

**Vermont Board of Medical Practice
Minutes of the September 7, 2011 Board Meeting
Gifford Medical Center, Randolph, VT**

Approved

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

William K. Hoser, PA-C, Chair, called the meeting to order at 12:22.

Members Present:

Margaret F. Martin; Janice M. Gallant, MD; Robert G. Hayward, MD; Eileen M. Illuzzi; Hon. David A. Jenkins; Sarah McLain; Harvey Reich, MD; Robert Rinaldi, DPM; Toby Sadkin, MD; William H. Stouch, MD; Peter Thomashow, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nennering, Investigator; Philip Ciotti, Investigator; Karen LaFond, Licensing Administrator; Robert Simpson, Presiding Officer; Terry Lovelace, Esq. AAG; Jacob Humbert, Esq. AAG; Madeline Mongan, Vermont Medical Society.

2. Public Comment: None

3. Approval of Minutes of the August 3 and August 17, 2011 Board Meetings:

Ms. Martin made a motion to accept the minutes of the August 3, 2011 meeting. Dr. Rinaldi seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Ms. Martin made a motion to accept the minutes of the August 17, 2011 meeting. Dr. Rinaldi seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

4. Board Issues (Mr. Hoser):

Mr. Hoser introduced Sarah McClain, the new public board member. Ms. McClain provided a brief background.

5. Administrative Update (Mr. Herlihy):

Mr. Herlihy updated the board members about the impact of Tropical Storm Irene. The computer servers were located in the basement of the state buildings in Waterbury and they were flooded, leaving the state without access to e-mail, the internet or any documents stored on the servers for a number of days. Everything is back up and running, but he apologized for any inconvenience this may have caused anyone.

The CAVU go-live date has, yet again, been moved to October 3, 2011 and it is the hope of the office that this will in fact happen, otherwise Tracy Hayes will be reverting to the paper process for the PA Renewal cycle this year.

Mr. Herlihy provided a status update on the Radiologist Assistant rules. He stated that a public hearing was held on Friday, August 26, 2011 from 8:30 a.m. to 10:00 a.m. and 3 people attended. No one brought forth any issues or concerns with the proposed rules. He will provide an update once they have gone through the Legislative Committee on Administrative Rules (LCAR).

Mr. Herlihy also advised the members that he is still seeking to form a subcommittee to take on the rule making process for the Continuing Medical Education requirement, as well as a separate committee to form the rules for the new PA statute.

Mr. Herlihy also stated that he will be collaborating with the Board of Nursing (OPR) on the workforce issues as stated in the Health Reform Act 49. He will update the board on the discussion surrounding the issues of Scope of Practice and the Definition of the Practice of Medicine, and he will seek guidance from the board on these issues going forward.

Lyme's Disease Forum update: The Board of Medical Practice and the Vermont Medical Society will be hosting a forum this fall on the different points of view on the issue of long-term care and Lyme's Disease. Last year in New Hampshire, the legislature passed a law requiring the NH Medical Board to NOT pursue a physician for violating the standards of care when they provide long-term care for Lyme's Disease. A primary concern is that the legislature should never establish standards of care via advocacy groups and special boards. It is the hope that this forum will help to educate providers about all sides of the issues, pros and cons. Dr. Rinaldi suggested the board consider this issue to recommend as a CME series because not enough doctors in VT understand the disease nor is it treated adequately. If this disease is not diagnosed in a timely manner then a person will have it for the rest of their life. Mr. Herlihy stated that there are concerns about the side-effects of the drugs prescribed to treat Lyme's Disease because many can be severe and there are potential risks for complaints about unprofessional conduct. The ultimate goal is to formulate language that will give physicians guidance about what is considered to be "appropriate medical care" when treating Lyme's Disease, but how the Board participates in that discussion is questionable.

6. Presentation of Applications (12:30 p.m. – 12:45p.m.):

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 (12:45p.m. – 1:45 p.m.):

Ms. Mongan provided an update from the Vermont Medical Society on capacity building for Continuing Medical Education (CMEs), and grant money has been received. VMS has also been working with Mr. Herlihy on the Registered Nurses Blue Ribbon Commission and the Legislative study on workforce issues.

8. Recess; Convene Hearing to discuss any stipulations or disciplinary matters that are before the Board (1:45 p.m. – 2:15 p.m.): (Mr. Simpson)

In re: Peter Nobes, PA-C MPS 90-0809 – Petition for Relief from Conditions

Dr. Hayward made a motion to approve the petition for Relief from Conditions. Dr. Rinaldi seconded the motion. The motion passed: 9 in favor; opposed: none; recused: 0; abstained: South Investigative Committee.

9. Reconvene Meeting; Executive Session to Discuss:
a. Investigative cases recommended for closure
b. Other matters that are confidential by law, if any

Dr. Stouch made a motion at 12:35 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Rinaldi seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

10. Return to Open Session; Board Actions on Matters Discussed in Executive Session:

Dr. Rinaldi made a motion at 1:11 to return to open session. Dr. Thomashow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

11. Board Actions on Committee Recommendations with Regard to any Non-confidential Matters:

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

MPS 75-0611 – Special Letter #1
MPS 89-0711 – Letter #1
MPS 76-0611 – Letter #1

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

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

No Central cases were closed.

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

MPN 60-0511 – Letter #1

MPN 61-0511 – Letter #1
MPN 59-0511 – Letter #1
MPN 62-0511 – Letter #1
MPN 50-0411 – Special Letter #1
MPN 72-0611 – 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.

12. Other Business:

13. Upcoming Board meetings, committee meetings, hearings, etc.: (*Locations are subject to change, you will be notified if a changes takes place.*)

- October 5, 2011, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT
- October 5, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT
- October 13, 2011, North Investigative Committee Meeting, 10 a.m., Vermont Department of Health, 108 Cherry Street, 2nd Floor, Conference Room 2D, Burlington, VT
- October 14, 2011, Central Investigative Committee Meeting, 12 p.m., Liquor Control, Conference Room 13, Green Mountain Drive, Montpelier, VT
- October 19, 2011, Board Meeting on pending applications, 12:10 p.m., Board of Medical Practice office 108 Cherry Street, 2nd Floor, Burlington, VT (and via telephone)
- October 19, 2011, South Investigative Committee Meeting, 12 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT
- November 2, 2011, Licensing Committee Meeting 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT
- November 2, 2011, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph, VT

14. Adjournment:

Mr. Hoser made a motion to adjourn. Ms. Illuzzi seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Meeting adjourned at 1:47 p.m.

Attachments: Appendix A

Respectfully submitted,



Karen LaFond
Licensing Administrator

Appendix A

Presentation of Applications

Mr. Hoser moved for the issuance of physician licenses for:

Naveen Alam, MD	Maryellen Antkowiak, MD	Daniel Chidpungtam, MD
Alison Davis, MD	Elise Everett, MD	Robert Frisenda, MD
Armin Helisch, MD	Philip Weaver, MD	Audrey Wen, MD

Recommended by Ms. Martin for physician licensure. Seconded by Dr. Stouch. The motion passed; opposed: none; recused: none; abstained.

Mr. Hoser moved for the issuance of physician assistant licenses for:

Robert Paul, PA-C

Recommended by Hon. Jenkins for physician licensure. Seconded by Dr. Hayward. The motion passed; opposed: none; recused: none; abstained.

Mr. Hoser moved for the issuance of limited temporary licenses for:

Regina Lee, LTL MD

Recommended by Dr. Stouch for limited temporary physician licensure. Seconded by Ms. Martin. The motion passed; opposed: none; recused: none; abstained: none.