

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

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

Dr. Rick Hildebrant, Board Chair, called the meeting to order at 12:05 PM

Members Present:

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

Others in Attendance:

David Herlihy, Executive Director; Scott Frennier, Investigator; Tracy Hayes, Public Health Specialist; Jane Malago, Operations Administrator; Justin Sheng, AAG; Megan Campbell, AAG; Kurt Kuehl, AAG; Bill Reynolds, AAG.

- **Approval of the Minutes of the January 18, 2023, February 1, 2023, and February 15, 2023 Board Meetings:**

Dr. Bernstein moved to accept the minutes of the January 18, 2023, February 1, 2023, and February 15, 2023, meetings. S. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Board Issues (Dr. Hildebrant):**

Dr. Hildebrant noted that five Board members have terms expiring this year and that it has become the tradition for members to pool funds to present a gift to mark the departing member's service. A member had asked in recent weeks as to whether this practice should be changed, such as to making a donation to a charity instead of a gift. Several members shared their views on gifts and donations. Dr. Hildebrant shared that the South Committee held one of their meetings at a member's house to combine the meeting with a farewell gathering and that had been well received. There was further discussion of having events to honor departing members on days when the Board meets in person. No decision was reached on how to proceed. It was agreed that further discussion will take place at committee meetings and the question will be revisited next month.

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

D. Herlihy announced we have a new temp person helping the Board Staff in the office currently, Tshimalamungo Steve Muderhwa.

D. Herlihy shared that at the April meeting he will be discussing a liaison meeting with representatives of the VPHP program. Usually there is a meeting in the November/December timeframe, but it has been delayed because a transition to the new Medical Director for the

program, Dr. Kloster. In April members will be invited to represent the Board at the meeting, which will be held on a date that is not yet determined. All members were also asked to think about questions, comments, or suggestions about the VPHP program to share at the April meeting.

- **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 PA-C Jones. 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. Payne made a motion to accept all applicants for licensure as presented. Seconded by S. McClain. The motion passed; opposed: none; abstained: none; recused: none.

- **Other Business:**

- D. Herlihy reminded members that the draft revision to the Board's policy on telemedicine had been discussed at the February meeting but that action on adoption of the proposed revision had not been taken. It was noted that in February the Board had voted to maintain the current position on use of questionnaires to prescribe medications to patients. The decision then was to not follow the recent FSMB policy revision on that point, which provides that use of "adaptive" questionnaires to prescribe medication may be acceptable. It was clarified that in acting on the proposed draft the Board was also being asked to approve an anticipated update to the two paragraphs on page 3 of the draft that describe licensure options for telemedicine because those options are changing later this year.

P. Hunter made a motion to accept the proposed policy for telemedicine as presented. S. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- D. Herlihy summarized the new options for telehealth licensure and telehealth registration that will become effective on July 1, 2023, as provided in Chapter 56 of Title 26. It was explained that the law leaves it to the Board to decide the process for issuing the new telehealth credentials. After going over the features of each, D. Herlihy and T. Hayes presented their proposal for the process to issue the new credentials. The proposal was to use a process similar to the existing process for the telehealth license. For the telehealth registration, it was recommended that a significantly streamlined process be used. It was explained that a streamlined process was recommended

because of the limits on the registration. Registration is limited for number of patients (10 unique patients), the period covered (120 days), and by not being renewable for 3 years from issue. Specifically, it was recommended that the application for registration exclude addendum sections II, III, and IV of the applications used for full licenses and that the only documents required be: direct verification of the applicant's primary state of practice; the NPDB self-report; and the notarized affidavit/release form. A certified birth certificate would not be required.

L. LeCours made a motion to accept the staff recommendation for process for telehealth licenses and registration. Dr. Payne seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- Dr. Hildebrant stated that FSMB requested comments for the draft update to the FSMB document on prescribing opioids. D. Herlihy added that members interested in contributing to the discussion can take part in an ad-hoc meeting. Dr. Hildebrant requested that members who are interested will meet soon to discuss comments. If the group identifies comments to submit, they will be presented to the Board for approval at the April mid-month meeting.
- D. Herlihy discussed the several new legislative bills that were recently released that would be of interest to the Board. Those bills included S.37, H.39, H.411, H.406, H.425, and H.428.

S.37 and H.39 define legally protected health care activities and provide protection for patients, providers, and those who aid in accessing legally protected health care. Legally protected health care includes both gender-affirming care and reproductive health care. H.39 focuses on judicial issues. S.37 focuses on insurance and regulatory aspects. D. Herlihy noted that the bills may be combined in the future.

D. Herlihy advised members that many adjustments had been made to the bills in response to input about wording that could hamper the Board in its work by impeding appropriate discipline for unprofessional conduct apart from the conduct that the bills aim to protect. However, he explained concerns about one aspect of the bills where efforts to have wording amended were not successful. Each of the bills includes language that protects licensees who reach into other states using telemedicine to provide "legally protected health care." The concern is about a sentence saying: "provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient's location." That is concerning because the right of each state to determine acceptable practice for patients located within the state is fundamental and the ability of the Board to protect Vermonters against illegal and unprofessional practice by those outside the state is important. Language authorizing and supporting conduct in other states contrary to the other states' laws conflicts with concepts state sovereignty and comity. D. Herlihy said that he will continue to present those concerns as the bills continue to be reviewed. Members asked about what they could do. D. Herlihy advised that they are free to raise concerns with their elected representatives.

H.411 is a bill that extends several provisions enacted for COVID-19. D. Herlihy noted the sections that apply directly to the Board. The provision that allows for “deemed” practice in a licensed facility or FQHC will be extended for a year, and a section is added that requires insurers and Medicaid to consider “deemed licensure” the equivalent of licensure, so there may be more use of that option. The current version of the bill under discussion also extends the existing temporary telemedicine registration by changing the wording to say (instead of June 30) 90 days after the new telehealth licensing options are effective. They will be effective when the implementing rules are effective. That will be of help if there is delay in getting the new rules for telehealth licenses and registration through the rulemaking process. In its current form the bill does not present concerns for the Board.

H.406 is an act relating to telemedicine. It was just introduced on February 28, 2023, and has not been carefully analyzed.

H.425 is a bill attempting to legalize Kratom. The Board has previously been called on to comment on removing Kratom from the Regulated Drug Rule; the Board opposed removal. Kratom is a plant that is used as a drug. The bill was just introduced on February 28, 2023, so there has been no activity yet.

H.428 proposes to allow certain doctoral-level psychologists to be licensed to prescribe certain mental health medications. There have been bills on this issue in the past and the Board has opposed them. This bill could be considered less objectionable than predecessors because it has significant, detailed requirements for a psychologist to be licensed to prescribe and it specifies a short list of drugs that would be allowed. This bill also was introduced on February 28 and has not yet been the subject of any legislative hearings.

D. Herlihy advised that he will send members an email with links and information for each of the bills of interest.

- **Executive Session to Discuss:**
 - **Investigative cases recommended for closure**
 - **Other matters that are confidential by law, if any**

L. LeCours made a motion at 1:49 PM to enter Executive Session to discuss confidential matters related to investigations. S. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Return to Open Session at 2:33 PM; Board Actions on matters discussed in Executive Session:**

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

MPN 137-1222 – Special #3
MPN 089-0922 – Special #1
MPN 002-0123 – Special #1 – Dr. Tortolani recused

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

Dr. Payne, Central Investigative Committee, asked to close:

MPC 085-0822 – Special #1
MPC 004-0123 – Special #1
MPC 003-0123 – Special #1

S. McClain made a motion to close the cases presented. PA Jones seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

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

MPS 054-0522 – Special #1 – Dr. Sproul recused
MPS 096-1022 – Special #1 – Dr. Sproul recused

L. LeCours made a motion to close the cases presented. Dr. Payne seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee.

- **Upcoming Board meetings, committee meetings, hearings, etc.:** [Locations are subject to change. A notification will be provided if a change takes place.](#)
 - **March 9, 2023, North Investigative Committee Meeting, 9:00 AM, [Remote via Teams](#)**
 - **March 10, 2023, Central Investigative Committee Meeting, 9:00 AM., [Remote via Teams](#)**
 - **March 15, 2023, Board Meeting on pending applications, 12:10 PM, [Remote via Teams](#)**
 - **March 15, 2023, South Investigative Committee Meeting, 12:15 PM, [4th Floor Conference Room, Bloomer State Office Building, Rutland, VT and remote via Teams](#)**
 - **April 5, 2023, Licensing Committee Meeting, 11:00 AM, [Remote via Teams](#)**
 - **April 5, 2023, Board Meeting, 12:00 PM, [Remote via Teams](#)**

- **Adjourn:**

Dr. Hildebrant declared the meeting adjourned at 2:40 PM.

Appendix A**PRESENTATION OF FULL APPLICATIONS****March 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
Bachmann, Allison PA-C	Mass College of Pharmacy	Unknown	RRMC Endocrinology
**Barkai, Ayelet MD	Albany Medical College	Psychiatry	Private Practice
Bontempo, Nicholas AA-C	Case Western	Anesthesiology	UVMC Dept Anes.
Brown, Darin MD	University of Illinois	Emergency Medicine (BC)	Upper Conn Valley H.
Brown, Lindsey PA-C	Mass College of Pharmacy	Unknown	NOTCH
Cho, Karis MD	University of Pittsburgh	Family Medicine (BC)	TBD
**Cruz, Francisco MD	University of the Philippines (Philippines)	Endocrinology (BC)	UVMC
Dominick, Gerald PA-C	Quinnipiac University	Unknown	UVMC Cardiothoracic
Ducko, Christopher MD	Penn State University	Thoracic Surgery (BC)	Telemedicine
Gill, Harman MD	SUNY Upstate	Emergency Medicine (BC)	SWVMC
**Green, Sinikka MD	Emory University	Emergency Medicine (BC)	Telemedicine
**Heneghan, Helen MD	Mem Univer. Of Newfoundland	Family Medicine (BC)	Brattleboro Memorial
Hernandez, Michael MD	University of South Florida	Psychiatry (BC)	UVMC
Husic, Ermin AA-C	Case Western	Anesthesiology	CVMC Dept Anes.
Jokinen, Brian PA-C	University of Washington	Unknown	TBD
Kueker, Michael MD	SUNY Upstate	Family Practice (BC)	Elderwood
**Larson, Andrea PA-C	Albany Medical College	Unknown	RRMC Cancer Ctr
**Lin, Michael MD	University of Texas	Psychiatry (BC)	Gifford Medical Center
**Lucas, Amy PA-C	University of New England	Unknown	Northern Counties
McQueen, Kyle PA-C	Mass College of Pharmacy	Unknown	TBD
Porter, Logan MD	Duke	Family Medicine (BC)	Amer. Fam Urgent Care

**Rashid, Ahmad DPM	Barry University	Podiatry (BC)	Advanced Foot and Ankle
**Scott, Andrew MD	Harvard Medical School	Otolaryngology (BC)	UVMMC
**Singh, Ajay MD	Maulana Azad Medical College (India)	Diagnostic Radiology (BC)	StatRad
Skinner, Alicia PA-C	Rochester Institute	Unknown	UCM Digital
**Tariq, Musaddiq MD	Nishtar Medical College (India)	Psychiatry	Gifford Medical Center
Ullrich, Christina MD	Harvard Medical School	Pediatric Hem/Onc (BC)	TBD
Zalaket, Rima PA-C	Cleveland State University	Unknown	Clear Choice MD

3/1/2023

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>
El Abraham, Amal MD	OB/GYN	Dartmouth	3/1/23	MD
Thornburgh, Katrina MD	Pediatrics	UVMHC	3/1/23	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.

