

**Vermont Board of Medical Practice
Minutes of the October 5, 2011 Board Meeting
Gifford Medical Center, Randolph, VT**

Approved

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

Patricia King, MD, Chair, called the meeting to order at 12:20.

Members Present:

William Hoser, PA-C; Margaret F. Martin; Michael Drew, MD; Janice M. Gallant, MD; Robert G. Hayward, MD; Hon. David A. Jenkins; Sarah McLain; Harvey Reich, MD; Robert Rinaldi, DPM; Toby Sadkin, MD; William H. Stouch, MD; Peter Thomashow, MD; Florence Young.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Tracy Hayes, Licensing Technician; Robert Simpson, Presiding Officer; Susanne Young, AAG; John R. Bookwalter, MD; David Butch, MD; Hildegard Ojibway, MD, Executive Director, Good Neighbor Health Clinic (GNHC); Paul Manganiello, MD, Founder (GNHC); Margaret Caudill-Slosberg, MD, Board of Trustees (GNHC); Matthew Garcia, Vice Chair (GNHC); John Bryant, Board of Trustees (GNHC).

2. Public Comment: None

3. Approval of Minutes of the September 7 and September 21, 2011 Board Meetings:

Dr. Rinaldi made a motion to accept the minutes of the September 7, 2011 meeting. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Reich made a motion to accept the minutes of the September 21, 2011 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

None

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy advised that the CAVU go-live date continues to slide as we continue to experience technical difficulties with the vendor. The new "go-live" date is October 31, 2011 and we remain hopeful that it will happen.

Mr. Herlihy advised that there will be a VPHP Steering Committee Meeting on October 18, 2011. Specifics on time and agenda will be forthcoming.

Mr. Herlihy discussed the concern raised by Board members who have recently been contacted by the press. He asked if members believe it would be a good use of time to have someone from the Department of Health to come to a Board meeting to discuss how to handle press inquiries. He stated he would make arrangements for next month if members felt this would be a good use of time.

Mr. Herlihy provided an update on Radiologist Assistant rules. The final step is for the rules to go through LCAR on October 6th and he hopes they will be approved without any changes. He asked the Board to review and approve the RA application, which was modeled on the Anesthesiologist Assistant application.

Members discussed the supervising rules/requirements and both Mr. Herlihy and Mr. Hoser answered questions about RA supervision. Ms. Vincent also stated that there is a specific provision in the Rules about supervision, but there is also room to be more specific in a delegation agreement.

Dr. Drew made a motion to approve the Radiologist Assistant application. Mr. Webber seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

He also advised the members that he is still seeking to form a subcommittee to take on the rule making process for the Continuing Medical Education requirement, as well as a separate committee to form the rules for the new PA statute. Hon. Jenkins, Dr. Rinaldi and Dr. King volunteered.

Mr. Herlihy also stated that he will be collaborating with the Board of Nursing (OPR) on the workforce issues as stated in the Health Reform Act 49. He will update the Board on the discussion surrounding the issues of Scope of Practice and the Definition of the Practice of Medicine, and he will seek guidance from the Board on these issues going forward.

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

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

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

Hilda Ojibway, MD – Physician Volunteer from the Good Neighbor Clinic of White River Junction:

Members of the GNHC came to the Board meeting to present suggestions about how to improve the licensing process for pro-bono physicians. They are seeking changes in legislation or in administrative procedures that would allow pro-bono licenses to be issued for physicians who are licensed and in good standing in New Hampshire and credentialed at Dartmouth Hitchcock Medical Center in Lebanon, NH, Veterans Administration Hospital in White River Junction, or Alice Peck Day Memorial Hospital in Lebanon, New Hampshire. There are physicians who work at these hospitals who may not yet have a VT medical license and claim that the process to obtain a medical license in VT is arduous, time consuming and restrictive, and it is the opinion that since these are pro-bono licenses that the process should be modified. One main point the GNHC members raised was that these physicians have already gone through the credentialing and review process in order to obtain their licenses in NH and that should be sufficient to meet the requirements in VT. A signed letter from one of these institutions verifying that they have met the credentialing criteria in NH would be provided along with an abbreviated version of the application, and this is proposed to be sufficient.

Mr. Herlihy raised the concern that the VT licensing review process recently uncovered a legal issue with an applicant that was not caught by another state, so DH is apprehensive about accepting this proposal.

Mr. Herlihy attempted to clarify the actual issue that the GNHC was trying to present – was it the length of time it takes to obtain a license or is it the cost? He clarified for them that recent legislative changes have eliminated the interview requirement and as long as there are no “yes” answers or red flags then the applicant does not even need to be presented at the licensing committee meeting.

Mr. Herlihy thanked the members of GNHC for coming and stated that he would review the draft proposal with the Board.

8. Recess; Convene Hearing to discuss any stipulations or disciplinary matters that are before the Board (1:45 p.m. – 2:15 p.m.): (Mr. Simpson)

In re: John R. Bookwalter, MD – MPC 19-0209 – Proposed Decision and Order

Mr. Simpson called the hearing to order and announced that the Board would be discussing the above-noted case, then voting on action. Presentations were made by AAG Susanne Young, and by Drs. Bookwalter and Butch. The Board cleared the room for deliberative session. The members of the Central Committee left the room for the deliberation session, along with all others in attendance, but the hearing panel members remained. The voting members deliberated with only Mr. Simpson present.

After the closed deliberation session, Mr. Simpson called the non-participating members back to the hearing room. It was announced that in deliberative session the participating members had voted to approve the Proposed Findings and Order,

but noted that subsection A on p. 16 would be modified to omit the word "acute" in the Final Order.

Dr. Stouch made a motion to approve the Proposed Decision and Order. Mr. Hoser seconded the motion. The motion passed: 9 in favor; opposed: none; recused: 0; abstained: Central Investigative Committee and hearing panel members.

In re: Rajvinder Sing Khela, MD – Licensing Matter – Stipulation and Consent Order. AAG Margaret Vincent provided comments regarding the stipulation and order.

Ms. Martin made a motion to approve the Stipulation and Consent Order. Mr. Webber seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- 9. Reconvene Meeting; Executive Session to Discuss:**
- a. Investigative cases recommended for closure**
 - b. Other matters that are confidential by law, if any**

Ms. Martin made a motion at 2:55 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Reich seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- 10. Return to Open Session; Board Actions on Matters Discussed in Executive Session:**

Mr. Webber made a motion at 4:13 to return to open session. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- 11. Board Actions on Committee Recommendations with Regard to any Non-confidential Matters:**

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

MPS 90-0711 – Special Letter #1
MPS 81-0611 – Letter #1
MPS 82-0611 – Letter #1
MPS 32-0311 – Stan Burns Letter

Dr. Hayward made a motion to close the cases presented. Dr. Stouch seconded the motion. The motion passed, opposed: none; abstained: none; recused: none.

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

MPC 23-0211 – Letter #1 (Dr. Reich recused)
MPC 108-1010 – Letter #1

MPC 86-0711 – Administrative Closure
MPC 92-0711 – Letter #1
MPC 160-1210 – Letter #1
MPC 84-0611 – Letter #1
MPC 64-0511 – Special Letter #1
MPC 85-0711 – Letter #1 (Dr. Reich recused)
MPC 133-1110 – Letter #1
MPC 70-0611 – Letter #1 (Dr. Reich & Dr. King recused)

Dr. Reich made a motion to close the cases presented. Mr. Hoser seconded the motion. The motion passed, opposed: none; abstained: none; recused: (see notes above for recusal on specific cases).

Dr. Sadkin, North Investigative Committee, asked to close:

MPN 40-0311 – Letter #1
MPN 39-0311 – Letter #1
MPN 54-0411 – Letter #1
MPN 43-0311 – Letter #1

Dr. Dr. Reich made a motion to close the cases presented. Dr. Gallant seconded the motion. The motion passed, opposed: none; abstained: none; recused: none.

12. Other Business:

The Board was asked to consider the addition of one more chemical compound that has been recognized as a class of substances that are referred to as "bath salts." Dr. Drew made a motion to support the addition of 3, 4-methylenedioxy-N-methycathinone (methydone) to the list of regulated drugs. Seconded by Mr. Webber. The motion passed: opposed: none; recused: none; abstained: none.

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

- **November 2, 2011, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT**
- **November 2, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT**
- **October 13, 2011, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 2nd Floor, Conference Room 2D, Burlington, VT**
- **October 14, 2011, Central Investigative Committee Meeting, 12 p.m., Liquor Control, Conference Room 13, Green Mountain Drive, Montpelier, VT**
- **October 19, 2011, Board Meeting on pending applications, 12:10 p.m., Board of Medical Practice office 108 Cherry Street, 2nd Floor, Burlington, VT (and via telephone)**

- **October 19, 2011, South Investigative Committee Meeting, 12 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **December 7, 2011, Licensing Committee Meeting 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT**
- **December 7, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT**

14. Adjournment:

Dr. Hayward made a motion to adjourn. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Meeting adjourned at 4:34 p.m.

Attachments: Appendix A

Respectfully submitted,



Karen LaFond
Licensing Administrator

Appendix A

Presentation of Applications

Dr. King moved for the issuance of physician licenses for:

Clarie Bolon, MD	Sergey Devitskiy, MD	Anna DiBona, MD
Mark Lau, MD	Mykola Mohuchy, MD	Khanh Nguyen, MD
Alan Opsahl, MD	Khayam Shaukat, MD	Lawrence Slocki, MD

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

Dr. King moved for the issuance of physician assistant licenses for:

Joshua Cascadden, PA-C	Jacqueline Gallagher, PA-C
Daniel Philips, PA-C	

Recommended by Mr. Hoser for physician licensure. Seconded by Hon. Jenkins.
The motion passed; opposed: none; recused: none; abstained.

Dr. King moved for the issuance of limited temporary licenses for:

Natalie Shiloh, LTL MD

Recommended by Dr. Hayward for limited temporary physician licensure. Seconded
by Dr. Stouch. The motion passed; opposed: none; recused: none; abstained: none.