

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of April 14, 2016 Board Meeting – 9:30 a.m. – 1:30 p.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Scott Thomas, D.O., Vice-Chair; Gary Palman, D.O.; Melissa Michaud, PA-C; John F. Gaddis, D.O. Board Members Excused: Natania Piper, D.O., Board Secretary; Marty W. McIntyre, Public Member; David Rydell, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association; Emily Bloch, Esquire; Susan Crane, Esquire, Maine Medical Association; Kirsten Thompson, PA-C

I. Complaints & Investigations

All complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Dr. Thomas recited the Complaint Script.

A. CR2015-28

Dr. Palman, Case Reporter, discussed his summary of the patient charts received pursuant to subpoena. Following their review, the Board took this action:

MOTION: Made by Dr. Thomas and seconded by Dr. Gaddis to authorize further investigation with 5 additional charts to be subpoenaed for review, followed by an Informal Conference.

Following additional discussion, Dr. Thomas rescinded his motion at the request of Dr. Gaddis who then made this motion:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to authorize further investigation with 3 charts to be subpoenaed for review, with a specific focus. Dr. Thomas clarified that the Informal Conference could wait and be scheduled following the additional reviews, if warranted. Dr. Palman, Case Reporter, did not vote.

B. CR2015-31

Following thorough review of the complaint, filed on the Board's own motion based on a hospital report), the licensee's written response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted to dismiss the complaint filed on the Boards' own motion (following the receipt of a hospital report) but to issue a Letter of Guidance cautioning the licensee to be mindful of her professional responsibilities, how significant they are and that failure to comply with recordkeeping responsibilities could adversely impact the health of her patients. Dr. Thomas was opposed to the motion.

C. CR2015-35

Following thorough review of the complaint, response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Further Board action. Dr. deKay, Case Reporter, did not vote.

D. CR2015-38

Following a thorough review of the complaint (filed on the Board's own motion, based on a hospital report) and the materials gathered, the Board took this action:

Continued from Page 1 of 4 – April 14 2016 Board of Osteopathic Licensure Meeting Minutes

MOTION: Made by Dr. Palman, seconded by Dr. deKay and voted to dismiss the complaint and issue a Letter of Guidance which will remain on file for 10 (ten) years. The purpose of the letter is to remind the licensee to be mindful that the principles of medical ethics that define the essentials of honorable behavior for physicians apply to every aspect of the practice of medicine, including the fees charged for services, therefore requiring accurate and appropriate coding and billing. Dr. Thomas was opposed.

E. CR2015-40

Following thorough review of the complaint, response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Further Board action. Ms. Michaud, Case Reporter, did not vote.

F. CR2015-48

The Board thoroughly reviewed the complaint, the licensee's response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did rise to a level which would warrant action against the licensee. Ms. Michaud, Case Reporter, did not vote.

G. CR2015-49

The Board thoroughly reviewed the complaint (filed on the Board's own motion based on the licensee's response to questions on his last 2 (two) renewal applications), the licensee's written response and additional documents gathered and then took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Further Board action. The licensee's renewal application was approved for issue.

H. CR2015-53

Dr. Gaddis, Case Reporter, noted that the subject of the complaint was 40+ years old and that no records from that time were available to the licensee. Following their review of the complaint, the licensee's response and the rebuttal submitted by the complainant, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Further Board action. Dr. Gaddis, Case Reporter, did not vote.

I. CR2015 54

Dr. Gaddis, Case Reporter, briefly discussed the complaint with the Board and following their review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not merit further Board action.

J. CR2016-01

Following thorough review of the complaint, the licensee's written response and the medical records gathered, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant any further Board action.

K. CR2016-02

Following thorough review of the complaint, the licensee's written response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to table review pending the receipt of additional medical records.

L. CR2016-03

Following thorough review of the complaint, the licensee's written response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not merit further Board action. Ms. Michaud, Case Reporter, did not vote.

At this time, the Board voted (Dr. Thomas, Dr. deKay) to go into Executive Session for legal advice based on 1 MRS §405 (6) (E). Once again in Public Session, the Board took this action:

M. IN2016-12

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to issue a formal Board complaint against the licensee regarding the licensee's alleged practice of leaving signed, blank prescriptions to be completed by staff for patients in need of medications while the licensee was away on vacation. Ms. Michaud, Case Reporter, did not vote.

II. Angela Westhoff, Executive Director, Maine Osteopathic Association

Because she needed to leave for another commitment, the Board invited Angela Westhoff, Executive Director of the Maine Osteopathic Association, to speak for a few moments prior to beginning the next agenda item. Ms. Westhoff reminded the Board of the MOAs upcoming Oceanside Conference at the Somerset Resort in Rockport at the beginning of June and in addition, the possibility that Regina Benjamin, M.D., physician and a former vice admiral in the U.S. Public Health Service Commissioned Corps who served as the 18th Surgeon General of the United States will agree to be the keynote speaker at the Friday luncheon. Ms. Westhoff also noted that a reception will be held during the conference, honoring Boyd Buser, D.O. (who has held a Maine license since 1986) as incoming president of the American Osteopathic Association.

III. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no contact from the licensee but that he has been approved to practice at Recover Together, at the Auburn location only. Dr. Thomas reported having spoken with both his work monitor and his mentoring physician. No Board action was necessary.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no Consent Agreement compliance issues or other concerns. No Board action was necessary; the next reports are due in May.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no issues. No Board action was necessary.

D. Gary Winn, D.O.

Dr. Thomas, Case Reporter, noted no new issues and that the licensee had complied with the requirements of the Board Order. Board members determined that due to his compliance, it is not necessary to list him on the agenda each month.

IV. Minutes/Revenue & Expense Reports

A. Review of Draft February & March 2016 Meeting Minutes

Following review of the Feb & March minutes, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. Michaud and voted unanimously to approve the February & March 2016 minutes as written. Dr. deKay noted that he did not specifically vote on the March minutes due to his absence that month.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

V. Miscellaneous

A. Chapter 2 – Review of Comment Summary/Draft Responses to Joint Physician Assistant Rule

Board members reviewed the comments received, discussed the proposed responses to comments and proposed changes to the proposed rule resulting therefrom, and voted to proceed with the proposed changes, understanding that due to substantive changes, the rule must be published again, allowing the statutorily required 30 (thirty) day comment period.

B. Review of Draft Jurisprudence Exam

Board members reviewed the draft exam and asked that it be placed on the agenda again for further review at the May meeting.

C. Federation of State Medical Boards

It was noted that Dr. Rydell will represent the Board later this month at the annual FSMB meeting.

D. Legislation

Board members reviewed and discussed the final draft of LD1646 'An Act to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program', provided by Commissioner Anne Head. No Board action was necessary.

VI. Licensure Matters

A. Permanent Licensure Applications (D.O.)

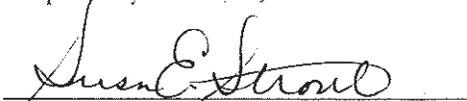
Following circulation and review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to approve the permanent licensure applications submitted by: Rachel Kerner, D.O.; Stephen Augustine, D.O., Amber Hayden, D.O., Travis Lajoie, D.O.; Christina Kapala, D.O.; Sean Stanhope, D.O.; Jesse Guasco, D.O.; William Noble, D.O. and Tawana Nix, D.O.

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to table action on the application submitted by Robert Christopher, D.O. as it was incomplete.

Dr. Thomas made a motion, seconded by Ms. Michaud, to adjourn the meeting at 1:30 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary