

Board of Licensure in Medicine
April 11, 2023
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**Maine Board of Licensure in Medicine
Minutes of April 11, 2023**

Board Members Present: Secretary Christopher R. Ross, P.A.; Steven Blessington, P.A.; Holly Fanjoy, M.D.; Renee Fay-Leblanc, M.D.; Noah Nesen, M.D.; Brad Waddell, M.D.; and Public Member Lynne M. Weinstein (excused 8:30 a.m. – 8:35 a.m. due to computer issues)

Board Members Absent: Chair Maroulla S. Gleaton, M.D. and Public Member Gregory Jamison, RPh

Board Staff Present: Executive Director Dennis E. Smith; Assistant Executive Director Timothy E. Terranova; Complaint Coordinator Kelly McLaughlin; Consumer Assistance Specialist Savannah Okoronkwo; Investigative Secretary Faith McLaughlin; Administrative Assistant Maureen S. Lathrop; Licensing Specialist Tracy Morrison; Licensing Specialist Lisa Reny; and Secretary Nathan Fitts

Attorney General’s Office Staff Present: Assistant Attorney General Michael Miller

In accordance with the “Board Member Remote Participation Policy” adopted by the Board on January 10, 2023, the Board Chair directed that the April 11, 2023, meeting of the Board be conducted through remote participation of all Board members pursuant to Section 2(A) of that policy. The Board posted notices of this virtual meeting on its website and on the Legislative calendar. In addition, the Board posted a copy of the agenda for the meeting on its website.

Votes were conducted by roll call with members voting “for” “against” or “abstain.”

EXECUTIVE SESSIONS

PURPOSE

9:38 a.m. – 9:42 a.m.

Pursuant to 1 M.R.S. §405(6)(F) to discuss confidential information

12:45 p.m. – 12:55 p.m.

Pursuant to 1 M.R.S. §405(6)(E) to consult and seek legal advice regarding pending litigation

1:07 p.m. – 2:26 p.m.

Pursuant to 32 M.R.S. § 3282-A(1) to conduct an informal conference

RECESSES

9:10 a.m. – 9:17 a.m.

Recess

11:29 a.m. – 11:35 a.m.

Recess

12:00 p.m. – 12:31 p.m. Lunch
12:58 p.m. – 1:03 p.m. Recess

I. Call to Order

Mr. Ross called the meeting to order at 8:03 a.m.

A. Amendments to Agenda (none)

B. Scheduled Agenda Items

1. 1:00 p.m. Informal Conference (CR20-208)

II. Licensing

A. Applications for Individual Consideration

1. Initial Applications

a. Thomas F. King, M.D.

Ms. Weinstein moved to deny Dr. King's request for reconsideration of the citation assessed by the Board. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

2. Reinstatement Applications (none)

3. Renewal Applications

a. Robert T. Howard, III., M.D.

Dr. Waddell moved to offer Dr. Howard a consent agreement requiring completion of the Fundamentals of Laparoscopic Surgery and following course completion direct observation of ten laparoscopic procedures by a Board-approved physician in the same specialty with a report to the Board upon completion within six months and to grant him leave to withdraw his

application while not under investigation. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: For
Dr. Waddell: For
Ms. Weinstein: For

b. Nathan J. Leu, M.D.

Dr. Negin moved to issue Dr. Leu a citation for failure to make a required notification to the Board and to renew his license upon payment of the fine. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: For
Dr. Waddell: For
Ms. Weinstein: Not present

c. Julie Hall Sullivan, P.A.

Dr. Negin moved to offer Ms. Sullivan a consent agreement with a reprimand, delegate authority to sign the consent agreement to the Board Chair or Secretary and to renew her license upon execution of the consent agreement. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 1 abstained.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: For
Dr. Waddell: For
Ms. Weinstein: Abstain

d. Greeshma P. Reddy, M.D.

Dr. Fay-Leblanc moved to request that Dr. Reddy voluntarily complete a CPEP evaluation and to grant her leave to withdraw her application while under investigation. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

4. Requests to Convert to Active Status

a. Rodney D. Chelberg, M.D.

Dr. Waddell moved to request that Dr. Chelberg voluntarily complete a CPEP evaluation or submit a more robust reentry to clinical practice plan appropriate to the practice model and to grant him leave to withdraw his request to convert his license to active status while not under investigation. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 1 abstained.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: Abstain
Dr. Waddell: For
Ms. Weinstein: For

5. Requests to Withdraw License/License Application

a. Leonardo V. Riella, M.D.

Dr. Nesin moved to approve Dr. Riella's request to withdraw his license application. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For

Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: For
Dr. Waddell: For
Ms. Weinstein: For

6. Requests for Collaborative/Practice Agreements

a. Julie Hall Sullivan, P.A.

Dr. Fay-Leblanc moved to approve Ms. Sullivan's practice agreement. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: For
Dr. Waddell: For
Ms. Weinstein: For

B. Other Items for Discussion (none)

C. Citations and Administrative Fines (none)

D. Licensing Status Report

This material was presented for informational purposes. No Board action was required.

E. Licensing Feedback (none)

III. Board Orders/Consent Agreements/Resolution Documents for Review

A. John P. Griffin, M.D. – Consent Agreement for Licensure

Dr. Fanjoy moved to approve the Consent Agreement for Licensure. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For

Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

B. Kathleen Marion-Helen Dosiek, P.A. – Consent Agreement for Conversion to Active Status

Dr. Fay-Leblanc moved to approve the Consent Agreement for Conversion to Active Status. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

C. La Tania M. Akers-White, M.D. – Consent Agreement

Dr. Fanjoy moved to approve the Consent Agreement. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

IV. Complaints

1. CR21-177

At 9:38 a.m. Dr. Fanjoy moved to enter executive session pursuant to 1 M.R.S. §405(6)(F) to discuss confidential information. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

At 9:42 a.m. Dr. Fay-Leblanc moved to come out of executive session. Mr. Blessington seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

Dr. Fay-Leblanc moved to investigate further and subpoena ten patient records for review by the expert reviewer. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

2. CR22-117

Mr. Blessington moved to table the matter. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For

Ms. Weinstein: For

3. CR22-119

Dr. Fanjoy moved to table the matter. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For

Mr. Blessington: For

Dr. Fanjoy: For

Dr. Fay-Leblanc: For

Dr. Nesin: For

Dr. Waddell: For

Ms. Weinstein: For

4. CR22-132

Mr. Ross moved to dismiss the complaint. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For

Mr. Blessington: For

Dr. Fanjoy: For

Dr. Fay-Leblanc: For

Dr. Nesin: For

Dr. Waddell: For

Ms. Weinstein: For

MOTION: A patient's mother and grandmother complain that the physician withheld lifesaving medication from the child. The physician responded that her staff followed hospital protocol for refills and that it had been three years since the child was seen. The staff tried multiple times to schedule follow up and when they were able to get in contact the family refused to schedule an appointment and had found another inhaler and were no longer in need of one. Review of the records reveals that the patient received reasonable care.

5. CR22-135

Dr. Fay-Leblanc moved to dismiss the complaint. Mr. Blessington seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For

Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient complains that the provider did not appropriately treat her back and leg pain. She believed he would give her an injection every two months and was upset when that didn't happen. She also believed that an advocate for the elderly called the provider and said something which caused the provider to not treat her. Records reviewed showed that the patient had chronic, complex pain; likely from multiple etiologies. Different treatments were tried including some injections. Based on the medical records, it was not clear how helpful these injections were. According to the licensee, the advocate called to find out why an injection was not done at the visit in question. The provider reported that the patient did not want an injection at that visit, but that if she changed her mind, he would schedule her for an injection. Appropriate care was provided.

6. CR22-211

Dr. Fay-Leblanc moved to dismiss the complaint. Dr. Waddell seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient saw the licensee on one occasion. After that visit, the patient was concerned about high blood pressures at home and was not happy with a medication change being suggested over the phone. The patient reportedly made derogatory remarks about the provider and threatened to report him. She wanted a same day appointment, but the provider did not have any openings. The patient presented to the office later the same day, without an appointment, wanting to be seen. She was seen by an RN who took her blood pressure and found it to be normal. On this day, the patient was very upset, and the provider felt it would be better if the patient was seen by another provider in the practice. The patient was unhappy with this transfer as she wants to see an MD or DO, and the other providers in the practice are NPs. The provider did note that she could transfer back to a practice where she had been previously that had physicians and was accepting patients and also that his

practice was welcoming another physician in the coming months. Appropriate care was provided.

