

**Vermont Board of Medical Practice
Minutes of the January 4, 2006 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 12:24 p.m., at Gifford Medical Center, Randolph, Vermont.

Members Present:

James D. Cahill, MD; David W. Clauss, MD; Ezekiel S. Cross; Richard L. Guerrero, MD; Patricia A. King, MD, PhD; Margaret F. Martin; John J. Murray, MD; Sharon L. Nicol; Alexander Northern; Edward Patrick Smith, Jr., DPM; William H. Stouch, MD; John B. Webber, Esq.; Florence Young

Others in Attendance:

James Arisman, Esq., Assistant Attorney General; Phil Ciotti, Investigator; Phil Cykon, Presiding Officer; Paula DiStabile, Executive Director; Peggy Langlais, Administrative Supervisor; Joseph Winn, Esq., Assistant Attorney General

2. Public Comment

None.

3. Approval of the Minutes of the December 7 and December 21, 2005 Board Meetings

Ms. Martin made a motion to accept the minutes of December 7 and December 21, 2005. Dr. Murray seconded the motion. The motion passed, opposed: none, abstained: none

4. Board Matters

Dr. Cahill welcomed everyone to the first Board meeting of 2006.

Dr. Cahill said that the Executive Committee of the Board had met last night, January 3rd, and discussed a range of issues. The minutes will be distributed when ready. Dr. Cahill said that among the issues discussed was the need to prioritize items of importance to the Board and to make them an agenda item at regular Board meetings. Items include:

- Review of existing Board statutes;
- Update of Board rules; and
- Vermont Practitioner Health Program.

5. Administrative Update (Ms. DiStabile)

Ms. DiStabile said that Board Investigator Paula Nenninger's new baby was the first Vermont baby of the new year - a healthy boy. She said that both mother and child are well.

Ms. DiStabile said that one question that came up at the previous night's meeting was the status of prescription drug monitoring legislation. She said the legislation is pending and that the Senate Judiciary Committee would be discussing it today. She said that she would try to get a copy of what is currently in committee and share it with the Board.

Discussion

- There would be an electronic database at the Department of Health for all controlled substances reported by pharmacists.
- Has there been resistance to the legislation?
- Some issues that were raised last year have apparently been resolved, but the language is still being discussed and is likely to change.
- In the most recent version, the Board would be able to obtain data from this system pertaining to a particular case under investigation. Law enforcement would not have direct access to the database. The Commissioner of Health would be able to report suspected illegal activity to law enforcement under certain circumstances.
- There is Federal funding available to get the program up and running if statutory authority is enacted.
- The goal is to facilitate treatment.

Ms. DiStabile said that there is a copy of the Policy for the Use of Controlled Substances for the Treatment of Pain with Appendix A in member board packets; these were approved by the Board last month. She said that copies of Appendices B and C and the accompanying legal disclaimers are also enclosed separately, for review and decision today.

Discussion

- Dr. Clauss urged the Board to adopt the appendices as they are reasonable and well marked.
- The appendices are examples to help facilitate good practice.
- The policy and appendix A have been approved.

Dr. Clauss made a motion to approve Appendices B and C of the Policy for the Use of Controlled Substances for the Treatment of Pain. Dr. Murray seconded the motion. The vote was all in favor. Opposed: none. Abstained: none.

Ms. DiStabile said that the Federation of State Medical Boards was very interested in learning about the Board's actions with respect to this policy. She will share it with them.

6. Presentation of applications

See Appendix A

7. Recess; Convene Hearing (Mr. Cykon)

Dr. King made a motion to recess to convene a hearing. Dr. Stouch seconded the motion. The motion passed. Opposed: none. Abstained: none.

Mr. Cykon convened a hearing to consider a matter before the Board at 12:42 p.m.

In re: Karen A. Endacott, MD, MPS 92-0605, Stipulation and Consent Order

Dr. Clauss made a motion to go into Executive Session. Dr. King seconded the motion. The vote was all in favor.

Executive Session: 12:45 p.m.

Dr. Smith made a motion to return to Open Session. Dr. Stouch seconded the motion. The vote was all in favor.

Open Session: 12:48 p.m.

Dr. Clauss made a motion to accept the Stipulation and Order. Dr. Stouch seconded the motion. The vote was all in favor. Opposed: none. Abstained: South Investigative Committee.

In re: Daniel Sax, MD, MPAH 166-0803, Stipulation and Consent Order

Dr. Cahill made a motion to go into Executive Session. Dr. Smith seconded the motion. The vote was all in favor.

Executive Session: 12:54 p.m.

Dr. Murray made a motion to return to Open Session. Dr. Clauss seconded the motion. The vote was all in favor.

Open Session: 12:59 p.m.

