

**Vermont Board of Medical Practice
Minutes of the January 3, 2007 Meeting
Gifford Medical Center, Randolph, Vermont**

Approved

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

James D. Cahill, Chair of the Board, called the meeting to order at 12:10 p.m., at Gifford Medical Center, Randolph, Vermont.

Members Present:

James D. Cahill, MD; David W. Clauss, MD; Ezekiel S. Cross; Russell P. Davignon, MD; Richard L. Guerrero, MD; Denis J. Lamontagne, DPM; Margaret F. Martin; John J. Murray, MD; Alexander Northern; Toby Sadkin, MD; Katherine A. Silta, PA-C; William H. Stouch, MD; Peter Thomashow, MD; John Webber

Others in Attendance:

James Arisman, Assistant Attorney General; Phil Ciotti, Investigator; Phil Cykon, Presiding Officer; Dixie Henry, Assistant Attorney General; John Howland Jr, Director; Peggy Langlais, Administrative Supervisor; Paula Nenner, Investigator; Joseph Winn, Assistant Attorney General

2. Public Comment

None.

3. Approval of the Minutes of the December 6 and 20, 2006 Board Meetings

Ms. Martin made a motion to accept the minutes of December 6 and 20, 2006 Board meetings. Dr. Davignon seconded the motion. The motion passed, opposed: none, abstained: none.

4. Board Matters

Dr. Cahill wished everyone a Happy 2007.

Dr. Cahill said that it appears that the Board is in non-compliance with their own rules. He said that the election of officers was due in November and that during the period of change, the election never happened. Dr. Cahill said that the Nominating Committee members were Dr. King and Ms. Nicol. He said that another Board member was needed to fill a vacancy on the Committee. Dr. Murray volunteered to fill the vacancy.

Dr. Cahill said the elections should be in February. He said the positions in question are the Chair, Vice-Chair, and Secretary. Dr. Cahill said the he would

not serve another term if nominated. Mr. Howland said that nominations could be made during the mid-month meeting. Dr. Cahill said that the Board would make it a priority.

Dr. Cahill said that Dr. Murray has thrown his hat into the ring for the Federation of State Medical Boards, Board of Directors. He said that Dr. Murray would represent the Board very well. Dr. Cahill said that Dr. Murray could use the help of a couple of Board members with running for office. He said the work would include polling, telephone calls, mailing, give-aways, politicking at the meeting, etc. and asked anyone willing to help Dr. Murray to let him know. Dr. Cahill said that Susan Spaulding of the Board had served as President of the Federation about 10 years ago.

Mr. Howland said that it would be good to elicit the support of other boards in Vermont and New England.

Dr. Murray said that he will be running on the basis of 40 years of practice, his willingness to learn, and he wants to give back to his profession. He said that he has some things left to do.

Discussion

- Is there a delegate from New England? Every state has a delegate to the national meeting.
- This is a big deal when it comes to running for office.
- The meeting is in San Francisco this year.

Dr. Cahill told Dr. Murray that the Board appreciates his stepping forward to do this.

5. Administrative Update (Mr. Howland)

Mr. Howland said that Ms. Langlais had prepared year end statistics for calendar year 2006. He said that calendar year 2005 is on the other side for comparison purposes. Mr. Howland said that the South Investigative Committee had closed about half of all cases. He said that some Federal organization look at the total number of actions taken by boards to see how they compare. Mr. Howland said that the speed with which cases close is not a good measure. He said it is nice to have measures and thanked Ms. Langlais.

Mr. Howland said that the Board Investigators had gone to a CLEAR (Council on Licensure, Enforcement and Regulation) training last year for the first of a two part session. He said that they will be going back this year for part two in Hartford.

Mr. Howland said that three Board members terms had expired at the end of the year. He said they are all eligible for reappointment and that it was appropriate for them to be part of the nominating process as well as being nominated.

Mr. Howland said that the next issue is a bit difficult to present. He said that the annual fee bill put forth by the Administration will be requesting that fees be increased for a number of the licenses/certificates issued by the Board. Mr. Howland said that the bottom line is that it will cost about \$32.50 to \$37.50 more per year to be licensed. He said that the legislation that moved the Board and the Board's activities to the Department of Health assigned the Department the responsibility for financial affairs. Mr. Howland said that it was the prerogative of the Department's Administration and it would not go far if the Board or the Medical Society are opposed to it. He asked that one or two members of the Board be appointed to work with him to drill down into the proposal so that there is full understanding and to meet with the Medical Society.

Mr. Howland said that the Board is basically run on fee revenue. He said that the fees collected by the Board can only be used for the work of the Board. Mr. Howland said that the Department of Health cannot raid the fee fund and that any excess fees would be carried forward for use by the Board only. He directed attention to the top line of the spreadsheet he had distributed and explained that the Board is viewed by Medicaid as doing quality assurance work which allows the Department to recover an estimated \$120,000 each year for use by the Board. He said that this is the first time in the history of the Board that there has been non-fee revenue. Mr. Howland said that even going forward, every two years, the carry forward in FY08 will be negative even with a fee increase.

Discussion

- What are the increases based on?
 - A Comparison of fees in other states and ability to pay. They have their own logic not really sure. This is Ms. DiStabile's work.
- Why are AAs and PAs showing with different fees?
 - Clearly a mistake.
- Why do the fringe benefits go down?
 - Cannot be explained. Cannot speak to the number but will get information if concerned.
- Is this based on constant volume of work?
 - The Board has a historical increase in work.
- The subtotals \$184K dropping to \$144K represents more litigation and takes into consideration what a trend may be.
- The software line for FY08 shows \$140K - we are anticipating that we are going to have to put in new software for online profiles and licensing. \$140K is a guesstimate of or an educated guess as to what it will cost and where it will occur.
- Has there been any consideration given to increasing physician fees more for out of state physician fees by more than in-state physicians?

