

**Vermont Board of Medical Practice
Minutes of the June 6, 2007 Meeting
Gifford Medical Center, Randolph, Vermont**

Approved

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

Dr. Clauss, Chair of the Board, called the meeting to order at 12:20 p.m., at Gifford Medical Center, Randolph, Vermont.

Members Present:

David W. Clauss, MD; Ezekiel S. Cross; Russell P. Davignon, MD; Richard L. Guerrero, MD; Patricia A. King, MD, PhD; Denis J. Lamontagne, DPM; Margaret Martin; John J. Murray, MD; Alexander Northern; Katherine A. Silta, PA-C; William H. Stouch, MD; Peter Thomashow, MD; Florence Young

Others in Attendance:

James Arisman, Assistant Attorney General; Philip Ciotti, Investigator; Phil Cykon, Presiding Officer; Christine Finley, MSN, MPH, Deputy Commissioner; Tracy Hayes, Administrative Assistant; Dixie Henry, Assistant Attorney General; John Howland, Jr, Director; Jennifer Laurent and Nancy Morris, Vermont Nurse Practitioners Association; Paula Nenninger, Investigator; Anita Ristau, RN, Executive Director, Board of Nursing; Margaret Vincent, Assistant Attorney General; Lauren West, Program Services Clerk; Chris Winters, Esq., Director, Office of Professional Regulation

2. Public Comment

Jennifer Laurent and Nancy Morris of the Vermont Nurse Practitioners Association made a presentation (their handout is included as an attachment to the file copy of these minutes), and answered questions from the Board regarding a proposal their association is recommending that would allow advance practice nurses to practice without collaborative agreements with physicians. Anita Ristau, Christine Finley and Chris Winters spoke briefly on the same topic. The recent legislation, H-531, which has been signed into law, requires a member of the Medical Practice Board to participate in a study of the matter to be presented to the Legislature in January. The act says, in relevant part:

“No later than September 1, 2007, the commissioner of health, the director of the office of professional regulation, and the board of nursing shall establish a work group to study and make recommendations on the advisability of eliminating the requirement for an advance practice nurse to work in a collaborative practice with a licensed physician, with the goal of evaluating whether advance practice nurses might serve a greater role

as primary care providers who provide essential chronic care management. The work group shall include a representative of the Vermont nurse practitioner association and a representative of the medical practice board. The work group shall make its recommendations in a report delivered to the house committee on health care, the senate committee on health and welfare, and the commission on health care reform no later than January 15, 2008."

3. Approval of the Minutes of the May 2 and 16, 2007 Board Meetings

Dr. Murray made a motion to accept the minutes of the May 2 and 16, 2007 Board meetings. Mr. Cross seconded the motion. The motion passed, opposed: none, abstained: none.

4. Board Matters

Dr. Clauss attended the annual UVM College of Medicine curriculum workshop and said he was impressed with the ethics and professionalism content within the current curriculum. He will work to establish a specific lecture or workshop regarding the responsibilities of licensure and the process of disciplinary action for unprofessional conduct.

Dr. Clauss stated that he and Paula Nenninger had attended the FSMB annual meeting in San Francisco in early May. A main focus was on how to manage disruptive physicians. The current trend around the country is for Physician Health Programs to expand their scope to include the capacity to assess and monitor physicians with performance problems involving mental health issues, personality issues, and physical health issues in addition to substance abuse.

They also focused on what states are doing regarding the reentry of physicians after an absence from practice, as there are a growing number. There are a number of academic medical centers offering personalized "mini-residencies" for the purpose of refreshing skills and assessing competence to return to practice. The biggest barrier to these docs is cost. The Federal Government does not provide GME money for this purpose. Dr. Clauss felt it would be appropriate for the Vermont Board to be proactive on this issue and to think about establishing our own criteria regarding (1) who would be required to complete additional training prior to reentry to practice ?, and (2) what would be the baseline requirements of that training?

To keep the mid-month meeting as short as possible (and to avoid taking time away from the South Committee's meeting), Dr. Clauss asked that recommendations be kept as short as possible, ideally to a single

sentence, and that applications not be presented unless immediate action would be a convenience to the applicant or the prospective employer. We should be proud of our willingness to be prompt when it counts, he said, but if the application could wait two weeks without inconveniencing anyone, then it should wait.

Dr. Clauss expressed the hope that this approach will allow us to continue offering the shortest licensing turn-around in the country when it matters, and that it will also keep the length of the mid-month meeting to a minimum.

5. Administrative Update (Mr. Howland)

Mr. Howland welcomed Lauren West to the Meeting. Ms. West will be taking the minutes in July while Ms. Hayes is on vacation. He noted Peggy Langlais' retirement and said that recruitment for her position was under way, but that everyone would have extra work in the interim. Mr. Howland stated how much he appreciates how well the staff has come together with Peggy's departure. Everyone has pitched in to help and he said he considers himself very lucky to work with such great people.

6. Presentation of applications

See Appendix A.

7. Recess; Convene Hearing (Mr. Cykon)

Mr. Cykon convened a hearing to consider matters before the Board.

In re: Karen Preis, MD, Docket No. MPS 38-0494, Petition for Relief from Conditions

Dr. Thomashow made a motion to approve Respondent's Petition for Relief from Conditions. Dr. Murray seconded the motion. The vote was all in favor. Opposed: none; Abstained: Dr. Stouch and South Investigative Committee.

In re: Kenneth A. James, MD (Limited Temporary License), Docket no. MPS 56-0307, Voluntary Cessation of Practice Agreement.

