

VERMONT BOARD OF MEDICAL PRACTICE
Minutes of the June 5, 2024, Board Meeting
280 State Drive, Waterbury, VT 05671
Remote via Teams

Approved

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

Dr. Rick Hildebrant, Board Chair, called the meeting to order at 12:02 PM

Members Present:

Rob Ciappenelli; David Coddair, MD; Evan Eyler, MD; Gail Falk; Rachel Gaidys, MD; Rick Hildebrant, MD; Suzanne Jones, PA-C; Patricia King, MD; Stephanie Lorentz; Ian Odigie, DPM; Dawn Philibert; Judy Scott; Margaret Tandoh, MD; Robert E. Tortolani, MD; Scott Tucker.

Others in Attendance:

Megan Campbell, AAG; Scott Frennier, Investigator; David Herlihy, Executive Director; Kurt Kuehl, AAG; Paula Nenninger, Investigator; Justin Sheng, AAG.

- **Approval of the Minutes of the May 1, 2024, Board Meeting:**

D. Philibert moved to accept the minutes of the May 1, 2024, meeting. Dr. Eyler seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

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

Dr. Hildebrant noted that although the agenda includes discussion of the process to update the Board's opioid policy and that is an important and necessary project, it will also be necessary to move on quickly to work on a policy regarding the use of artificial intelligence (AI) in medicine.

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

- D. Herlihy thanked members for all coming up to date on submission of time and expense sheets.
- D. Herlihy thanked Paula Nenninger, Tracy Hayes, and Dawn Philibert for their assistance in the recruitment and interview process to fill the position of Medical Licensing and Operations Administrator. An offer has been made and work is ongoing to finalize the hiring of the selected applicant. The new Administrative Services Technician III position still has not been filled.
- D. Herlihy advised that a selection has been made for the project to update the Board's IT system, however it has not been formally approved and thus has not been publicly announced. Progress to date is on schedule and the goal is to complete negotiation of a contract during September.
- **Other Business:**
 - **Joint Statement on IV Hydration Clinics** – the Board was presented the final version of the joint statement as approved by the Board of Nursing on May 13, 2024, which included changes to one section on page 3 of the statement. The Board originally approved a statement at the March 6 meeting, and then approved a revised version at the May 1 meeting. The latest changes to the previously approved document were summarized for the Board.

S. Lorentz moved to approve the statement with modifications as shown in Attachments A and B to the agenda. Dr. Coddair seconded the motion.

The motion passed; opposed: none; recused: none; abstained: Dr. Tandoh.
 - **Process for Board Review of the Board of Medical Practice *Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain*** – Dr. Hildebrant and D. Herlihy noted the need for the Board to update the opioid policy in response to the approval of a revised policy opioid prescribing by the FSMB House of Delegates at the April annual meeting. Members were asked to consider participating in an ad hoc committee to prepare a draft for the Board. S. Lorentz, Dr. Hildebrant, and Dr. King volunteered to be on the ad hoc committee.
 - **S.114 - An act relating to the establishment of the Psychedelic Therapy Advisory Working Group** – D. Herlihy summarized the law, which calls for him or a designee to take part in the working group created by the law, which is now referred to as Act 126. Members agreed with the suggestion that the Board would

be best represented by a physician, and preferably a psychiatrist. D. Herlihy and Dr. Hildebrant will work on identifying a person to represent the Board.

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

PA Jones made a motion at 12:40 PM to enter Executive Session to discuss confidential matters related to investigations. D. Philibert seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

- **Return to Open Session 2:20 PM; Board Actions on matters discussed in Executive Session:**

PA Jones, South Investigative Committee, asked to close:

MPS 179-0823 – Special #2
MPS 243-1223 – Letter #1
MPS 065-0424 – Letter #1
MPS 054-0324 – Letter #1

Dr. Eyler made a motion to close the cases presented. G. Falk seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee.

G. Falk, Central Investigative Committee, asked to close:

MPC 214-1123 – Special #1
MPC 160-1021 – Letter #1
MPC 046-0224 – Letter # 1—Recused: Dr. Hildebrant
MPC 007-0124 – Special #1
MPC 045-0224 – Letter #1
MPC 213-1123 – Letter #1 – Recused: Dr. Eyler
MPC 242-1223 – Letter #1 – Recused: Dr. Hildebrant, PA Jones, Dr. Odigie

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

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

MPN 009-0124 – Letter #1 – Recused: Dr. Gaidys

MPN 041-0224 – Letter #1

MPN 198-1023 – Letter #1 – Recused: PA Jones, Dr. Tortolani

MPN 220-1123 – Letter #1

MPN 005-0124 – Letter #1

MPN 058-0522 – Special #2

MPN 047-0224 – Letter #1

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

- **Upcoming Board meetings, committee meetings, hearings, etc.:** Locations are subject to change. A notification will be provided if a change takes place.
 - **June 13, 2024, North Investigative Committee Meeting, 9:00 AM, Remote via Teams and 280 State Drive, Waterbury, VT 05671**
 - **June 14, 2024, Central Investigative Committee Meeting, 9:00 AM, Remote via Teams and 280 State Drive, Waterbury, VT 05671**
 - **June 19, 2024, South Investigative Committee Meeting, 12:15 PM, Remote via Teams and 4th Floor Conference Room, Bloomer State Office Building, Rutland, VT 05702**
 - **July 3, 2024, Licensing Committee Meeting, 10:30 AM, Remote via Teams and 280 State Drive, Waterbury, VT 05671**
 - **July 3, 2024, Board Meeting, 12:00 PM, Remote via Teams and 280 State Drive, Waterbury, VT 05671**
- **Open Forum:**
 - D. Herlihy shared with members that former Public Member David Jenkins passed away on May 29, 2024. A retired Vermont Superior Court Judge, he served on the Board from 2008 to 2019.

- **Adjourn:**

Dr. Hildebrant declared the meeting adjourned at 2:37 PM.

- **Note:** List of Licenses Issued during May 2024 is included as Appendix A.