- This has been presented in the past. No one knows the logic behind it.
- You have your license in Vermont, work in California, now I pay more. I decide to come to Vermont. Do I get a refund?
- Specialty locums - would be an impediment to get locums.
- Might lose a volume that equals the increase in fees.
- The cost per capita would be quite a lot higher for those in-state.
- Is it every other year or every so many years that the fee bill comes up?
 - Within the Administration - this is the time for us.
- Is it more likely that income might be fines?
 - Let's ask the Federation how many states charge fines.
 - Big objection in the legislature to pocketing fines.
 - Fines go into the General Fund.
 - We are missing an income opportunity.
 - Yes, there are ethical issues.
- Are we paying a tremendous amount in support of doctor's not necessarily good behaviors?
 - Probably not enough to make a material difference.
 - Even if the idea gets out there this session, maybe next time.
 - Maybe we need to start talking about it as one of the things that needs to be considered.
- What about reimbursement for some of the cost of hearings?
 - It tells people what this board does.
 - Gets information out that will carry forward in future years.
 - Florida and New Hampshire fine licensees.
- What about waiving the fee for physicians that after retirement are willing to participate in emergency services such as the medical corps?
 - Is it possible to find a source that would pay their fees for them?
 - Vermont State Guard physicians are not planning to give up their licenses as they know they will need them as well as CMEs.
 - Four states have protection from suits for retired volunteers.
- Is this what is being submitted by part of the package by the Department of Health?
 - Yes.
- Are you saying that the Vermont Medical Society will have input before it goes to the legislature?
- Will you come back with a finalized budget?
- Ms. Mongan's concern was that fees not go to support anything other than the Board's work.

Dr. Murray volunteered to help Mr. Howland.

6. Presentation of applications

See Appendix A.

7. Recess; Convene Hearing (Mr. Cykon)

There were no matters for hearing.

8. Executive Session to Discuss Investigative Matters

Ms. Martin made a motion to go into executive session to discuss investigative matters. Mr. Cross seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Executive session began at 1:00 p.m.

Open session resumed at 2:43 p.m.

9. Open Session

Dr. Clauss, Chair of the Central Investigative Committee, moved to close

MPC 100-0706

MPC 91-0606

MPC 168-1106

MPC 106-0806

MPC 114-0806

MPC 26-0206

MPC 27-0206

MPC 24-0206

Seconded: Mr. Cross. Passed, opposed: none. Abstained: MPC 100-0706 - Ms. Martin, MPC 168-1106 - Dr. Guerrero, and MPC 26-0206 and 27-0206 - Dr. Cahill and Dr. Lamontagne.

Ms. Silta, Chair of the South Investigative Committee, moved to close

MPS 143-1006

MPSR 150-1104

MPS 153-1006

MPS 140-1006

MPS 125-0906

MPS 86-0606

Seconded: Mr. Webber. Passed, opposed: none. Abstained: MPS 153-1006 - Dr. Stouch, MPS 140-1006 - Dr. Murray

Dr. Stouch of the North Investigative Committee, moved to close

MPNR 64-0406

MPN 128-0906

MPN 165-1106

Seconded: Mr. Cross. Passed, opposed: none. Abstained: MPN 128-0906 - Ms. Silta and Dr. Cahill.

Dr. Stouch, on behalf of the North Investigative Committee, presented the request for removal of conditions on the physician license of Anthony Williams, MD, MPN 12-0200. Mr. Webber moved the request. Dr. Guerrero seconded the motion. The vote was all in favor, opposed: none, abstained: Dr. Davignon.

10. Return to Presentation of applications

See Appendix A

11. Next meetings

Upcoming meetings

- February 9, 2007, Central Investigative Committee Meeting, 12 p.m., Montpelier
- February 15, 2007, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- February 21, 2007, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland
- February 21, 2007, Board meeting on pending applications, 12:10 p.m., Board Office, 101 Cherry Street, Burlington, (and via telephone)

12. Next Regular Board meetings February 7, 2007, 12 p.m., Gifford Medical Center Vermont, Randolph, Vermont, February 21, 2007, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont

13. Any Other Business

None.

14. Adjournment

Adjourned at 2:58 p.m.

Respectfully submitted,



Peggy Langlais, Administrative Supervisor
Attachment

Appendix A

Presentation of Applications

Dr. Cahill made a motion to accept the request for withdrawal of physician license application of Kevin Cranmer, MD. Ms. Martin seconded the motion. The vote was all in favor; opposed: none; abstained: none.

Dr. Cahill moved on a limited temporary license
Marta Bator, MD
Recommended for limited temporary licensure
Seconded by Dr. Stouch, passed, opposed: none, abstained: none

Ms. Silta reported on an interview with
Fred Staples, PA
Recommended for physician assistant certification
Seconded by Mr. Cross, passed, opposed: none, abstained:

Dr. Clauss reported on an interview with
Ashford McAllister, MD
Recommended for physician licensure
Seconded by Dr. Murray, passed, opposed: none, abstained: none

Dr. Sadkin reported on an interview with
Wayne Kirschbaum, PA
Recommended for physician assistant certification
Seconded by Mr. Cross, passed, opposed: none, abstained:

Dr. Guerrero reported on an interview with
Richard Lango, MD
Recommended for physician licensure
Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Lamontagne reported on an interview with
Rosalinde Collins-Gibbard, MD
Recommended for physician licensure
Seconded by Mr. Webber, passed, opposed: none, abstained: none