7. CR22-143

Dr. Fay-Leblanc moved to table the matter. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

8. CR22-146

Dr. Nesin moved to table the matter. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

9. CR22-157

Ms. Weinstein moved to accept the treatment program proposed by the licensee and to amend the proposed consent agreement accordingly. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

10. CR22-173

Mr. Blessington moved to dismiss the complaint. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient's complaint stemmed primarily from her dissatisfaction with the licensee's postoperative care and communication. She felt he failed to appropriately follow up with her despite reported issues of pain and swelling. Although the care she received, and her course of recovery differed from her previous knee replacement, care review of the care provided appears to have been appropriate.

As he stated, the licensee does appreciate the importance of patient perception of care and will use this as an example and lesson regarding postoperative communication and follow up in his future care.

11. CR22-174

Dr. Fanjoy moved to dismiss the complaint. Dr. Waddell seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient was a 50-year-old male with a complex history of Crohn's disease complicated by primary sclerosing cholangitis and liver cirrhosis. The patient's father alleges that the licensee failed to recognize acute decompensation of his medical condition which ultimately resulted in his untimely death. The father also alleges that the licensee contradicted recommendations of the liver transplant service, misdiagnosed a facial rash as eczema, and failed to treat his condition appropriately.

Review of the medical records corroborate that the licensee provided reasonable and appropriate care for this complex patient. The licensee advocated for a liver transplant, comanaged the patient with a transplant specialty team and appropriately managed his Crohn's disease which was in remission. The licensee provided close surveillance of his conditions within the standard of care. The patient did not have clinical evidence of hepatic encephalopathy or symptoms to indicate gastrointestinal bleeding during his last clinic appointment. The licensee's response was appropriate and thorough and supports the provision of compassionate care of this patient.

12. CR22-183

Mr. Ross moved to dismiss the complaint. Mr. Blessington seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complains that the physician disregarded information in her chart, was aggressive in prescribing her medications and labeled her as noncompliant. The physician responded that she was the patient's provider during two admissions and did review her prior medications and treatments. Also, the physician stated that she has many years of experience and is a very caring physician and never used the term noncompliant in her care. Review of the records revealed that the patient received reasonable care.

13. CR22-191

Mr. Blessington moved to dismiss the complaint. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: This complaint was brought forth by the patient's mother. The patient was evaluated in an emergency department by a physician assistant who the patient's mother felt was rude and demonstrated a terrible bedside manner. The clinician states she tried to reason with the patient regarding appropriate tests and evaluation. Ultimately both parties were frustrated, and the encounter deteriorated. The licensee did express regret. These encounters are stressful for all parties but should serve as a reminder to medical providers that maintaining professionalism and empathy, although at times difficult, is critical to our profession.

14. CR22-195

Ms. Weinstein moved to dismiss the complaint. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 1 recused.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: Recused
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complains the physician who took over care for a colleague refused to continue prescribing opioids. From the initial appointment, the patient's questions were answered, and the patient agreed with the opioid reduction plan. It was discussed that opioids were not an appropriate plan to treat his chronic pain. Alternate medications were discussed as well as a referral to a neurosurgeon. At the end of the taper, the patient complained about the plan although it had been in place for months. The patient became rude to office staff and threatened the physician with this complaint. The patient was discharged from the practice with an extension of his medication while continuing care at a chronic pain practice and mental health services. Appropriate care has been provided.

15. CR22-197

Mr. Ross moved to dismiss the complaint. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For

Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient's daughter complains that the physician's staff did not respond in a timely manner to her parents' questions, that they were on hold for twenty minutes every time they called, and the physician did not coordinate care while her mother was in the hospital. The physician responded that he had a rapport with both patients, and both were jovial and pleasant throughout their care. There was also a recent merger and now calls go through a call center and that may have caused a delay. The physician states that he also did appropriate follow up when the complainant's mother was admitted to the emergency room. Review of the records reveals that the patient received reasonable care.

16. CR22-199

Ms. Weinstein moved to dismiss the complaint upon receipt of documentation that the physician completed the course referenced in her response to the complaint. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complains the physician discharged her from the practice due to the patient questioning the physician's judgment. Review of the records reveal reasonable care however, overuse of the patient portal to relay this information. A telephone or in person conversation would have been more appropriate however the patient felt she and the physician never "clicked" from the beginning (three years prior). The portal encounters became challenging, and the physician recognized the physician/patient relationship was no longer therapeutic with a different perception of boundaries. The patient is also a health care provider. The physician referred the patient to another provider although prior to this event, the patient had inquired to transfer her care with a release of information.

The physician recognized and reflected on the portal message and phoned the patient to "clear the air" and speak openly. The conversation ended on a good note. The complaint was filed the following day.

The physician felt she learned from this experience yet could benefit from a course offered by the PACE Program on clinician/ patient communication which she

represented in her response that she planned to register for this past January. This was proactive and good judgment. These were difficult encounters however the physician recognizes what could have been more helpful and appropriate at the time.

17. CR22-205

Dr. Fay-Leblanc moved to dismiss the complaint. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient was upset with his care, specifically being prescribed a controlled medication which he believed to be a narcotic. The patient became angry during the visit and the provider felt unsafe. The provider ended the visit and asked the patient to leave. The patient was verbally abusive and physically violent (slamming doors) on his way out of the office. The office let the primary care provider know that the patient could no longer receive care at their office and the patient would need to be referred to a different neurology office. Medication refills were provided to the patient after this incident. Clinical care was appropriate.

18. CR22-210

Ms. Weinstein moved to dismiss the complaint. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complains the licensee did not return phone calls or schedule the patient to be seen within twenty-four hours of an emergency department visit. Review of the records reveals timely returned phone calls with a scheduled office visit in a reasonable timeframe per the emergency department notes as the patient had

a complete workup while in the emergency department. The patient called the office yelling and advised them she was leaving the practice. Acceptable care was provided.

19. CR22-222 Seleipiri Iboroma Seddon Akobo, M.D.

Dr. Fanjoy moved to dismiss the complaint with a letter of guidance. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complaint was filed by a patient whom the physician treated following her admission to a hospital. The patient alleged that the discharge summary of her hospitalization included certain medical recommendations that the physician never discussed with her during her hospitalization and were not included in the discharge instructions she was provided. The physician responded to the complaint and explained her care and treatment. The Board's investigation included a review of the patient's medical records, including discharge documentation.

The guidance is as follows: Effective physician-patient communication is vital to the physician-patient relationship. Patients are entitled to be informed about all aspects of their care. Physicians should be transparent with patients about and disclose any medical concerns with the patients, unless disclosure would be detrimental to the patients, and document those concerns in the medical record. In addition, direct communication with patients' primary care providers regarding medical concerns would facilitate follow up evaluation and care.

Continuing medical education courses on the subject of clinician-patient communications are readily available and assist in improving outcomes. All licensees are encouraged to enroll in such a course and receive the benefits.

20. CR22-223

Mr. Blessington moved to dismiss the complaint. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For

Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complainant was a 66-year-old female referred to a gastroenterology office by her primary care provider after experiencing many months of diarrhea and weight loss following a Covid infection. She complained the licensee neglected to return any of her calls. She thought the office staff was unprofessional and unhelpful. Review of the records show the office relayed her lab results in a timely manner and made multiple good faith attempts to call and help her. The records demonstrate the physician and her office staff conducted themselves professionally and acted in the patient's best interest.

21. CR23-9

Ms. Weinstein moved to investigate further and request that the physician respond to questions from the Board and provide additional documentation and medical records. Dr. Waddell seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

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V. Assessment and Direction

29. AD22-94

Dr. Fay-Leblanc moved to close the matter with no further action. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 1 recused.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: Recused
Dr. Waddell: For
Ms. Weinstein: For

30. AD22-218 George M. Charron, M.D.

Dr. Fanjoy moved to close with matter with the issuance of a letter of guidance. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The Board initiated the investigation as a result of a medical malpractice settlement made on the physician's behalf for alleged delay in treatment that led to the below-the-knee amputation of the patient's leg. The Board's investigation included obtaining an outside expert review of the care and treatment the physician provided to the patient.

The guidance is as follows: When the soft tissues were not amenable to an open internal fixation procedure, the medical records do not indicate a plan to convert to a circular or multiplanar frame which would provide definitive fracture stabilization. If you or the facility did not have this capability, then an earlier referral to a tertiary center with orthopedic and plastic surgery trauma expertise is recommended.

Ultimately, this fracture pattern is an exceptionally complex and challenging one for orthopedic surgeons both from the bony as well as soft tissue components. Recognition of

that complexity, developing an immediate and long-term plan and strategy, communicating with tertiary referral centers, conducting a timely handoff are all prudent steps when taking care of such highly complex injuries.

31. AD23-23

Dr. Nesen moved to issue a complaint (**CR23-65**), obtain five additional patient medical records, and obtain an expert medical review. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesen: For
Dr. Waddell: For
Ms. Weinstein: For

32. AD23-24

Dr. Nesen moved to issue a complaint (**CR23-66**), obtain five additional patient medical records, and obtain an expert medical review. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesen: For
Dr. Waddell: For
Ms. Weinstein: For

33. AD23-36

Dr. Fanjoy moved to issue a complaint (**CR23-67**) and obtain an expert review. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesen: For

Dr. Waddell: For
Ms. Weinstein: For

34. AD23-46

Dr. Waddell moved to offer the physician a consent agreement requiring that he comply with all elements of the California Order, surrender his license while not under investigation or issue a complaint if he does not choose either option. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: For
Dr. Waddell: For
Ms. Weinstein: For

35. Pending Adjudicatory Hearings and Informal Conferences Report

This material was presented for informational purposes. No Board action was required.

36. Consumer Assistance Specialist Feedback

This material was presented for informational purposes. No Board action was required.

VI. Informal Conference 1:00 p.m.

A. CR20-208

At 1:07 p.m. Dr. Negin moved to enter executive session pursuant to 32 M.R.S. § 3282-A(1) to conduct an informal conference. Mr. Blessington seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Negin: For
Dr. Waddell: For
Ms. Weinstein: For

At 2:26 p.m. Dr. Nesin moved to come out of executive session. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

Dr. Nesin moved to table the matter. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

VII. Minutes for Approval

Ms. Weinstein moved to approve the minutes of the March 14, 2023, meeting. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

VIII. Consent Agreement Monitoring

A. Monitoring Reports

1. CR20-231 Emily C. Kumagae, P.A.

Dr. Nessin moved to approve Ms. Kumagae's request to terminate her consent agreement. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nessin: For
Dr. Waddell: For
Ms. Weinstein: For

2. CR21-33 James F. Gillen, P.A.

Dr. Fanjoy moved to approve Mr. Gillen's request to terminate his consent agreement. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 1 recused.

Mr. Ross: Recused
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nessin: For
Dr. Waddell: For
Ms. Weinstein: For

3. Intentionally left blank

IX. Adjudicatory Hearing (none)

X. Remarks of Chair (none)

XI. Remarks of Executive Director

Mr. Smith informed the Board that staff are in the process of hiring a Medical Director.

XII. Assistant Executive Director's Report

The Board reviewed Mr. Terranova's written report.

A. Travel Request for Approval

Dr. Nesin moved to approve Ms. Weinstein's request to attend the Federation of Associations of Regulatory Boards (FARB) Innovations in Regulation conference in July. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

XIII. Medical Director's Report (none)

XIV. Remarks of Assistant Attorney General

A. Litigation Update

At 12:45 p.m. Ms. Weinstein moved to enter executive session pursuant to 1 M.R.S. §405(6)(E) to consult and seek legal advice regarding pending litigation. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

At 12:55 p.m. Dr. Fay-Leblanc moved to come out of executive session. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For

Dr. Waddell: For
Ms. Weinstein: For

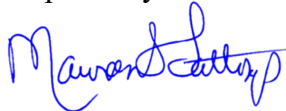
- XV. Rulemaking (none)**
- XVI. Policy Review (none)**
- XVII. Requests for Guidance (none)**
- XVIII. Board Correspondence (none)**
- XIX. FSMB Material (none)**
- XX. FYI (none)**
- XXI. Other Business (none)**
- XXII. Adjournment 2:31 p.m.**

