

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the April 3, 2024, Board Meeting
280 State Drive, Waterbury, VT 05671
Remote via Teams

Unapproved

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

Dr. Rick Hildebrant, Board Chair, called the meeting to order at 12:04 PM

Members Present:

Rob Ciappenelli; David Coddair, MD; Evan Eyler, MD; Gail Falk; Matthew Greenberg, MD; Rick Hildebrant, MD; Suzanne Jones, PA-C; Patricia King, MD; David Liebow, DPM; Stephanie Lorentz; Christine Payne, MD; Dawn Philibert; Judy Scott; Margaret Tandoh, MD; Robert E. Tortolani, MD; Scott Tucker.

Others in Attendance:

David Herlihy, Executive Director; Paula Nenninger, Investigator; Scott Frennier, Investigator; Jane Malago, Operations Administrator; Justin Sheng, AAG; Megan Campbell, AAG; Kurt Kuehl, AAG; Bill Reynolds, AAG; George Belcher, Esq.; Tracy Hayes, Public Health Specialist; Christopher Manfred, MD.

- **Approval of the Minutes of the March 6, 2024, Board Meeting:**

D. Philibert moved to accept the minutes of the March 6, 2024, meeting. S. Tucker seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

- Dr. Hildebrant noted that Dr. Christine Payne's term as a member will be coming to an end, summarized some of Dr. Payne's accomplishments, and expressed thanks for the many years of service. D. Herlihy also offered thanks and shared that Dr. Payne will continue to serve until a replacement is appointed.

- **Administrative Updates (David Herlihy):**
 - **Still struggling to hire for the new position. Difficult hiring environment** – The Vermont Department of Labor reports a 2.3% unemployment rate. Despite advertising for two weeks very few candidates applied, two were offered interviews, and neither showed for an interview. We will continue to recruit for the position.
 - **IT system project.** Several bidders submitted proposals which are now under review. The goal is for there to be a selection by the end of April and a contract by September.
 - **Expense and per diem reimbursements-** members were asked to submit reimbursement requests regularly on a quarterly basis. This is especially important at the end of the State fiscal year (June 30).
 - **Licensing Committee** – Thanks were offered to Dr. Matt Greenberg for joining the Licensing Committee. Public members were asked to consider serving. Gail Falk is the only public member on Licensing and a public member must be present for the Committee to meet. Please consider signing up.
- **Other Business:**
 - **Printed Certificates for License Renewals** – Staff presented members with an overview of the current practice for providing licensees with copies of renewal certificates and license certificate reprints. Staff also shared information about an option to modify the current IT system to provide licensees the ability to print copies of certificates from their online accounts, which would eliminate the need for licensees to submit payment for license reprints and wait for the certificate to be mailed using the USPS. The necessary modifications to the IT system would cost approximately \$10,000, but the cost would be offset by the savings made from discontinuing the practice of mailing printed copies of renewal documents. Members were asked to share their views. Members were supportive of changing to electronic delivery and eliminating the mailing of hard copies, but several stressed the importance of effectively communicating the change to licensees. Members were advised that unless the Board objects to the plan, staff would pursue the change to electronic delivery of renewal certificates, which will eliminate the need for licensees to request and pay for reprints. Also, updated

certificates will not be mailed in hard copy at the time of renewal, but instead made available electronically. No members indicated opposition to the plan.

- **Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (12:44 PM):**

In re: Mark Logan, MD – Request for Relief – Matter MPN 035-0323

Judge Belcher inquired if the Respondent or counsel would attend; AAG Kuehl stated that they had indicated they would not. Judge Belcher invited AAG Kuehl to present the matter. AAG Kuehl addressed the Board, summarizing the facts leading up to the Request for Relief. Dr. Greenberg made a motion to deny the Request for Relief. Dr. Liebow seconded the motion.

J. Malago recorded the roll-call vote: The motion passed; Yeas: R. Ciappenelli, Dr. Coddair, G. Falk, Dr. Greenberg, Dr. Payne, Dr. Hildebrant, PA Jones, Dr. Liebow, S. Lorentz, Dr. Tortolani; Opposed: none; Abstained: S. Tucker; Recused: North Investigative Committee

In re: Christopher Manfred, MD – Cessation of Practice Agreement – Matter MPS 049-0324

Judge Belcher inquired if the Respondent or counsel would attend; AAG Campbell stated that Dr. Manfred was present. Judge Belcher invited AAG Campbell to present the matter. AAG Campbell addressed the Board, summarizing the facts leading up to the Cessation of Practice Agreement. D. Philibert made a motion to approve the Cessation of Practice Agreement. R. Ciappenelli seconded the motion.

J. Malago recorded the roll-call vote: The motion passed; Yeas: Dr. Eyler, Dr. King, D. Philibert, J. Scott, R. Ciappenelli, Dr. Coddair, G. Falk, Dr. Greenberg, Dr. Payne; Opposed: none; Abstained: none; Recused: Dr. Tandoh and South Investigative Committee

- **Hearings Concluded at 1:15 PM**
- **Convene meeting; Other Business (Continued):**

- **Legislative updates (H.572, S.233, S.263, H.655, H.870)** – D. Herlihy updated the Board on the status of H.572 (Physician Assistant Compact), S.233 (Optometry Scope of Practice), S.263 (Novel Licensing Approaches for International Medical Graduates Study Committee) and provided information about two bills not previously discussed, H.655 and H.870. It was explained that H.655 is a bill about sealing criminal history records that might impact the Board’s ability to obtain history about convictions of applicants who have a criminal history. H.870 was brought up because it is the OPR bill. Although there were no issues of concern for the Board in the version of the bill passed by the House, information was received that indicates there may be discussion of expanding the role of naturopaths to include completion of death certificates and working with patients on advance directives, COLST/DNR orders, and the patient choice at end-of-life process. Members shared opinions on those issues.
- **Update on Joint Statement on IV Clinics** – The Board previously approved the joint statement regarding IV clinics, presented at the March meeting. D. Herlihy shared that several other Vermont Boards met following that meeting and the Nursing Board approved the statement, but with changes. The Nursing Board was scheduled to meet next on April 8th, however, due to the Solar Eclipse, their meeting was canceled. The Nursing Board likely won’t have a decision on the matter until their May meeting. Once OPR has approved a single version, it will be presented to the Board of Medical Practice again for approval.
- **Executive Session to Discuss:**
 - Investigative cases recommended for closure
 - Other matters that are confidential by law, if any

D. Philibert made a motion at 2:02 PM to enter Executive Session to discuss confidential matters related to investigations. Dr. King seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Return to Open Session 2:38 PM; Board Actions on matters discussed in Executive Session:**

D. Philibert, North Investigative Committee, asked to close:

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

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

MPC 205-1023 – Special #1
MPC 199-1023 – Letter #1

Dr. Tortolani made a motion to close the cases presented. D. Philibert seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

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

MPS 231-1223 – Special #1 – Recused: Dr. Eyler
MPS 233-1223 – Special #1
MPS 234-1223 – Special #1 – Recused: Dr. Eyler
MPS 235-1223 – Special #1
MPS 236-1223 – Special #1 – Recused: Dr. Greenberg
MPS 010-0124 – Special #1 – Recused: Dr. Coddair
MPS 239-1223 – Special #1
MPS 232-1223 – Special #1
MPS 241-1223 – Special #1

Dr. Tandoh made a motion to close the cases presented. Dr. King 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.](#)
 - **April 11, 2024, North Investigative Committee Meeting, 9:00 AM, [Remote via Teams and 359 South Park Drive, Room 202, Colchester, VT 05446.](#)**
 - **April 12, 2024, Central Investigative Committee Meeting, 9:00 AM., [Remote via Teams and 280 State Drive, Waterbury, VT 05671](#)**

- **April 17, 2024, South Investigative Committee Meeting, 12:15 PM, Remote via Teams and 280 State Drive, Waterbury, VT 05671**
- **May 1, 2024, Licensing Committee Meeting, 10:30 AM, Remote via Teams and 1311 US Route 302, Room 200, Barre, VT 05641**
- **May 1, 2024, Board Meeting, 12:00 PM, Remote via Teams and 1311 US Route 302, Room 200, Barre, VT 05641**

- **Open Forum:**
 - P. Nenner reminded the members to begin looking ahead at their calendars for when they may want to schedule in-person committee meetings.

- **Adjourn:**

Dr. Hildebrandt declared the meeting adjourned at 2:45 PM.

APPENDIX A

INSERT PRESENTATION OF APPLICATIONS