

Maine Board of Osteopathic Licensure
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Minutes of March 10, 2016 Board Meeting – 9:30 a.m. – 1:15 p.m.

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Det. James Gioia, Office of the Attorney General; Abigail Varga, Esquire; Christopher Taintor, Esquire; Angela Westhoff, Executive Director, Maine Osteopathic Licensure; Donald Polk, DO, Immediate Past Chair, FSMB¹ Board of Directors, & Lisa Robin, MLA, FSMB Chief Advocacy Officer

I. Complaints & Investigations

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

A. CR2015-37

Board members reviewed the draft Letter of Guidance as voted at the February meeting as well as a letter from the licensee's attorney. Following the review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Ms. Michaud and voted to rescind the Board's February 2016 decision to dismiss the complaint with a Letter of Guidance. Motion passed with Dr. Gaddis opposed. Ms. McIntyre, Case Reporter, did not vote.

After additional review and discussion, a new motion was made:

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

B. CR2015-41

Following a thorough review of the complaint, response, rebuttal 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 not merit further Board action. Dr. Thomas, Case Reporter, did not vote.

C. CR2015-46

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

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

D. CR2015-51

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

¹ Federation of State Medical Boards

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

II. Consent Agreement/Board Decision & Order Compliance & Updates

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted the communication from the licensee and his request for approval to work, part-time at *Recover Together*, an addiction recovery clinic. Following discussion, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper to approve the licensee's request to work, limited hours on a part-time basis, in the Auburn location. Final approval will be given once the Case Reporter has had an opportunity to speak with those who will be monitoring and mentoring the licensee and he is assured that 1) an appropriate system is in place and, 2) monthly reports will be submitted to the Board. Dr. Thomas, Case Reporter, did not vote.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted the MaineCare exclusion letter. Dr. Thomas also noted that there were no new complaints or concerns. No Board action was necessary.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted Det. Gioia's Summary of Investigation, prepared following his visit to the licensee's practice, as required pursuant to the terms of his Consent Agreement. Board members noted no concerns. No Board action was necessary.

D. Gary Winn, D.O.

Dr. Thomas, Case Reporter, noted no concerns. No Board action was necessary.

III. Federation of State Medical Boards Presentation – Donald Polk, DO & Lisa Robin, MLA

Ms. Robin and Dr. Polk joined the Board meeting, providing an overview of the many services and support available to the Federation's member medical and osteopathic boards. Board members discussed several issues and had multiple questions for Ms. Robin and Dr. Polk with both offering their assistance with future questions/issues.

IV. Minutes/Revenue & Expense Reports

A. Review of Draft February 2016 Meeting Minutes

The minutes were not finalized; final review was tabled until the April meeting.

B. Revenue & Expense Reports

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

V. Other Business

A. Federation of State Medical Boards

• **Resolutions**

Board members briefly discussed, earlier with Dr. Polk and Ms. Robin, two (2) resolutions which will be considered by the House of Delegates at the annual Federation meeting in late April. No action was necessary.

• **Report of the Bylaws Committee**

Board members reviewed the report. No action was necessary.

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- **Draft Position Statements**

As with the resolutions noted above, Board members reviewed and briefly discussed, with Dr. Polk and Ms. Robin, the four (4) draft position statements which will be considered by the House of Delegates in late April. No Board action necessary.

- **Article re Physician Sexual Misconduct**

Board members reviewed and briefly discussed the article. No action was necessary.

B. Legislation

Board members reviewed and briefly discussed LD690 (An Act to Ensure the Safety of Home Birth), LD1586 (Right to Know) & LD1628 (An Act to Strengthen the Laws on Operating a Motor Vehicle under the Influence of Intoxicants).

Board members also discussed the Governor's bill(s) which will be published soon regarding penalties for drug offenses and the law which governs the Prescription Monitoring Program. No action was necessary.

VI. Licensure Matters

Following circulation and review of one application for permanent licensure, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to approve the application submitted by Christopher Abbott, D.O.

There were no new PA applications to be reviewed.

VII. Adjournment

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted unanimously to adjourn the meeting at 1:15 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary