

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the February 1, 2023 Board Meeting
Remote via Teams

Unapproved

- **Call to Order; Call the Roll; Acknowledge Guests:**

Dr. Rick Hildebrant, Board Chair, called the meeting to order at 12:03 PM

Members Present:

Richard Bernstein, MD; Richard Clattenburg, MD; Gail Falk; Matthew Greenberg, MD; Rick Hildebrant, MD; Patricia Hunter; Suzanne Jones, PA-C; Leo LeCours; David Liebow, DPM; Stephanie Lorentz; Sarah McClain; Christine Payne, MD; Marga Sproul, MD; Margaret Tandoh, MD; Robert E. Tortolani, MD.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Scott Frennier, Investigator; Jane Malago, Operations Administrator; Bessie Weiss, AAG; Megan Campbell, AAG; Kurt Kuehl, AAG; George Belcher, Esq.; Tracy Hayes, Public Health Specialist; Jessica Oski; Jason Williams; Nicole Anderson, Esq; David Bourgeois, MD; Karie Shelton, PA-C; David Boyd, Esq; Kristen DeStigter, MD; Devon Green; Ethan Latour; Jessa Barnard; Laura Pelosi; Lucie Garand; Mary Streeter.

- **Approval of the Minutes of the January 4, 2023 Board Meetings:**

Dr. Tortolani moved to accept the minutes of the January 4, 2023 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Administrative Updates (David Herlihy):**

D. Herlihy provided an update on the Medication Assisted Treatment (MAT) waiver program. On December 29, 2022, the DEA announced that federal law was changed, eliminating the need to have an X-license to prescribe Buprenorphine. The announcement also indicated that the law added new training requirements, but information about those requirements was not provided because DEA and SAMSHA are working on guidance about the training. Additional updates will be provided on this matter in the future.

D. Herlihy shared an update that the Administration has announced a plan to sell 108 Cherry Street, with a tentative timeline of 12 to 24 months. The Board will be informed as more details become available.

- **Presentation of Applications:**

Applications for physician, physician assistant and limited temporary physician licensure were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

Dr. Hildebrant moved for the issuance of physician licenses and physician assistant licenses. (See Appendix A)

Dr. Tortolani made a motion to accept all applicants for licensure as presented. Seconded by P. Hunter. The motion passed; opposed: none; abstained: none; recused: none.

Dr. Hildebrant moved for the issuance of limited temporary licenses to practice medicine. (See Appendix A)

Dr. Sproul made a motion to accept all applicants for licensure as presented. Seconded by P. Hunter. The motion passed; opposed: none; abstained: none; recused: none.

- **Other Business:**

- **FSMB Annual Meeting:** D. Herlihy shared that that the FSMB annual meeting will be in Minneapolis, Minnesota from May 4 – 6. In addition to the scholarships normally available for the Chair and a senior staff member, the FSMB is providing a third scholarship for an additional board member. Members were asked to indicate if they would like to be considered for that opportunity. P. Hunter indicated that she has submitted her name to FSMB to be considered for the Reference Committee and that she would like to be considered to receive the third scholarship. No other members asked to be considered for the scholarship. Dr. Hildebrant said that he would attend as the Board Chair and voting delegate. It was agreed that P. Hunter would receive the third scholarship.

- **Convene meeting; Executive Session to Discuss:**

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

S. McClain made a motion at 12:26 PM to enter into Executive Session to discuss confidential matters related to investigations. PA-C Jones seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Return to Open Session at 12:45 PM; Board Actions on matters discussed in Executive Session:**
- **Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (12:46 PM):**

In re: David Bourgeois, MD – Stipulation and Consent Order – Matter MPS 045-0520

Judge Belcher inquired if the Respondent or counsel would attend; AAG Campbell stated that both the Respondent, Dr. Bourgeois, and counsel, N. Anderson, Esq. were present. Judge Belcher invited AAG Campbell to present the matter. AAG Campbell addressed the Board,

summarizing the facts leading up to the Stipulation and Consent Order. Then at Judge Belcher's invitation N. Anderson addressed the Board, summarizing the position of Dr. Bourgeois. Dr. Bourgeois then spoke directly to the Board on the matter. Judge Belcher asked N. Anderson and Dr. Bourgeois if they had any further questions or comments. N. Anderson and Dr. Bourgeois had nothing further to add and thanked the Board. S. McClain made a motion to approve the Stipulation and Consent Order. Dr. Greenberg seconded the motion.

J. Malago recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein, S. McClain, L. LeCours, Dr. Sproul, Dr. Clattenburg, G. Falk, Dr. Greenberg, Dr. Payne. Opposed: none; Abstained: none; Recused: South Investigative Committee

In re: Karie Shelton, PA-C – Reentry Agreement – Licensing Matter

Judge Belcher inquired if the Respondent or counsel would attend; AAG Weiss stated that that PA-C Shelton was present. Judge Belcher invited AAG Weiss to present the matter. AAG Weiss addressed the Board, summarizing the facts leading up to the Reentry Agreement. Judge Belcher then asked respondent PA-C Shelton if she was representing herself in this matter. PA-C Shelton acknowledged she was appearing alone. Judge Belcher asked PA-C Shelton if there were any further questions or comments. PA-C Shelton agreed with the Reentry Agreement, Stipulation, and Consent Order. Dr. Payne made a motion to approve the Reentry Agreement and Stipulation and Consent Order. Dr. Bernstein seconded the motion.

J. Malago recorded the roll-call vote: The motion passed; Yeas: Dr. Bernstein, S. McClain, Dr. Clattenburg, G. Falk, Dr. Greenberg, Dr. Payne, Dr. Hildebrant, PA-C Jones, Dr. Liebow, S. Lorentz. Opposed: none; Abstained: none; Recused: Licensing Committee.

- **Hearing Concluded at 1:15 PM**
- **Reconvene meeting; Executive Session to Discuss:**
 - **Investigative cases recommended for closure**
 - **Confidential Attorney/Client Communications Regarding Pending Litigation**

PA-C Jones made a motion at 1:16 PM to enter Executive Session to discuss confidential matters related to investigations. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Return to Open Session at 2:21 PM; Board Actions on matters discussed in Executive Session:**

Dr. Greenberg made a motion for the Board to accept terms of settlement proposed by AAG Boyd during the Executive Session regarding pending litigation. Dr. Payne seconded the motion. The motion passed; opposed: none; abstained: none; recused: G. Falk. That concluded the discussion of the pending litigation and the meeting turned to the confidential investigation matters discussed in Executive Session.

L. LeCours, North Investigative Committee, asked to close:

Dr. Tortolani made a motion to close the case presented. PA-C Jones seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

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

MPS 106-1022 – Letter #1

MPS 107-1022 – Letter #1 – Dr. Sproul recused

MPS 108-1022 – Letter #1

Dr. Greenberg made a motion to close the cases presented. S. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee.

• **Other Business:**

- **Radiology Assistant Issues:** Dr. DeStigter was invited to present information about Radiology Assistant (RA) Issues. Dr. DeStigter shared with the Board the importance of RAs, and that they do not propose to change the scope of practice for RAs. Dr. DeStigter clarified the education and training practices for an RA, equivalent number of years to the training of a Radiologist. There is currently only one RA in the state of VT. The goal of UVMHC is to have RAs authorized to:
 - i. Receive the required, appropriate level of direct supervision through synchronous audio and/or visual means.
 - ii. Communicate physician findings directly to patients as well as their own observations – not clinical findings – in real time during or immediately after a procedure.

Dr. DeStigter said that they believe appropriate supervision can occur using technology without compromising care. With regard to communication with patients by RAs, their intent is to promote transparency with patients and for the opportunity of the patient to ask questions at the time of procedures so that the patient may have some information when leaving a procedure instead of waiting until they receive a final report. It was noted that aspects of their proposals may be in conflict with Vermont law. J. Williams indicated that they will pursue legislation but wanted to bring the issues to the Board first.

- **Telehealth Issues:** D. Herlihy reported that the ad hoc committee had been working on revision of the Board's Telehealth Policy and has a proposed draft ready for Board consideration. A second reason to discuss telehealth issues is that D. Herlihy was asked to meet with a group that informed him that they will be seeking legislative changes to the provision in 26 V.S.A. § 1354 that specifies that reliance on only a patient questionnaire to issue a prescription via telehealth is unprofessional conduct. The Board's position on that issue is a matter relevant to review of the draft revision of the Telehealth Policy and will also be needed if the advocates for a change in the law are successful in having such a change introduced in the Legislature. The Board discussed the draft revision and the specific issue regarding use of questionnaires to

issue prescriptions. It was determined that action on the draft would be delayed to a future meeting but that the Board was ready to establish a position on the specific issue. Dr. Payne made a motion that the Board should support keeping the language regarding use of questionnaires to prescribe via telemedicine as it is in law now. Dr. Sproul seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

- **Licensing Process:** D. Herlihy shared that he had recently been approached by J. Barnard of VMS, D. Green of VAHHS, and Laura Pelosi representing nursing facilities who presented concerns about the Board's licensing process. They were invited to present their concerns to the Board. J. Barnard shared that many of the flexibilities established in the law for the COVID emergency are set to expire soon. They are looking to consider extending some of those flexibilities or making them permanent. The group indicated that they were not ready to present specific requests but wanted to share information about stresses on the health care system. D. Green stated that hospital systems are at a critical point due to workforce issues and underfunding. Data about capacity and demand was presented. D. Green added that the ability to quickly license providers who have accepted offers to come to Vermont can help to address capacity issues. L. Pelosi then shared that there are soon to be only 36 nursing homes throughout the entire state of Vermont. Each of these locations are federally required to have a medical director providing oversight and other resources. A shortage of medical directors for nursing homes is a big problem and if nursing homes cannot accept patients because they lack a medical director, it also affects hospitals who cannot move patients who no longer require hospital care.

The discussion then turned back to the licensing flexibilities that are set to expire. Dr. Tortolani made a motion to support extension of the law that allows practice under deemed licensure, but only for hospitals, other licensed facilities, and FQHCs. Dr. Bernstein seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

- **Upcoming Board meetings, committee meetings, hearings, etc.:** **Locations are subject to change. A notification will be provided if a change takes place.**
 - **February 9, 2023, North Investigative Committee Meeting, 9:00 AM, [Remote via Teams](#)**
 - **February 10, 2023, Central Investigative Committee Meeting, 9:00 AM., [Remote via Teams](#)**
 - **February 15, 2023, Board Meeting on pending applications, 12:10 PM, [Remote via Teams](#)**
 - **February 15, 2023, South Investigative Committee Meeting, 12:15 PM, [4th Floor Conference Room, Bloomer State Office Building, Rutland, VT and remote via Teams](#)**
 - **March 1, 2023, Licensing Committee Meeting, 11:00 AM, [Remote via Teams](#)**

- **March 1, 2023, Board Meeting, 12:00 PM, [Remote via Teams](#)**

- **Adjourn:**

Dr. Hildebrant declared the meeting adjourned at 4:20 PM.

APPENDIX A

PRESENTATION OF FULL APPLICATIONS

February 1, 2023

Note: Applicants listed below have been notified that their applications for licensure appear to be complete and may be presented at the next scheduled Board Meeting.

**** Must pass through licensing prior to being presented.**

Name	School	Specialty	Practice Location
**Amini, Leila MD	University of California	Emergency Medicine	UVMMC
Avella, David MD	Hahnemann Medical College	Anesthesiology (BC)	TBD
Baker, Reuben MD	Brown University	Family Medicine (BC)	SWVMC
Baweja, Ramneesh MD	Government Medical College	Psychiatry (BC)	Gifford Medical Center
Bensimhon, Adam MD	UVM	Pediatrics (BC)	DHMC
Boomhover, Abigail PA-C	Johnson & Wales University	Unknown	Orthopedic Associates
Bowie, Samantha AA-C	Emory University	Anesthesiology	UVMMC
Bowman, Amy PA-C	University of Wisconsin	Unknown	UCM Digital
Caballero Varona, Daniela MD	University of Puerto Rico	Emergency Medicine (BC)	Telemedicine
Damasco, Leo MD	Uniformed Services University	Pediatrics (BC)	TBD
**Darling, Robert MD	Uniformed Services Univ.	Emergency Med (BC)	Patronus Medical
Doscher, Tildabeth MD	Dartmouth	Addiction Medicine (BC)	TBD
**Duriseti, Parkshit MD	Mamata Medical College (India)	Internal Medicine (BC)	UVMMC
**Ferrentino, Alessandra PA-C	Pace University	Unknown	UVMMC Gastroenterology
Glover, Conor PA-C	Long Island University	Unknown	
Green, Hannah PA-C	Mass College of Pharmacy	Unknown	UVMMC ER
Gruber, Fani PA-C	Albany Medical College	Unknown	UCM Digital
**Ingram, Jay MD	Wright State University	Family Practice (BC)	Berlin Family Practice
Khan, Nazia MD	Robert Wood Johnson	Internal Medicine	TBD
**Khoshnoodi, Pooria MD	Tehran University	A & C Pathology (BC)	UVMMC

