hunter noted that she found it to be very informative and fun, and she enjoyed meeting public members from other state boards. She stated that she felt reassured that Vermont has good processes in place that balance protection of the public and serving the medical licensees, and encouraged other public members to attend next year.

Mr. Hoser thanked members for their confidence in him to represent the Board as the Chair. He noted that this year, there was a forum for Physician Assistants for the first time and approximately 40 PAs attended. He was pleased to see PAs gaining traction. Mr. Hoser noted that he had the opportunity to serve on one of the Reference Committees that reviewed the proposed actions and reports for the House of Delegates. Mr. Herlihy added that he has the Reference Committee Materials in electronic form and that they would be uploaded into HSIN as a resource for the members.

Mr. Hoser continued with his report stating that a prominent theme for this year was focusing on Physician Burnout, re-licensure after extended leave from medical practice and prevention of physician suicide. He stated that he connected with Patricia King, MD, former Chair of the Board, and she extended her wish to come to a meeting as a representative of the Board of FSMB to talk about issues of interest, such as telemedicine and the Interstate Compact Agreement.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy continued the discussion of the FSMB meeting noting that the US Surgeon General spoke about physician wellness, stress and how to manage stress. It was reported that over 400 physicians commit suicide each year and this is not being recognized as an issue not only for the health of physicians, but also for patient safety. Other topics of interest were a 360-Degree View of Patient Safety and Medical Errors, which included discussion of establishing a duty for physicians to report errors by other physicians. Another theme that emerged during the session was that there is a trend for medical errors to be associated with practice systems and electronic medical records. With the trend for physicians to be employed in large healthcare systems, the responsibility for physicians for those systems is less direct and raises some difficult questions. Those questions include: what is the obligations of a physician for the system in which he or she practices?; and, what is the responsibility of the physician for a medical team delivering care?

Another session at the meeting was an update on graduate medical education. There is a transition taking place to having the ACGME act as the sole certifying body for all GME programs, both allopathic and osteopathic.

The Federation of State Physician Health Programs (FSPHP) held a meeting at the same site as FSMB, and there was a joint general session. That presentation also brought up the topics of physician burnout, stress, and suicide. Mr. Herlihy noted that during the most recent liaison meeting with VPHP the VPHP representatives were amenable to expansion of the program to include mental health issues, which is one step the Board can take to address this problem that is becoming the focus of attention.

Mr. Herlihy also thanked Board staff for their hard work and dedication, noting that it is Public Service Recognition Week and all staff were missing the Department of Health employee recognition breakfast because of the Board meeting.

6. Presentation of Applications (12:30 p.m. – 12:45 p.m.):

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

7. Presentations to the Board (12:45 p.m. – 1:15 p.m.):

8. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)

- **In re: Amalia F. Lee, MD – MPC 165-1210, MPC 088-0712 and MPC 096-0515 – Modification of Stipulation and Consent Order**

Mr. Belcher and Mr. Reynolds addressed the Board, summarizing the facts leading up to the Modification of Stipulation and Consent Order. Dr. Sproul made a motion to approve the Modification of Stipulation and Consent Order. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: 2 and Central Investigative Committee.

- **In re: Jennifer FauntLeRoy, MD – MPN 026-0212 – Request for Relief from Conditions**

Mr. Belcher and Mr. Reynolds addressed the Board, summarizing the facts leading up to the Request for Relief from Conditions. Dr. Clattenburg made a motion to approve the Request for Relief from Conditions. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: 3 & North Investigative Committee

9. 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. Liebow made a motion at 12:46 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none. Dr. Clattenburg made a motion at 1:17 p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Bernstein made a motion at 1:43 p.m. to enter into Executive Session to discuss confidential matters related to investigations. Dr. Plavin seconded the motion. The motion passed; opposed: none; abstained: none; recused: none

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

Dr. Hayward made a motion at 2:04 p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

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

MPN 042-0216 – Letter #1; Dr. Reich recused
MPN 027-0216 – Letter #1; Dr. Liebow recused
MPN 176-1115 – Special Letter #1
MPN 057-0316 – Letter #1; Mr. Hoser recused

Dr. Clattenburg made a motion to close the cases presented. Dr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: 3 & North Investigative Committee.

Mr. Jenkins, Central Investigative Committee, asked to close:

MPC 148-0915 – Letter #1
MPC 149-0915 – Letter #1
MPC 013-0116 – Letter #1

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

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

MPS 018-0216 – Letter #1
MPS 017-0216 – Letter #1
MPS 035-0216 – Letter #1; Dr. Sproul recused
MPS 181-1215 – Special Letter #1; Dr. Sproul recused
MPS 050-0216 – Letter #1; Dr. Sproul recused
MPS 177-1115 – Special Letter #1
MPS 019-0216 – Letter #1; Dr. Sproul recused
MPS 059-0316 – Letter #1; Dr. Sproul recused
MPS 051-0216 – Letter #1

Dr. Plavin 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.

11. Board Actions on Committee recommendations with regard to any non-confidential matters:

None

12. Other Business:

Mr. Herlihy responded to a question raised by Dr. Reich regarding the impact that Board actions have on licensees. Dr. Reich asked if actions may have greater consequences because of the actions taken by specialty boards, and whether the Board should be more aware of that in negotiating stipulations. Mr. Herlihy explained that the American Board of Medical Specialties is the umbrella organization for specialty boards, and that under the ABMS standards each state board action is supposed to trigger a specialty board investigation. However, each specialty board has its own standards with regard to whether it will take action based upon a particular state board action. He added that a large percentage of Respondents are represented by counsel, especially Respondents who hold specialty certification. He recommended that the Board should act to resolve cases as it sees fit, and leave it to Respondents and their attorneys to raise concerns about collateral consequences. It was noted that the collateral consequences of state board actions may affect the ability of boards to reach reasonable resolutions with physicians through negotiations. Members identified this as a problem on a national level and suggested that this is a concern that could be presented to Dr. King, as the FSMB representative.

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

- **May 12, 2016, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 2C, Burlington, VT**
- **May 13, 2016, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6th Floor of the Deane C. Davis Building, Montpelier, VT**
- **May 18, 2016, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2nd, Floor Burlington, VT (and via telephone)**

- **May 18, 2016, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **June 1, 2016, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **June 1, 2016, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

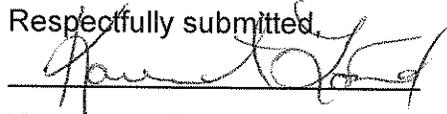
14. Open Forum:

15. Adjourn:

Mr. Hoser declared the meeting adjourned at 2:15 p.m.

Attachments: Appendix A

Respectfully submitted,



Karen A. LaFond
Medical Licensing & Operations Administrator

APPENDIX A

Presentation of Applications

Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses for:

Deborah Adams, PA-C	Michael Allen, MD	Bethany Ames, MD
Michael Bazylewicz, MD	Joanna Conant, MD	John Cotter, MD
Michelle Dorward, MD	Jenny Frances, MD	Baruch Goldstein, MD
Alberto Guterrez, MD	Mark Hoeft, MD	Mihaela Ivan, MD
Thomas Jackson, MD	Joshua Jarvis, MD	Isabella Knox, MD
Tim Lee, MD	Stuart Lollis, MD	Jose Lopez, MD
Claudia matta, PA-C	Todd Morrell, MD	Stuart Murray, MD
Chawki Nahabet, MD	Darrell Rauwerdink, MD	Franz Reichsman, MD
Valerie Riss, MD	Patty Rissacher, MD	Brenda Russell, MD
Noah Saipe, MD	Geoffrey Scriver, MD	Vernon Smith, MD
Ellen Stein, MD	Marcia Wills, MD	Adrienne Yourek, MD
Jill Zinner, MD		

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

Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:

Kylie Abe, MD	Krista Buckley, MD	Tensai Chiware, MD
John Muse, MD	Jaspinder Sra, MD	Miqi Wang, MD

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