Dr. Murray made a motion to accept the Stipulation and Order. Dr. Cahill seconded the motion. The vote was all in favor. Opposed: none. Abstained: Dr. Clauss and North Investigative Committee.

8. Executive Session

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

Executive session began at 1:03 p.m.

9. Break – 2:10 p.m.

10. Return to Open Session

Dr. Murray made a motion to return to open session. The motion was seconded Dr. Smith. The vote was all in favor, opposed: none, abstained: none.

Open session: 2:26 p.m.

Dr. Cahill, South Investigative Committee, moved to close

MPS 171-1105
MPS 105-0705
MPS 170-1105
MPS 14-0105
MPS 92-0605
MPS 07-0202
MPS 140-0905
MPS 116-0805

Seconded: Mr. Northern. Passed, opposed: none. Abstained: Dr. Stouch – MPS 170-1105, Dr. King – MPS 14-0105, Dr. Clauss – MPS 140-0905 and MPS 116-0805.

Dr. King, North Investigative Committee, moved to close

MPN 160-1005
MPN 152-1005
MPN 150-1005
MPN 151-1005
MPN 153-1005
MPN 145-0905

Seconded: Dr. Murray. Passed, opposed: none. Abstained: Dr. Cahill and Dr. Smith – MPN 145-0905.

Dr. Clauss. Central Investigative Committee, moved to close

MPC 154-1005
MPC 162-1005
MPC 161-1005
MPC 04-0105

Seconded: Dr. Murray. Passed, opposed: none. Abstained: Dr. Smith – MPC 162-1005.

11. Any Other Business

Ms. DiStabile asked if anyone was able to participate in the Vermont Medical Society's opiate grand rounds. She said there were two additional sessions planned; one in Brattleboro and one in Bennington. She asked anyone interested to let her know.

Dr. Cahill passed out yearly statistics showing just some of the tremendous volume of work accomplished by this Board over the past year. Copy attached.

Dr. Cahill said that this would be Dr. Smith's last meeting with the Board and thanked him for all of his excellent and dedicated work on behalf of the Board.

Dr Guerrero said that a physician recently (and erroneously) commented that any case brought to the Medical Board was public record. The physician went on to say that he believes this inhibits the hospitals from working cooperatively with the Board.

Ms. Martin said that one of the issues discussed by the Executive Committee was to consider how we might improve the way hospitals and the Board work together. One suggestion was that the Board meet with them, let them know how the Board functions, and explore ways to improve the relationship.

Dr. Cahill said that Dr. Jarris would try to attend the Board meeting in February.

Dr. Cahill reminded Board members to be sure to get their case closing summaries done, and to give them to Ms. Langlais or Mr. Ciotti.

Next meetings

Upcoming meetings

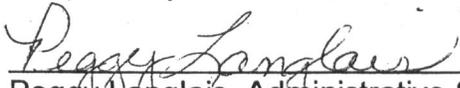
- February 9, 2006, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- February 10, 2006, Central Investigative Committee Meeting, 12 p.m., Montpelier
- February 15, 2006, Board meeting on pending applications, 12:10 p.m., Board Office, 108 Cherry Street, Burlington, (and via telephone)
- February 15, 2006, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland

12. Next Regular Board meetings March 1, 2006, 12 p.m., Gifford Hospital, Randolph, Vermont, March 15, 2006, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont

13. Adjournment

The motion to adjourn the meeting was made by Dr. Murray, seconded by Ms. Young. The vote was all in favor, opposed: none, abstained: none. The meeting adjourned at 2:59 p.m.

Respectfully submitted,



Peggy Langlais, Administrative Supervisor
Attachments

Presentation of Applications

Dr. King reported on interviews with
Gill Taylor-Tyree, MD
Howard Shoemaker, MD
Judy Baumgart, MD

Recommended for physician licensure

Seconded by Dr. Smith passed, opposed: none, abstained: none

Dr. Stouch reported on interviews with
Carolyn Lyon, MD
Jaskanwar Batra, MD

Recommended for physician licensure

Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Guerrero reported on interviews with
Gregory Miller, MD
Steven Perlin, MD

Recommended for physician licensure

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

Dr. Cahill reported on interviews conducted by Ms. Silta with
Sarah Bushweller, PA
Kerry Goulette, PA

Recommended for physician assistant certification

Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Cahill reported on an interview conducted by Dr. Thomashow with
Christopher Tretter, MD

Recommended for physician licensure

Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Cahill reported on an interview with
Richard Meyer, MD

Recommended for physician licensure

Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Cahill reported on an interview conducted by Dr. Sadkin with
Marcel MacGilvray, MD

Recommended for physician licensure

Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Cahill moved on Limited Temporary License approvals
Scott Kaiser, MD

Suraiya Kureshi, MD
Christina Smith, MD

Recommended for Limited Temporary License

Seconded: Dr. Murray, passed, opposed: none, abstained: none

[