**Lampen, Rhonda MD	University of Nebraska	Psychiatry (BC)	Gifford Medical Center
Moser, Michael MD	Flinders S.O.M. (S. Australia)	Diagnostic Radiology (BC)	StatRad
Obretenova, Souzana MD	Georgetown University	Neurology (BC)	UVMMC
Okhovat, Jean-Phillip MD	Harvard Medical School	Dermatology	Pinnacle Health
Pallais, Juan MD	John Hopkins University	Internal Medicine (BC)	TBD
**Patel, Aman MD	UC Riverside SOM	Neurological Surgery (BC)	Telemedicine
**Ritchey, Erin PA-C	Gannon University	Unknown	TBD
**Shelton, Karie PA-C	Midwestern University	Unknown	Drs. Hogenkamp
**Shrosbree, Emily PA-C	Wake Forest University	Unknown	Alice Peck Day Orthopedic
**Sylvester, Hannah PA-C	Campbell University	Unknown	TBD
**Thalken, Gregory MD	University of Nebraska	Diagnostic Radiology (BC)	StatRad
Williams, Ashley PA-C	Clarkson University	Unknown	NWVMC Endocrinology

2/1/2023

Presentation of Limited Temporary License Applications for Board Approval

26 VSA Section 1391 (e) authorizes a limited temporary license to practice medicine/Podiatry in the State of Vermont for a period of one year only. The following persons have applied for limited temporary licenses:

<u>Name</u>	<u>Program</u>	<u>Hospital</u>	<u>Start Date</u>	<u>Type</u>
Irvin, Landon MD	Sports Medicine	Killington	2/1/23	MD
**Wadensweiler, Paul MD	Female Pelvic Med	DHMC	2/1/23	MD

** Must pass through licensing prior to being presented.

These applications appear to have met the requirements. The Board, pursuant to 26 VSA Section 1391 (e), grants to each of them a limited temporary license.

**PRESENTATION OF FULL APPLICATIONS THAT HAVE BEEN ISSUED THROUGH THE
COMPACT**

Note: Applicants listed below have already received a license through the compact.

February 1, 2023

Credential Number	Name
<u>042.0016692-COMP</u>	Amit Ahuja
<u>042.0016693-COMP</u>	Rouba Fehmi
<u>042.0016694-COMP</u>	Devon Marie Allen
<u>042.0016695-COMP</u>	Kirk Clayton Anderson
<u>042.0016696-COMP</u>	Arie Blitz
<u>042.0016697-COMP</u>	Laeeq A Butt
<u>042.0016698-COMP</u>	Rachel Day
<u>042.0016699-COMP</u>	Josephine Dela Cruz
<u>042.0016700-COMP</u>	Ashley Nicole DeLeon
<u>042.0016701-COMP</u>	Christopher Lander Drummond
<u>042.0016702-COMP</u>	Tyler Evans
<u>042.0016703-COMP</u>	Nihar Ganju
<u>042.0016704-COMP</u>	Harry Charles Genovely
<u>042.0016705-COMP</u>	Ronald Lloyd Green
<u>042.0016706-COMP</u>	Lauren B Hartman
<u>042.0016707-COMP</u>	Elias Issa
<u>042.0016708-COMP</u>	Jessica Payne Jacobs
<u>042.0016709-COMP</u>	Lee Ann Keeling
<u>042.0016710-COMP</u>	Iwan Sugiharto Nyotowidjojo
<u>042.0016711-COMP</u>	OYEDOTUN OYELEKAN OYEWOLE
<u>042.0016712-COMP</u>	Naveen Penmasta
<u>042.0016713-COMP</u>	Juanita Redfield
<u>042.0016714-COMP</u>	Tooba Rehman Jahangir
<u>042.0016715-COMP</u>	Luis Antonio Santiago Rosado
<u>042.0016716-COMP</u>	Ryan Edward Snyder
<u>042.0016717-COMP</u>	Nadeen Lucero Soederbaum
<u>042.0016718-COMP</u>	Lanny Jay Turkewitz
<u>042.0016719-COMP</u>	Talia Aron

<u>042.0016720-COMP</u>	Anthony A Bennett
<u>042.0016721-COMP</u>	Laura Miller Hahn
<u>042.0016722-COMP</u>	Rife E Huckabee
<u>042.0016723-COMP</u>	Ikuko Laccheo
<u>042.0016724-COMP</u>	Kelly Kristen O'Malia