March 1, 2023

Credential Number	Name
<u>042.0016756-COMP</u>	Fahad Akhtar
<u>042.0016757-COMP</u>	Jonathan Allen
<u>042.0016758-COMP</u>	David Alvarez
<u>042.0016759-COMP</u>	Rami-James K Assadi
<u>042.0016760-COMP</u>	Dimitri Azar
<u>042.0016761-COMP</u>	T Ellis Barnes
<u>042.0016762-COMP</u>	Saurabh Basundhra
<u>042.0016763-COMP</u>	Arthur Lawrence Bellott
<u>042.0016764-COMP</u>	Thomas Boswell
<u>042.0016765-COMP</u>	Steven Keith Branch
<u>042.0016766-COMP</u>	Christopher Scott Burky
<u>042.0016767-COMP</u>	David Cameron
<u>042.0016768-COMP</u>	Mitchell Carl
<u>042.0016769-COMP</u>	Michael William Chapman
<u>042.0016770-COMP</u>	Mah-Fri Fomukong
<u>042.0016771-COMP</u>	Leonard Giuffreda
<u>042.0016772-COMP</u>	Heather Grigo
<u>042.0016773-COMP</u>	Soyna Gulhati
<u>042.0016774-COMP</u>	KENYA HANSPARD
<u>042.0016775-COMP</u>	Annick Hebou
<u>042.0016776-COMP</u>	Glen Hidden
<u>042.0016777-COMP</u>	Lisa Hile
<u>042.0016778-COMP</u>	Gregory Huang
<u>042.0016779-COMP</u>	Randa Jaber
<u>042.0016780-COMP</u>	Kenneth Jason Jackson
<u>042.0016781-COMP</u>	Hyong J Kim
<u>042.0016782-COMP</u>	Amy Kirby
<u>042.0016783-COMP</u>	Maya Itza Koehler

<u>042.0016784-COMP</u>	Tuan Nguyen
<u>042.0016785-COMP</u>	Janet Noel
<u>042.0016786-COMP</u>	Saima Rashid
<u>042.0016787-COMP</u>	Jochen Thorsten Schaefer
<u>042.0016788-COMP</u>	Lisa Schwiebert
<u>042.0016789-COMP</u>	Penina Segall-Guiterrez
<u>042.0016790-COMP</u>	Carl Seger
<u>042.0016791-COMP</u>	Christopher Steven Seitz
<u>042.0016792-COMP</u>	Tina Tianyi Zhu
<u>042.0016801-COMP</u>	Andrew Charles Bishop
<u>042.0016802-COMP</u>	Mark Christopher Brown
<u>042.0016803-COMP</u>	Sherry-Ann Nickaye Brown
<u>042.0016804-COMP</u>	Monic Drescher
<u>042.0016805-COMP</u>	William A Fogle
<u>042.0016806-COMP</u>	Michael T Gumuka
<u>042.0016807-COMP</u>	Leon Igel
<u>042.0016808-COMP</u>	Shreya Baid Lash
<u>042.0016809-COMP</u>	Gaurang Mavani
<u>042.0016810-COMP</u>	Angela Jung McCarthy
<u>042.0016811-COMP</u>	Pei Chun McGregor
<u>042.0016812-COMP</u>	Anne Christine Miranowski
<u>042.0016813-COMP</u>	Ambreen Mohamed
<u>042.0016814-COMP</u>	Glen A-Wen Pu
<u>042.0016815-COMP</u>	Nauman W Rashid
<u>042.0016816-COMP</u>	Marilyn Mojana Salada-Ligon
<u>042.0016817-COMP</u>	Whitney L Thomas
<u>042.0016818-COMP</u>	Saddad Toor
<u>042.0016819-COMP</u>	Sandhya Vethachalam
<u>042.0016820-COMP</u>	Victoria Louise Walker
<u>042.0016821-COMP</u>	Jyoti Mathews