

Vermont Secretary of State
Office of Professional Regulation

BOARD OF OSTEOPATHIC PHYSICIANS & SURGEONS
UNAPPROVED MINUTES
June 22, 2006

1. The meeting was called to order at 10:20 a.m.

Board members present: Howard S. Jonas, D.O., Chair; William Cove, D.O., Vice-Chair; John Welch, Esq.; and Mary C. Mazzariello. Paul Donovan, D.O. participated via phone.

OPR Staff Present: Larry S. Novins, Board Counsel and Carla Preston, Unit Administrator.

Others Present: John Peterson, D.O. and Anthony Otis, Esq.

2. The Chair called for approval of the Minutes of the March 9th meeting. Mr. Welch made a motion, seconded by Dr. Cove, to approve the Minutes of the March 9, 2006 meeting as submitted. Motion passed unanimously. The Minutes of the September 22, 2005 meeting were further clarified to read: Dr. Jonas noted under Reports, that the recommended amount for the fee increase would have been \$800 until the Board agrees to increase the fee to \$750.

3. **Hearings/Stipulations Review:** None to report.

4. **Reports:**

Anthony Otis said he is an attorney and a lobbyist representing the Osteopathic Association and others. He presented his End of Session Legislative Report dated June 7, 2006. The Report covered bills related to the practice of the profession and others of concern. The focus of the discussion pertained to physical therapists and the effort to expand their scope of practice. He said the Vermont Physical Therapy Advisors have been working on proposed changes and plan to present them to the Director of OPR for consideration. He noted that the Chiropractic Association has been reviewing the proposed language as well.

Dr. Peterson said the Osteopathic State Association has had concerns about physical therapists being allowed to perform high velocity manipulation. He said physical therapists lack the qualifications and training necessary to perform certain functions (i.e., differential diagnosis).

Attorney Otis indicated that currently, there is no prohibition against a patient going directly to a physical therapist for treatment and diagnosis. Many concerns are raised because the training is not provided. Medicaid patients must have a referral for PT from a physician.

Dr. Peterson said it is the position of the Osteopathic and Chiropractic Associations that patients be evaluated by an osteopathic physician, medical physician or chiropractor, and then referred to physical therapy with detailed treatment guidelines.

The doctors present for the discussion indicated that at their "prescription" or recommendation for physical therapy is very specific and detailed in their referral. The group was unsure if medical physicians specified treatment for physical therapy.

The Board indicated that it is a matter of public protection. Physical therapists are not trained to diagnose and make judgments with regard to treatment.

Attorney Novins indicated that the current laws and rules governing physical therapists does not preclude them from doing high velocity manipulation .

The group agreed that any proposed languages should include exclusionary provisions, stating specifically functions that cannot be performed by a physical therapist. They also agreed that all physicians should be advised of the importance of recommending or prescribing specifics for physical therapy. Attorney Otis mentioned that there are some physicians who do spine manipulation and would support this issue.

The Osteopathic and Chiropractic boards and their associations will continue to monitor the status of any proposed legislation on this subject.

5. Legislation/Rulemaking:

6. Complaints (closing reports):

OS03-1205-The Board reviewed the Report of Concluded Investigation. Based on the information provided, Mr. Welch made a motion, seconded by Dr. Cove, to accept the Investigative Team's recommendation to conclude the matter without charges. Motion passed. Dr. Donovan, Investigating Member, did not participate in the vote.

7. Applications/Discussion:

The Board formally approved the following applicants for licensure as Osteopathic Physicians.

Carol Gardner, DO (032-0533)
James Rafferty, DO (032-535)

Coby Hartmann, DO (03 2-534)

The Board reviewed and approved the following applicants for licensure as Osteopathic Physicians.

Anthony Bevilacqua, DO

The Board reviewed Dr. Raymond Radanovich's application, but was unable to approve it. Additional information is needed to complete his application. Dr. Radanovich will be notified.

8. Newsletter topics:

The Board discussed topics for its September 2006 Newsletter which included, Chairman's report, summary of why fee increase was needed, new laws, etc.

9. Correspondence:

- a. The Board agreed to include the Vermont Department of Health's Survey along with its renewal form (06-08) to licensees.
- b. The Board reviewed and noted the Federation of State Medical Boards' February and March 2006 editions of "NewsLine."
- c. The Board reviewed and noted various FYI correspondence.

10. Other Business Introduced by the Board:

- A. Dr. Jonas reported on his attendance at the April 2 conference held in Boston. He said that the Board added to the resolution did not pass. He presented members' review.
- Dr. Jonas said the focus of the discussion covered of a Briefing Paper on the "Physician Accountability" was shared with members for review.
- B. The Board asked if it were possible to screen out "investigated and go through the full process. Exam where a patient has clearly violated a pain management independent medical evaluations. Members were very concerned about the costs associated with investigating such cases.
- Ms. Preston indicated that most cases, including the investigation to reach those conclusions. In most necessary, which requires an open case and investigation board have also asked for better methods to screen issue.
- 006 Federation of State Medical Boards' request to have the word "affordable" CD's of examination information for competency issues for physicians. Copies for Physician Competence Initiative
- bogus" cases prior to having them included, cases involving situations entagreement or complaints about y concerned about the costs associated
- o types of cases requires some level of situations are release for medical records is ator involvement. She explained that other out cases. The Office is looking at the

11. Public Comment:

11. The meeting was adjourned at 11:32 p.m.

Respectfully Submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation