

**Vermont Board of Medical Practice
Minutes of the July 5, 2006 Meeting
Gifford Medical Center, Randolph, Vermont**

Approved

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

James D. Cahill, Chair of the Board, called the meeting to order at 12:12 p.m., at Gifford Medical Center, Randolph, Vermont.

Members Present:

James D. Cahill, MD; David W. Clauss, MD; Ezekiel S. Cross; Russell P. Davignon, MD; Richard L. Guerrero, MD; Patricia A. King, MD, PhD; Denis Lamontagne, DPM; Margaret F. Martin; Sharon L. Nicol; Toby Sadkin, MD; Katherine A. Silta, PA-C; William H. Stouch, MD; John B. Webber; Florence Young

Others in Attendance:

Phil Ciotti, Investigator; Phil Cykon, Presiding Officer; Paula DiStabile, Executive Director; Peggy Langlais, Administrative Supervisor; Paula Nennering, Investigator; Carl Olson, Vermont Medical Society; Joseph Winn, Esq., Assistant Attorney General

2. Public Comment

Dr. Cahill welcomed Carl Olson from the Vermont Medical Society to the meeting.

3. Approval of the Minutes of the June 7 and 21, 2006 Board Meetings and the June 7, 2006 Executive Committee Meeting

Ms. Martin said that the June 7, 2006 minutes contained an error in number 12; August should read July.

Dr. Stouch made a motion to accept the minutes of June 7 and 21, 2006 with the change. Dr. Clauss seconded the motion. The motion passed, opposed: none, abstained: none

Dr. Stouch made a motion to accept the minutes of the Executive Committee meeting of June 7, 2006. Ms. Martin seconded the motion. The motion passed, opposed: none, abstained: none

4. Board Matters

Dr. Cahill indicated there were no Board matters for discussion.

5. Administrative Update (Ms. DiStabile)

Ms. DiStabile provided the following updates.

We have received a letter from the Citizen Advocacy Center ("CAC"), which provides training, research and a support network for public members of boards. It indicates that CAC has received renewed funding from the Health Resources and Services Administration of the US Department of Health and Human Services for its Practitioner Remediation and Enhancement Partnership ("PreP for Patient Safety") programs. This is a framework in which state health professional licensing boards work with hospitals and other health care organizations to identify, remediate and monitor professionals with clinical quality issues of concern that do not rise to the level of violations or discipline. CAC is offering technical assistance to Boards interested in implementing such programs and will be working on model legislation. Ms. DiStabile will be speaking to CAC to see what they might be able to offer Vermont.

One of our Board members, Mr. John Webber, has been mentioned prominently in the most recent Vermont Bar Journal for his excellent and continuing efforts to bring VPHP- type services to Vermont attorneys.

At the Federation of State Medical Boards annual meeting in April, some Board members from Maine expressed interest in sponsoring a website that would provide clinically focused resources for physicians on pain management. Ms. DiStabile said that a curriculum and materials related to this had recently been circulated. She will share any additional information; she has made it clear that Vermont would not be able to offer funding to support such a website.

Board packets contain information from vendors related to monitoring. This information has been shared at Dr. Cahill's request. Dr. Cahill said that at the Executive Committee meeting anticipated to be held later in the day, there would be a discussion regarding monitoring.

The technical assistance request to the Federal Centers for Substance Abuse Treatment for a literature search related to some of our questions about evaluation, long-term follow-up and program quality assessment has been granted and is underway. As soon as there is a product, Ms. DiStabile will share it.

The Board's proposed letter of support related to the license portability project is complete. Ms. DiStabile asked the Board to formally approve the letter endorsing Vermont's participation.

Ms. Martin moved to authorize the Chair to sign the letter of endorsement.
Mr. Cross seconded the motion.

Discussion

- Does portability mean that documents supporting physician licensure can be shared between states?
- The plan is for a web-based repository of static documents that are needed for licensure that will be able to be accessed by other boards to use as primary source verification.
- The hope is to expedite the process of licensing.
- The plan is for the scanning of the previous 5 years worth of license application materials – only the documents to be shared would be uploaded for use by other boards.
- What are the chances of falsified documents making it into the system? Ms. DiStabile will share these concerns with FSMB.
- Do all states have the same standards?
- The Boards will all have to agree to the same standard.

The vote to accept the motion was all in favor. Opposed: none, abstained: none.

The Marijuana Review Board appointed by the Board has one member, Dr. Davignon, whose term will expire in August. He may be reappointed. The purpose of the Review Board is to hear appeals from denials of marijuana permits by the Department of Public Safety and to meet periodically to review new scientific information related to use of marijuana for symptom relief. The Board has not yet met but we will be planning for a meeting in the near future.

Dr. Clauss made a motion that the Board reappoint Dr. Davignon to the Marijuana Review Board for a 3 year term. The motion was seconded by Ms. Martin. The vote was all in favor. Opposed: none, abstained: none.

Ms. DiStabile relayed that Interim Commissioner of Health Sharon Moffatt would be happy to come to next month's Board meeting to discuss legislative changes from the last session and other topics of interest.

Discussion

- Is there any new information related to a replacement commissioner? Staff were not aware of any news.
- It would be nice to have her come and provide a legislative update.
- Are there any Board issues that concern her?
- The Board should give her a list of their issues ahead of time.

Internet prescribing policy – The Executive Committee suggested examples of language and policies be circulated. Ms. DiStabile has included some in the board packet.

Discussion

- There is nothing to prevent the Board from adopting a policy prior to legislative change.
- Language from five states has been provided.
- Would this allow prescribing without seeing the patient if the physician is not available?
- In a few situations, e.g. coverage issues or a new patient, a patient may need prescriptions prior to seeing the physician.
- This would require a working relationship with the physician that cares for the patient.
- In cases of concern, there is no in person patient contact, no face to face examination, and often no chart.
- In the case of admission orders for new patients, emergency room physicians not the attending write the admission order without seeing the patient.
- In Maine, prescribing by a questionnaire is inappropriate/unprofessional conduct.
- Patient care and treatment provided in Maine requires a license in Maine.
- A concern is that Vermont, by lack of action, may attract more of this type of activity.
- A policy by the Board will have little effect – the major problems cannot be fixed without legislation.
- It is true that it will take time for legislation to happen but a policy may help the Board to deal with some types of cases that come before it.
- A Board policy would only pertain to Vermont licensed physicians.
- The Board could craft a policy that requires something similar to Maine
- If there is no established physician-patient relationship of any kind, we consider it to be practicing without a license.
- Is this an issue for the Interim Commissioner of Health?
- Are there other states with policies?
- Mr. Webber would like to see all of the policies. Ms. DiStabile will provide them.

6. Presentation of applications

See Appendix A

7. Recess; Convene Hearing (Mr. Cykon)

Mr. Cykon convened a hearing to consider a matter before the Board at 12:57 p.m.

In re: T. Desmond Brown, MD, MPN 159-1005 Stipulation and Consent Order.

Dr. Cahill made a motion to accept the Stipulation and Consent Order. Mr., Webber seconded the motion. The vote was all in favor, opposed: none, abstained: North Investigative Committee.

In re: James A. Most, MD, MPN 94-0902 Amendment to Stipulation and Consent Order

Mr. Webber made a motion to accept the Amendment to Stipulation and Consent Order. Dr. Davignon seconded the motion. The vote was all in favor, opposed: none, abstained: Dr. Guerrero and North Investigative Committee.

In re: Stewart P. Manchester, MD, MPC 24-0203 and MPC 75-0702

Ms. Martin made a motion to relieve the conditions on Dr. Manchester's physician license. Mr., Webber seconded the motion. The vote was all in favor, opposed: none, abstained: Dr. Sadkin and Central Investigative Committee.

8. Break

Break 1:17 p.m.

9. Executive Session to Discuss Investigative Matters

Ms. Martin made a motion to go into executive session to discuss investigative matters. Dr. King seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Executive session began at 1:28 p.m.

10. Return to Open Session

Mr. Webber made a motion to return to open session. The motion was seconded by Dr. Stouch. The vote was all in favor, opposed: none, abstained: none.

Open session: 1:57 p.m.

11. Open Session

Dr. King, North Investigative Committee, moved to close
MPN 69-0506

MPN 72-0506

MPN 135-09085 (pae)

Seconded: Dr. Stouch. Passed, opposed: none. Abstained: none.

Ms. Silta, South Investigative Committee, moved to close
MPS 61-0406
MPS 157-1005
MPS 67-0506
MPS 68-0506

Seconded: Dr. Stouch. Passed, opposed: none. Abstained: MPS 15-0106 - Dr. Sadkin.

Dr. Clauss, Central Investigative Committee, moved to close
MPC 155-1104
MPC 71-0405
MPC 54-0306

Seconded: Dr. Stouch. Passed, opposed: none. Abstained: Dr. Cahill MPC 71-0405 and MMPC 54-0306

12. Next meetings

Upcoming meetings

- August 10, 2006, North Investigative Committee Meeting, 12 p.m., Vermont State College, Waterbury
- August 11, 2006, Central Investigative Committee Meeting, 12 p.m., Montpelier
- August 23, 2006, South Investigative Committee Meeting, 12 p.m., Asa Bloomer Building, Rutland
- August 23, 2006, Board meeting on pending applications, 12:10 p.m., Board Office, 101 Cherry Street, Burlington, (and via telephone)

Next Regular Board meetings August 2, 2006, 12 p.m., Gifford Hospital, Randolph, Vermont, August 23, 2006, 12:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington, Vermont

13. Any Other Business

Ms. DiStabile said that the Executive Committee meeting had been warned for 3 p.m. Rather than wait until that time, the meeting was cancelled for the day. As a number of Board members in addition to the Executive Committee members have expressed interest in hearing about the Board's monitoring process, staff are willing to discuss this now and Board members are welcome to raise any other business they would like staff to address today.

Compliance Monitoring:

At the request of Dr. Cahill, Peggy Langlais and Paula Nenner provided an overview of compliance monitoring procedures currently undertaken by staff. They explained how records are summarized and reports tracked and reconciled. Paula DiStabile added that staff expect the Investigative Committees to review all of the compliance

requirements on a regular basis. ICs should ask the investigators to assess items not requiring active reporting whenever they feel these should be assessed.

Discussion

- Several Board members asked that Investigative Committee members be provided with copies of the monitoring summary tables for their Committee. Ms. Langlais said she will be happy to provide them.
- Dr. Clauss said that he finds reports on VPHP-involved cases to be timely.
- Dr. Cahill asked about monitoring reports on non-VPHP cases. Are the supervising physician reports adequate? Should the Board consider using a vendor to assist with monitoring?
- After some discussion and questions and answers by staff, the sense of Board members present was that the current process is adequate.

Request: Ms. DiStabile should draft a Request for Information ("RFI") to assess the availability of vendors of monitoring support services for a possible future consideration of an RFP in this area.

Internet Prescribing:

Board members discussed the various samples that had been provided.

Discussion:

- The Maine policy refers to a Maine statute – we will need to see that.
- The line about restricting prescribing to and by professionals/individuals in-state does not anticipate reasonable situations where it might be appropriate.
- We should still consider reviewing other policies.
- All of those present also liked the Colorado sample.

Request: Ms. DiStabile should:

- obtain and disseminate the FSMB Model Policy regarding use of the internet and the FSMB federal legislation proposal; and
- put together a draft policy using Maine and Colorado, with the addition of language re: illegal practice and that the Board will refer cases to the state of licensure and the Attorney General. This draft can be reviewed by the Executive Committee next month and then brought back to the full Board.

Should the Board consider proposing legislative changes next session?

Peg Martin offered an overview of the legislative process in Vermont.

Discussion:

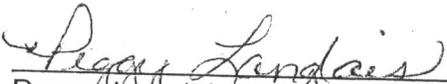
- Many changes can only be made by legislative action, but opening up a statute may result in unanticipated changes.

Request: Ms. DiStabile should prepare an outline of ideas that have been suggested over time and bring that to the Executive Committee for consideration.

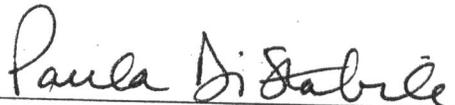
14. Adjournment

Adjourned at 3:15PM

Respectfully submitted,



Peggy Langlais, Administrative Supervisor



Paula DiStabile, Executive Director

Attachments

Presentation of Applications

Dr. King reported on interviews with

Gerald Roskin, MD

Jeffrey Haddock, MD

Melissa Borthwick, MD

Recommended for physician licensure

Seconded by Dr. Stouch passed, opposed: none, abstained: none

Dr. Davignon reported on interviews with

Caroline Horn, AA

Nathan Horn, AA

Recommended for anesthesiologist assistant certification

Seconded by Dr. Stouch passed, opposed: none, abstained: none

Dr. Lamontagne reported on an interview with

Jack Gregg, MD

Recommended for physician licensure

Seconded by Dr. Stouch passed, opposed: none, abstained: none

Dr. Clauss reported on interviews with

Julie LaCombe, MD

Sunil Prashar, MD

Recommended for physician licensure

Seconded by Dr. Stouch passed, opposed: none, abstained: none

Dr. Guerrero reported on interviews with

Praveen Keshava, MD

David Podell, MD

Frank Schildgen, MD

Recommended for physician licensure

Seconded by Dr. Stouch, passed, opposed: none, abstained: none

Ms. Silta reported on interviews with

Richard Callahan, PA

David Gawlik, PA

Recommended for physician assistant certification

Seconded by Dr. Stouch, passed, opposed: none, abstained: none

Dr. Cahill reported on an interview with

Adrian Banning, PA

Recommended for physician assistant certification

Seconded by Dr. Stouch, passed, opposed: none, abstained: none

Dr. Cahill moved on limited temporary licenses for

Ingrid Camelo, MD

Jennifer Fowler, MD

Kalev Freeman, MD

Alicia Guildford, MD

Sudhir Kapoor, MD

Erin Kelly, MD

Diego Lemos, MD

Jennifer Palamara, MD

Nathaniel Price, MD

Seconded by Mr. Cross, passed, opposed: none, abstained: none.