

**Vermont Board of Medical Practice
Minutes of the April 6, 2011 Board Meeting
Gifford Medical Center, Randolph, VT**

Approved

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

Patricia A. King, M.D., Chair, called the meeting to order at 12:20 p.m.

Members Present:

Patricia A. King, M.D.; William K. Hoser, PA-C; Margaret F. Martin; Michael Drew, MD; Janice Gallant, M.D.; Robert G. Hayward, M.D.; Eileen M. Illuzzi; Hon. David A. Jenkins; Joshua A. Plavin, M.D.; Harvey S. Reich, MD; 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 Nenninger, Investigator; Margaret Vincent, Assistant Attorney General; Karen LaFond, Licensing Administrator; Terry Lovelace, Assistant Attorney General; Kurt Kuehl, Assistant Attorney General; Lance Talmage, M.D. and Michael Dougan, Chief Information Officer, Federation of State Medical Boards (FSMB).

2. Public Comments: None

3. Approval of the Minutes of the March 2 and March 16, 2011 Monthly Board Meeting

Ms. Martin made a motion to accept the minutes of the March 2, 2011 Board meeting. Hon. Jenkins seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

Ms. Martin made a motion to accept the minutes of the March 16, 2011 Board meeting. Hon. Jenkins seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy updated the Board on the office move from 101 Cherry Street to 108 Cherry Street. Still on for moving by May 31.

Mr. Herlihy updated the Board on the on-line licensing system, and we are still looking at the go-live date of August 1, 2011.

Mr. Herlihy informed the Board that he had been asked to give the Board's position on a bill in legislation that would attempt to put into statute the approval of long-term treatment using anti-biotics for Lyme Disease. He stated that he did not feel it was appropriate for the Legislature to make decisions about appropriate medical care in general, and that the evidence with regard to this condition made this a particularly strong example of why decisions about appropriate care should not be based upon advocacy in the Legislature.

Mr. Herlihy advised that he would be spending several days in April at the State House regarding H369, which contains the Board Statute. He noted that the language about CME on hospice and palliative care that had been proposed for inclusion in the bill on hospice and palliative care had been substantially revised and inserted into H.369. The revised version of the CME language only made a requirement for the Board's rules on CME to include at least 10 hours of CME, with no specific mandate for a number of hours on hospice and palliative care. Because the revised language was so preferable compared to the earlier version, it was not opposed.

Dr. King and Mr. Herlihy will be attending the FSMB conference at the end of the month.

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.

6. Presentation to the Board: None

7. Convene Hearing (Mr. Simpson):

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

- In re: Santiago Cancio-Bello, MD – MPN 98-0809 – Stipulation and Consent Order

Brought forth and presented by Robert Simpson, Presiding Officer.

Dr. Reich made a motion to approve the Stipulation and Consent Order for Santiago Cancio-Bello, MD. Dr. Hayward seconded the motion. The motion passed, opposed: none; recused: North Investigative Committee, abstained: none.

- In re: Anne M. Johnston, MD – MPS 61-0710 – Stipulation and Consent Order

Brought forth and presented by Robert Simpson, Presiding Officer.

Dr. Hayward made a motion to approve the Stipulation and Consent Order for Anne M. Johnston, MD. Dr. Thomashow seconded the motion. The motion

passed, opposed: none; recused: South Investigative Committee; abstained: Ms. Young.

8. Executive Session to Discuss Investigative Matters:

Hon. Jenkins made a motion at 3:04 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.

9. Open Session:

Dr. Hayward discussed the on-going concern over physicians who are working for companies such as TeleDoc. It was determined that there was no legal basis to prevent a licensee from obtaining a full Vermont license, and Ms. Vincent advised the Board that they must look at the qualifications of the applicant to make their decision. Dr. Plavin stated that there is no difference in what TeleDoc is doing than what Tele-Radiology does. Dr. Gallant suggested the Board look into how other states handle this type of practice, but it was agreed that unless otherwise specified in statute there is no justification for preventing a licensee from working for tele-medicine companies, which requires full licensure.

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

MPS 22-0211 – Letter #1
MPS 33-0310 – Stan Burns Letter
MPS 19-0211 – Special Letter #1
MPS 16-0211 – Letter #1

Dr. Hayward made a motion to close the cases presented. Dr. Gallant seconded the motion. The motion passed, opposed: none; abstained: Ms. Young; recused: South Investigative Committee.