Dr. King made a motion to approve the Voluntary Cessation of Practice Agreement. Dr. Murray seconded the motion. The motion passed. To approve: Dr. Thomashow, Dr. King, Dr. Clauss, Dr. Murray, Dr. Davignon, Mr. Cross, and Ms. Young. To oppose: Dr. Stouch, Dr. Lamontagne, Mr. Northern; Abstained: South Investigative Committee.

In re: David S. Chase, MD, Docket No. MPC 15-0203, *et al.*, Request for Extension of Time

Ms. Martin made a motion to approve the Board Hearing Committee's request for extension of time until July 16, 2007. Dr. Lamontagne seconded the motion. The vote was all in favor. Opposed: none; Abstained: Central Investigative Committee, Mr. Northern

State's Motion for Summary Suspension and State's motion regarding confidentiality of victim's identity.

Dr. Murray made a motion to go into executive session to discuss investigative matters; specifically, the State's Motion for Summary Suspension and the State's motion regarding the confidentiality of a victim's identity, and to determine whether to take disciplinary action on these matters. Dr. Thomashow seconded the motion. The vote was all in favor, opposed: none, abstained: South Investigative Committee (The South Committee was disqualified from the deliberation of whether to take disciplinary action). Executive session began at 3:49 p.m. The Board then entered deliberative session to deliberate upon and decide the motions. The Board will issue a written decision.

8. Break

Did not break

9. Executive Session to Discuss Investigative Matters

Not held due to approval of motion as set forth in Item 10.

10. Open Session

Open session resumed at 4:40 p.m. Dr. Lamontagne made a motion to defer closure of additional investigative cases until next month. Dr. Stouch seconded the motion. The vote was all in favor, opposed: none, abstained: none.

11. Next meetings

Upcoming meetings

- June 8, 2007, Central Investigative Committee Meeting, 12 p.m., Pavilion Office Building, Montpelier
- June 14, 2007, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- June 20, 2007, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland

- June 20, 2007, Board meeting on pending applications, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont
- July 11, 2007, Licensing Committee meeting, 10:30 a.m., Vermont Technical Center, Langevin Hall, Randolph, Vermont,
- July 11, 2007, Board meeting, 12:20 p.m., Vermont Technical Center, Langevin Hall, Randolph, Vermont,

13. Any Other Business

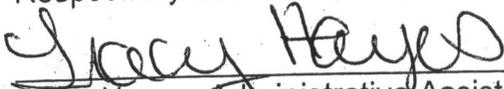
None.

14. Adjournment

Dr. Davignon made a motion to adjourn. Dr. Murray seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Adjourned at 4:41 p.m.

Respectfully submitted,


Tracy Hayes, Administrative Assistant
Attachments

Appendix A

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

Dr. Davignon reported on interviews with
Kent Kirkland, MD
Recommended for reinstatement of physician licensure
Seconded by Dr. Thomashow, passed, opposed: none, abstained: none

Dr. Lamontagne reported on interviews with
William Lighthart, MD
Recommended for physician licensure
Seconded by Dr. Murray, passed, opposed: none, abstained: none

Dr. Guerrero reported on interviews with
Paul Boutin, MD
Courtney Fuller, MD
Robert Irish, MD
Recommended for physician licensure
Seconded by Mr. Cross, passed, opposed: none, abstained: none

Dr. Stouch reported on interviews with
Lisa Alexander, MD
Charles Catanese, MD
Pamela Fadness, MD
Daniel Fodor, MD
Paul Rosenau, MD
Adrian Webb, MD
Recommended for physician licensure
Seconded by Dr. Murray, passed, opposed: none, abstained: none

Dr. Murray reported on interviews with
Melisa Gibson, MD
Andrew Goodwin, MD
Todd Holmes, MD
Stephanie Kehoe, MD
Alicia Veit, MD
Adam Bates, MD—re-presented to ratify action taken at meeting on May
4th, 2007
Recommended for physician licensure
Seconded by Dr. Thomashow, passed, opposed: none, abstained

Ms. Silta reported on interviews with
Ellen Bando, PA
Hylah Patton, PA
Patty Thornton, PA

Recommended for physician assistant certification
Seconded by Dr. Stouch, passed, opposed: none, abstained

Dr. King reported on interviews with
Sanjay Bhatia, MD-interview conducted by Dr. Sadkin
Denise Durant, MD
Ryan Jewell, MD
Roger Rosenberg, MD re-presented to ratify action taken at meeting on
May 4th, 2007

Recommended for physician licensure
Seconded by Dr. Murray, passed, opposed: none, abstained

Dr. Clauss moved on limited temporary licenses

Phillip Anderson, MD
Dean Chapman, MD
Ann Marie Connor, MD
Sarah Davies, MD
Julia Frew, MD
David Hefer, MD
Ryosuke Kawatsuj, MD
Uyen Le, MD
James Lindsey, MD
Jodi Marshall, MD
Joel Peterson, MD
Meera Ramachandran, MD
Rebecca Shafer, MD
Rochelle Skitt, MD
Jennifer Soares, MD
Candice Thompson, MD
Sarah Walsh, MD
Leslie Young, MD

Recommended for physician licensure
Seconded by Dr. Murray, passed, opposed: none, abstained: none

Dr. King, Chair, Licensing Committee, made a motion to accept the withdrawal of application for Angel Perez, MD. Seconded by Dr. Murray, The vote was all in favor. Opposed: none, abstained: none.