

**Vermont Board of Medical Practice
Minutes of the May 4, 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 12:34 p.m.

Members Present:

Patricia A. King, M.D.; William K. Hoser, PA-C; Margaret F. Martin; 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; Robert Rinaldi, DPM; Janice Ryan, RSM; 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.

2. Public Comments: None

3. Approval of the Minutes of the April 6 and April 20, 2011 Monthly Board Meetings

Dr. Rinaldi made a motion to accept the minutes of the April 6, 2011 Board meeting. Ms. Martin seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

Dr. Rinaldi made a motion to accept the minutes of the April 20, 2011 Board meeting. Dr. Plavin seconded the motion. The motion passed, opposed: none; recused: none; abstained: none.

4. Board Issues (Dr. King):

Dr. King wished to remind people of the purpose of the mid-month. If someone does not absolutely need their license, please bring the applicants to the regularly scheduled board meetings.

Dr. King provided an update on the FSMB conference both she and Mr. Herlihy attended last month in Seattle, WA. The theme was "Changing Workforce of Medical Care." The topic of re-entry was one of much discussion, especially after an extended lapse of time away. Guideline will be issues by the FSMB – they established a special commission to develop the guidelines. This is a global issue as countries all over the world struggle with this issue. An MD from England informed attendees that the UK has identified a more proactive approach, and where they actually want people to think about training when they start a leave of absence, even as short as 3 months.

Most states in the US consider 2 years as the cut-off for training for re-entry. The UK also had 6 months – 1 year, and then 2 years for re-entry training requirements. This led to a discussion on “cognition” and cognitive ability, not just regarding elderly providers.

There was discussion on Maintenance of Licensure as part of the workforce issue. We will be talking about this as we move forward with the rulemaking. There was another panel on technology, and telemedicine has now transitioned into Technology Assisted Medicine (TAM). They will then go to Telepresent, but technology assisted medicine is the wave of the future and this needs to be recognized as a way to provide care to people beyond tele-radiology.

This will also be the first year that the baby boomers reach age 65, and people over age 65 use double the amount of medical services on average. Even though medical student classes have increased significantly, despite that the number of residency slots has not changed, and there is no funding for additional residency slots. If Medicare is not going to fund more residency places, how increase the number of positions? There is an increasing role of NPs and PAs in delivering care, and the current ratio of MDs to the combination of PA/s NPs is 92. This will also impact the workforce over time.

There was also a fair amount of discussion about the MD lifestyle and gender mix – young people entering the field are more concerned about their lifestyle than those a generation ago. They are choosing to work less, and this has an impact on the workforce.

There was a discussion on pain medication. Use of pain meds and the abuse and diversion is recognized as a major problem. There is a new federal law that requires drug manufacturers to educate physicians and patients about the potential for abuse of scheduled and non-scheduled drugs. There will also be a mandatory CME for pain medication prescribing in order to get a DEA license.

Any questions, please feel free to contact Dr. King.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy updated the Board on the office move from 101 Cherry Street to 108 Cherry Street. It is now scheduled for Saturday, June 11. Ms. LaFond informed the board members that the phones would be disconnected on Friday June 10 due to the need of technicians to port the lines to the new location. She stated that the out-going voice mail message will state what number to call to reach the office during that time.

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.

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. Presentations to the Board: None

8. Convene Hearing (Mr. Simpson):

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

- In re: William J. Spina, MD – MPC 21-0211 – Stipulation and Consent Order

Brought forth and presented by Terry Lovelace, Esq.

Mr. Webber made a motion to approve the Stipulation and Consent Order for William J. Spina, MD. Dr. Reich seconded the motion. The motion passed, opposed: Dr. Plavin; recused: Central Investigative Committee, Mr. Hoser, abstained: none.

9. Executive Session to Discuss Investigative Matters:

Mr. Webber made a motion at 1:10 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Plavin seconded the motion. The motion passed, opposed: none; recused: none.

10. Open Session:

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

MPS 14-0211 – Special Letter #1
MPS 13-0111 – Letter #1 – Sr. Ryan abstained
MPS 31-0311 – Letter #1 – Dr. King and Dr. Gallant recused.
MPS 166-1210 – Letter #1
MPS 30-0311 – Special Letter #1
MPS 147-1110 – Letter #1
MPS 12-0111 – Special Letter #1

Hon. Jenkins made a motion to close the cases presented. Sr. Ryan seconded the motion. The motion passed, opposed: none; abstained: 1 – see above; recused: South Investigative Committee, 2 – see above.

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

MPC 165-1210 – Special Letter #1 – Mr. Webber recused.
MPC 140-1110 – Letter #1
MPC 152-1210 – Letter #1

MPC 146-1110 – Special Letter #1

Mr. Hoser made a motion to close the cases presented. Dr. Reich seconded the motion. The motion passed, opposed: none; abstained: none; recused: Central Investigative Committee, 1 – see above.

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

MPN 151-1210 – Special Letter #1
MPN 18-0211 – Special Letter #1
MPN 37-0311 – Letter #1
MPN 27-0311 – Letter #1
MPN 8-1110 – Letter #1
MPN 143-1110 – Special Letter #1

Dr. Plavin made a motion to close the cases presented. Dr. Rinaldi seconded the motion. The motion passed, opposed: none; abstained: none; recused: North Investigative Committee.

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

None

12. Any Other Business: APRN Statute Update:

Mr. Herhlihy provided an update on the legislative topics. H. 420 has been passed and only needs signature by the Governor, and H. 369 was amended in the Senate, passed back to the house Health Care Committee and it was going to the floor today. He hopes it will pass today or tomorrow and be signed by the Governor next week. Mr. Herlihy will send an e-mail when it is finalized.

There was a question about the amendments, and the one thing of substance on the background checks – to get authorization for information from abuse registries. There are 2: one for children and one for vulnerable adults. Although some of the checks take a considerable amount of time, it will be at our discretion on what background checks the Board wants. He will confer with Ms. Vincent and they will make recommendations to the Board soon.

Medical Marijuana Review Board members – the law allows for someone to be designated as medical marijuana user. It is not prescribed by the physician, but the physician verifies that the individual has a medical need to have the marijuana. The Department of Public Safety handles the requests of who can be designated, and the appeals go to the MMRB, which is made up of physicians from the Board. We need to re-designate members. Dr. Thomashow, Dr. Stouch and Dr. Reich are willing to be reappointed.

Dr. Gallant moved to accept the reappointment of Dr. Thomashow, Dr. Stouch and Dr. Reich as members of the Medical Marijuana Review Board. Dr. Hayward seconded the motion; passed. Opposed: none; abstained: none; recused: none. There is a pending bill that would establish dispensaries, which could increase the number of appeals, but it likely won't pass during this legislative session.

Mr. Herlihy also discussed the issue of the ability to share the VPMS information with members of the investigative committees. Under the existing rules, the investigators have been designated to receive information from VMPS. There are concerns about patient privacy and who can have access to this information, but there is no specific identifying patient information in the documents. In some cases, it is difficult for the investigators to interpret whether or not a physician's prescribing practices are appropriate, but it may take a physician member a lot less time. Mr. Herlihy proposed the possibility of nominating other provider members on the committees who could be designated. Dr. Rinaldi proposed limiting it to provider members, or only those have the ability to prescribe and both Mr. Herlihy and Dr. King agreed to the proposal.

Mr. Ciotti suggested having the record reflect the names of the members, and as new members come in, then we would have to keep this updates. This would be access that a board member would lose when they left the Board. Mr. Herlihy said we would get the forms and disseminate, and swear in the members at the committee meetings.

Dr. King requested having the minutes reflect the specific name of the board members who have been nominated:

Patricia A. King, MD
William K. Hoser, PA-C
Michael Drew, MD
Janice M. Gallant, MD
Robert G. Hayward, MD
Joshua Plavin, MD
Harvey Reich, MD
Robert Rinaldi, DMP, MD
Toby Sadkin, MD
William H. Stouch, MD
Peter Thomashow, MD

Scheduled Hearings:

June 6, 2011 – June 8, 2011, Louis Frank, MD
at present Panel members are:

Dr. Plavin, Sr. Ryan and Dr. Stouch Mr. Herlihy stated he would contact Dr. Stouch to confirm his availability to act as a panel member for this hearing.

July 7/18 – 7/19 – potential dates for another hearing.
July 25 – 29 – potential dates for another hearing.

Panel members will be needed for both.

Mr. Herlihy stated that the policy he is to be crafting on criminal referrals is still in the works. He hopes to have something by the next Board meeting.

Dr. King recognized the work of Ms. Martin and Mr. Herlihy on the legislation.

13. Next meetings:

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

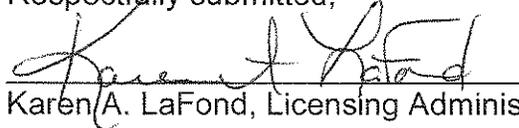
- **May 12, 2011, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3rd Floor, Conference Room 3B, Burlington, VT**
- **May 13, 2011, Central Investigative Committee Meeting, 12 p.m., The Pavilion, 109 State Street, Montpelier, VT**
- **May 18, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 101 Cherry Street, 3rd Floor Burlington, VT (and via telephone)**
- **May 18, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **June 1, 2011, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **June 1, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

14. Adjournment

Dr. Gallant 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 4:05 p.m.

Respectfully submitted,



Karen A. LaFond, Licensing Administrator

Attachments: Appendix A