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

MPC 15-0211 – Special Letter #1
MPC 11-0111 – Letter #1
MPC 149-1110 – Letter #1

Dr. King made a motion to close the cases presented. Mr. Hoser seconded the motion. The motion passed, opposed: none; abstained: none; recused: Central Investigative Committee.

Dr. King, on-behalf of Dr. Sadkin, North Investigative Committee, asked to close:

MPN 4-0111 – Special Letter #1
MPN 110-1010 – Special Letter #1

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

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

None

11. Any Other Business: APRN Statute Update:

Mr. Herlihy provided an update on the previously-discussed work with the Nursing Board to expand the statutory foundation for APRN regulation. In discussions with the Directors of OPR and the Nursing Board, he and Ms. Martin agreed in principle to a proposal that would: increase the APRN representation on the Nursing Board; put the APRN subcommittee in statute, provide for a physician member of the APRN subcommittee to be designated by the BMP; put the APRN standards for professional conduct into statute and make them resemble MD standards; and, put APRN qualification requirements into statute, including a minimum number of hours of practice subject to a collaborative agreement before an APRN may practice independently. Although the Board had previously been informed that Mr. Herlihy and Ms. Martin were seeking to have the agreement include language that would put the subcommittee in the role of hearing APRN disciplinary cases, the Nursing Board did not agree to that. Mr. Herlihy advised he thought that should not be a deal breaker, given the low number of discipline cases for APRNs, the way OPR manages the investigations with the case manager, investigator, and one member acting as an investigation team (as opposed to the BMP model, where the investigation committee gives Board members a more prominent role), and the expectation that the subcommittee would be consulted on APRN cases.

There was discussion about how practice guidelines are administered and about the Nursing Board's position that allowing APRNs to act as the mentor in a collaborative agreement would provide adequate mentoring, based on a requirement for experience and the fact that the mentor would be someone qualified in the APRN's practice area and population focus. Mr. Herlihy reminded the Board that the only alternative to an agreement to seek these changes to statute would be an effort to change the Rules that the Nursing Board has proposed by taking part in the hearing and comment phase of the rulemaking process. He and Ms. Martin asked the Board to vote on a resolution that would give the Board's support to the proposal to make these changes to statute.

Dr. Gallant moved to endorse the work of Mr. Herlihy and Ms. Martin on the APRN statute. Dr. Thomashow seconded the motion. The motion passed, opposed: none; abstained: none; recused: none.

12. Next meetings:

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

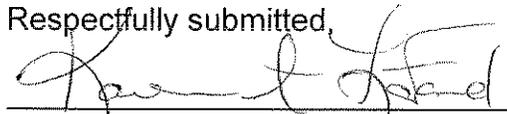
- April 14, 2011, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT
- April 15, 2011, Central Investigative Committee Meeting, 12 p.m., Liquor Control Conference Room, Basement Floor, 13 Green Mountain Drive, Montpelier, VT
- April 20, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 101 Cherry Street, 3rd Floor Burlington, VT (and via telephone)
- April 20, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- May 4, 2011, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph
- May 4, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph

13. Adjournment

Dr. Thomashow made a motion to adjourn. Dr. Hayward seconded the motion. The vote was all in favor, opposed: none, recused: none; abstained: none.

Meeting adjourned at 4:05 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. King reported on behalf of Dr. Rinaldi, who conducted interviews with:

Leslie Brodie, MD Rachel Bruce, MD

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

Dr. King reported on behalf of Dr. Sadkin, who conducted interviews with:

Rachel Humphrey, MD Heather Stein, MD

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

Dr. Hayward reported on interviews conducted with:

Timothy Howard, MD Clara Keegan, MD Steven Lamontagne, MD
Eric Simmons, MD Kethleen Toivanen, MD

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

Dr. Plavin reported on interviews conducted with:

Charles Knoll, MD Heather Marancenbaum, MD
Ronald Stram, MD

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

Dr. Drew reported on interviews conducted with:

Jeremy Corbett, MD Donna Poliquit, MD Andrew Shayne, MD

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

Mr. Hoser reported on interviews conducted with:

Thomas Beuregard, PA-C Holly Hall, PA-C Mara Limoncelli, PA-C
Margaret Rusell, PA-C

