

**Vermont Board of Medical Practice
Minutes of the February 2, 2011 Board Meeting
Via Conference Call at the Board of Medical Practice in Burlington, VT.**

Approved

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

Patricia A. King, M.D., Chair, called the meeting to order at 12:05 p.m.

Members Present:

Patricia A. King, M.D.; William K. Hoser, PA-C; Margaret F. Martin; Michael Drew, MD; Janice M. Gallant, M.D.; Robert G. Hayward, M.D.; Eileen M. Illuzzi; Hon. David A. Jenkins; Joshua A. Plavin, M.D.; Harvey S. Reich, MD; Robert R. Rinaldi, D.P.M; Janice E. Ryan, RSM; Toby Sadkin, M.D.; William H. Stouch, M.D; Peter Thomashow, MD; John B. Webber, Esq., Florence Young.

Others in Attendance:

David Herlihy, Executive Director; Robert Simpson, Esq., Presiding Officer; Philip Ciotti, Investigator; Paula Nenner, Investigator; Margaret Vincent, Assistant Attorney General; Karen LaFond, Licensing Administrator; Terry Lovelace, Assistant Attorney General; Henry Koltys, Assistant Attorney General; Eric Miller, Esq., Attorney for Mitchell R. Miller, MD; Mitchell R. Miller, MD; Madeleine Mongan, Vice President for Policy, Vermont Medical Society.

2. Public Comments: None

3. Approval of the Minutes of the January 5 and January 19, 2011 Monthly Board Meeting and Special Meeting on January 13, 2011

Dr. Rinaldi made a motion to accept the minutes of the January 5, 2011 Board meeting. Dr. Stouch seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

Dr. Rinaldi made a motion to accept the minutes of the January 19, 2011 Board meeting. Dr. Stouch seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

Dr. Rinaldi made a motion to accept the minutes of the January 13, 2011 Special Meeting. Dr. Stouch seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King thanked everyone for joining via conference call due to the weather, and also for those who were able to make it to the Board of Medical Practice office in Burlington. Noting that it is more difficult to have discussions in this venue, Dr. King proposed to modify the agenda to only conduct the Presentation of Applications, the scheduled

hearing with Dr. Mitchell Miller, review the recent version of the statute and then not close any cases. All were in favor.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy updated the Board on Paula Nenninger's new schedule, which would entail a 30 hour work week. He said a schedule of her hours in office would be forthcoming.

6. 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.

7. Presentation to the Board: None

8. Convene Hearing (Mr. Simpson):

Mr. Simpson convened a hearing to consider adjudicative matters before the Board.

- In re: Mitchell R. Miller, M.D., Amended Order

Brought forth by and presented by Eric Miller, Esq.

Mr. Hoser made a motion to approve the Amended Order for Mitchell R. Miller, MD. Seconded: Margaret Martin; the motion passed; opposed: none; recused: Central Investigative Committee; abstained: none.

9. Executive Session to Discuss Investigative Matters:

None

10. Open Session:

None

11. Board Actions on Committee Recommendations With Regard to Any Non-confidential Matters:

None

12. Any Other Business: Review of proposed statute changes:

Margaret Vincent informed the Board that the proposed revision is with Legislative Council and Representative Till will be introducing the bill. She noted that there was a resolution at the Special Meeting on 1/13/11 to approve all Physician Assistant (PA) changes, and she was seeking Board approval on all Physician changes.

Ms. Vincent noted the changes she made to the statute after the meeting on 1/13/11:

- 1) 1400 (b), p. 35
- 2) 1314, p. 4 – plan is to keep as a misdemeanor for now and have a discussion in the summer to include felony charges.
- 3) 1314 (5)

With regard to the PA section, 1734 (2) and (b), p. 47, this is with Legislative Council.

Ms. Vincent noted that regarding Continuing Medical Education (CMEs) for MDs, the Federation of State Medical Boards (FSMB) supports CMEs for maintenance of licensure: CMEs, Practice Approval, and Exams. She stated that VDH Commissioner Harry Chen noted that the legislature is supportive of CMEs.

Madeleine Mongan updated the Board on issues related to CMEs. The Health and Human Services Committee met on February 2, 2011 and is in the process of reviewing bills. One in particular focuses on Palliative Care: standardizing forms, participants - including Choices for Care, Concurrent Palliative Care - such as AETNA, and CMEs – specific to palliative care. She asked if there were any board members who would be willing to volunteer working with her to looking into the types of professions this shouldn't apply to and other ways, other than CMEs to get information on palliative care. Dr. Harvey Reich, Dr. Pat King and Sister Janice Ryan volunteered to help. Ms. Mongan's assessment is that it is an emotional issue, one related to fairness, and the legislators have latched onto the term "CME". She is seeking to explore other options or better ways to accomplish the same goal as CMEs.

Dr. Hayward added that the statute does not currently contain language about CMEs in the PA section, and suggests adding language for Physicians and PAs.

Mr. Hoser stated that PAs must take CMEs every 2 years in order to maintain/retain certification. He agrees with Dr. Hayward with regard to having the same language.

Regarding the issue of PAs seeking to change from Certification to Licensure: David Herlihy brought up the point that the change will create a financial issue for the board to consider. He will consult with legal as to how to make the change cost neutral, but this is a topic for a future discussion.

Mr. Hoser advised Mr. Herlihy that the fee for a PA primary certification is \$115 and each Delegation Agreement costs \$50.

With regard to the APRN issue, Ms. Mongan informed the board that there are 3 bills: 1) the APRN Statute – covering education requirements and professional conduct; 2) Statute – transparency for all health professionals; and 3) Scope of Practice Review Board. Again, she will update the board as this topic evolves.

13. Next meetings:

Upcoming meetings: **(Locations are subject to change, you will be notified if a change takes place.)**

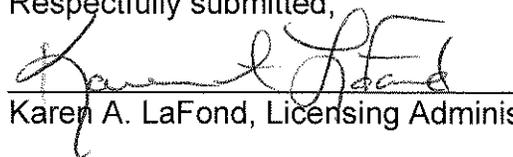
- **February 10, 2011, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT**
- **February 11, 2011, Central Investigative Committee Meeting, 12 p.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT**
- **February 16, 2011, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 101 Cherry Street, 3rd Floor Burlington, VT (and via telephone)**
- **February 16, 2011, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **March 2, 2011, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **March 2, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

14. Adjournment

Sister Janice Ryan made a motion to adjourn. Dr. Reich seconded the motion. The vote was all in favor, opposed: none, recused: none; abstained: none.

Meeting adjourned at 1:26 p.m.

Respectfully submitted,


Karen A. LaFond, Licensing Administrator

Attachments: Appendix A

Appendix A

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

Dr. Rinaldi reported on interviews conducted with:

Daniel Fermaglich, MD

Joseph Kozacheck, MD

Recommended by Dr. Rinaldi for physician licensure. Seconded by Mr. Hoser, passed, opposed: none, recused: none; abstained: none.

Mr. Hoser reported on an interview conducted with:

Noah Kegan, PA-C

Recommended by Mr. Hoser for physician assistant certification. Seconded by Dr. Plavin, passed, opposed: none, recused: none; abstained: none.

Dr. Hayward reported on interviews conducted with:

Alan Bonsteel, MD

Ron Mark, MD

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

Dr. Reich reported on an interview conducted with:

Varun Agrawal, MD

Recommended by Dr. Reich for physician licensure. Seconded by Dr. Rinaldi, passed, opposed: none, recused: none; abstained: none.

Dr. Plavin reported on interviews conducted with:

Michael Bennett, MD

Edwin Shadzeka, MD

Recommended by Dr. Plavin for physician assistant licensure. Seconded by Dr. Rinaldi, passed, opposed: none, recused: none; abstained: none.