At 2:31 p.m. Dr. Fay-Leblanc moved to adjourn the meeting. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

Respectfully submitted,



Maureen S. Lathrop
Administrative Assistant

Dear Mr. Smith,

In accordance with the “Board Member Remote Participation Policy” adopted by the Board on January 10, 2023, I am directing that the April 11, 2023, meeting of the Board be conducted virtually through exclusively remote participation pursuant to Section 2(A) of that policy. In support of this directive, I have determined that, based on the following circumstances, there exists an emergency or urgent situation which, pursuant to the policy, requires the Board to meet by entirely remote methods on April 11, 2023:

1. The Secretary of the U.S. Department of Health and Human Services first proclaimed on January 31, 2020, and most recently renewed on February 28, 2022, the nationwide public health emergency (PHE) due to the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic.
(<https://aspr.hhs.gov/legal/PHE/Pages/default.aspx>)
2. The Commissioner of the Maine Department of Health and Human Services declared on July 1, 2021, a health emergency due to the continued consequences of the COVID-19 pandemic, which shall remain in effect through the duration of the PHE declared by the Secretary of the U.S. Department of Health and Human Services.
(<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Public%20Health%20Emergency%20Declaration%206-30-21.pdf>)
3. The acting Secretary of the U.S. Department of Health and Human Services wrote a letter to all Governors on January 22, 2021 stating, “To assure you of our commitment to the ongoing response, we have determined that the PHE will likely remain in place for the entirety of 2021, and when a decision is made to terminate the declaration or let it expire, HHS will provide states with 60 days' notice prior to its termination.”
(<https://ccf.georgetown.edu/wp-content/uploads/2021/01/Public-Health-Emergency-Message-to-Governors.pdf>)
4. Efforts to combat the pandemic continue in Maine where, as of March 28, 2023, 320,678 residents have been infected (228,383 confirmed and 92,295 probable), 7,276 residents have been hospitalized with the virus, and 2,972 people have died from the virus since January 2020. (<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>)
5. As of March 28, 2023, the number of new COVID-19 infections in the State of Maine as confirmed by testing brings the seven-day average of new cases in the State to 111; the number of new cases (confirmed and probable) statewide is 665; the number of current hospitalizations is 138 (with 16 in critical care); the number of validated vaccine breakthrough cases is 190,741; the total number of deaths is 2,972.
(<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>)
6. Viruses like SARS-CoV-2 continuously evolve. The Omicron variant of SARS-CoV-2 (including B.1.1.529, BA.1, BA.1.1, BA.2, BA.3, BA.4 and BA.5 lineages) is currently

classified as a Variant of Concern. As of March 28, 2023, the Omicron variant represents 100 percent of all sequenced samples collected in Maine.

7. As of March 28, 2023, 11 of Maine's counties are in the “low”, 5 counties are in the “medium,” and 0 counties are in the “high” transmission category as defined by the U.S. Centers for Disease Control and Prevention.
(https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=Maine&data-type=CommunityLevels)
8. Seven of the Boards’ members (5 physicians and 2 physician assistants) are actively practicing medicine or rendering medical services and are potentially exposed to the COVID-19 virus while seeing and treating patients at medical facilities, including hospitals, despite taking precautionary measures.
9. An in-person meeting of the Board is foreseeably likely to result in an increased risk of exposure to the COVID-19 virus, which has an incubation period of 2-14 days before the onset of symptoms, for members of the Board, its staff, licensees, and members of the public.
10. Conducting an in-person Board meeting on April 11, 2023, is not practicable due to the widespread persistence in COVID-19 infections and the continued threat of exposure of the COVID-19 virus to Board members and to members of the public. Therefore, I have determined that there is an emergency such that the April 11, 2023, Board meeting shall be held entirely remotely as the best way to protect the safety and wellbeing of the members of the Board, its staff, licensees, and members of the public.

There will be no physical location where members of the public may attend this meeting. The Board will continue to provide members of the public a meaningful opportunity to attend the meeting remotely via Zoom as it has successfully done since April of 2020. Please post this determination to the Board website and update the agenda to include the Zoom information as soon as possible.

Maroulla S. Gleaton, MD
Chair, Maine Board of Licensure in Medicine