

Board of Licensure in Medicine
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August 12, 2024

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**Maine Board of Licensure in Medicine
Minutes of August 12, 2024
1:00 p.m. – 4:05 p.m.**

Board Members Present: Chair Maroulla S. Gleaton, M.D.; Holly Fanjoy, M.D.; David H. Flaherty, P.A.; Noah Nesin, M.D.; Brad Waddell, M.D.; and Public Member Lynne M. Weinstein

Board Members Absent: Secretary Christopher R. Ross, P.A.; Renee M. Fay-LeBlanc, M.D.; Public Member Gregory Jamison, RPh; Anthony T. Ng, M.D.; Public Member Jonathan Sahrbeck

Board Staff Present: Executive Director Timothy E. Terranova; Assistant Executive Director Valerie Hunt; Medical Director Paul N. Smith, M.D.; Complaint Coordinator Kelly McLaughlin; Consumer Assistance Specialist Faith McLaughlin; Secretary Nathan Fitts; Administrative Assistant Maureen S. Lathrop; Licensing Specialist Tracy Morrison; and Licensing Specialist Savannah Okoronkwo

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 November 14, 2023, the Board Chair directed that the August 12, 2024, meeting of the Board be conducted through remote participation of all Board members pursuant to Section 2(F) 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

None

RECESSES

None

I. Call to Order

Dr. Gleaton called the meeting to order at 1:00 p.m.

A. Introduction of New Board Member, New Staff Member and New Assistant Attorney General

The new Board member introduced himself. Mr. Flaherty is a physician assistant practicing in Dover-Foxcroft.

The new Assistant Executive Director introduced herself. Ms. Hunt has a mental health and human services background.

AAG Andrew Black introduced AAG Jennifer Willis who will be the Board's legal counsel following AAG Miller's retirement later this year.

B. Amendments to Agenda (none)

C. Scheduled Agenda Items (none)

II. Licensing

A. Applications for Individual Consideration

1. Initial Applications (none)

2. Reinstatement Applications (none)

3. Renewal Applications (none)

4. Requests to Convert to Active Status (none)

5. Requests to Withdraw License/License Application (none)

6. Requests for Collaborative/Practice Agreements

a. Nathan N. Banks, P.A.

Dr. Fanjoy moved to approve Mr. Banks' practice agreement. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

b. Amy P. Corey, P.A.

Dr. Fanjoy moved to table the matter and request that the collaborating physician provide specific information regarding her training for aesthetic procedures and complications. Mr. Flaherty seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For

Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

c. Callie O. McMahon, P.A.

Ms. Weinstein moved to approve Ms. McMahon's practice agreement. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: 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

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

F. Complaint Status Report

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

III. Board Orders/Consent Agreements/Resolution Documents for Review (none)

IV. Complaints

1. CR23-163 Richard M. Naimark, M.D.

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The Board-issued complaint arose from concerns regarding the physician's prescribing practices for controlled substances. The physician responded to the complaint and explained his prescribing practices and the care provided to certain patients and included several practice improvement processes being undertaken as a result of the complaint.

The guidance is as follows:

- a) It is prudent to prescribe controlled substances in multiples of seven-day supplies in order to avoid prescriptions coming due on weekends, which may result in early refills.
- b) Clinicians should clearly document the rationale and functional benefit of using doses of controlled substances that are higher than usual care.
- c) Clinicians should clearly document the rationale and functional benefit of prescribing concurrent medications that are not the usual standard of care and may have conflicting clinical effects.
- d) You are requested and encouraged to follow through on implementing all practice improvement processes that were identified.

2. CR23-200

Dr. Nesin moved to offer the physician a consent agreement requiring a Board-approved practice monitor to review ten medical charts per month and provide quarterly reports to the Board for a minimum of two years and require the physician to have a CPEP evaluation the cost of which will be paid by the Board with a repayment schedule to be incorporated into the consent agreement. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

3. ~~CR23-275~~ (not discussed)
4. ~~CR24-9~~ (not discussed)
5. CR24-12

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A pharmacist complained about the prescribing practices of a pediatrician using a telehealth platform to treat patients. Review of the medical records reveals standard of care was met in treatment and prescribing practices.

6. CR24-14 Damien W. Carter, M.D.

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient submitted a complaint alleging a delay in diagnosis after an abdominal mass identified as an incidental finding in hospital imaging after a traumatic event was not followed up on or communicated to the patient. The mass was identified several years later as ovarian cancer. In his response to the complaint, the physician explained that an incidental finding that is not immediately life threatening is typically documented in the chart and included in the discharge summary. In response to Board questions, the physician explained that incidental findings are typically carried through various elements of the medical record, and he recognized opportunities for improvement in the process utilized.

The guidance is as follows:

It is important that clinicians made aware of incidental findings during a patient's workup should ensure that those findings are appropriately documented and communicated to the patient and any provider, such as the patient's primary care provider, who would normally be tasked with determining appropriate next steps regarding the incidental finding. All summary documentation in the medical record should contain such findings.

7. ~~CR24-38~~ (not discussed)

8. CR24-56

Dr. Gleaton moved to dismiss the complaint and send the physician a copy of the Board's Communicating with Patients' Guidelines. Mr. Flaherty seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complains about the care he received by a board-certified anesthesiologist who saw the patient for a one-time pain management consultation. Review of the records reveals appropriate evaluation and recommendations but an agitated, unhappy patient who expected procedural intervention for his chronic pain issues. The patient was also very disappointed to be unable to gain disability status he felt due to the physician's evaluation. Unfortunately, the patient was dismissed for threatening behavior towards the physician including a police protection order for harassment. The physician explains he has learned from this encounter and endeavors to improve his communication skills.

9. CR24-71

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complainant is a patient who alleges the licensee was rude and unprofessional. She was seen in the emergency department for a skin rash with concerns for an acute allergic reaction. The patient claims the licensee was dismissive and made her feel uncomfortable and did not help her. The licensee responds that he treated her with respect and prescribed medications for a potential allergic reaction despite the reassuring physical exam and nonspecific skin findings. The medical records corroborate the appropriate care rendered by the licensee. The licensee's response was respectful and apologetic for the patient's experience, and treatment was within the standard of care.

10. CR24-84

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complained about the care he received by an ophthalmologist with retinal fellowship training. He developed an inferior retinal tear of several months duration and was evaluated and laser repaired appropriately. He complained the procedure was painful and the physician was rude and condescending. The records support uneventful well tolerated treatment and fully informed consent.

Additionally, when the patient received notice by collections for unpaid bills, there were other patients bills in the envelope. The physician's practice immediately apologized, contacted the correct authorities and supported the individuals involved to mitigate complications from the error.

11. CR24-86

Dr. Nesin moved to investigate further and request that the physician respond to questions from the Board. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

12. CR24-96

Dr. Fanjoy moved to dismiss the complaint. Ms. Weinstein seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complainant is a patient who alleges the licensee was rude and unprofessional. She was seen in the emergency department for two weeks of nontraumatic calf pain. The patient claims the licensee was yelling at her, did not listen to her and did not perform a physical exam. The licensee responds that he felt that the patient sustained a musculoskeletal injury and that he considered a broad differential diagnosis. He recommended that a DVT scan be performed the following day. The patient became angry and was not happy with the diagnosis and plan and therefore left the emergency department. The licensee's response was respectful and apologetic for the patient's experience. The medical records corroborate the appropriate evaluation and treatment of the patient.

13. CR24-97

Dr. Nesin moved to table the matter. Mr. Flaherty seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

14. CR24-100

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A family member complains the physician accessed her child’s electronic medical record and was not the child’s physician. The physician acknowledged this error and explained in detail how this could have occurred. The physician was investigated by his entity and guidance was issued. Additionally, the physician has taken measures to reeducate himself on HIPAA (Health Insurance Portability and Accountability Act) training and will utilize this training in his practice with other providers.

15. CR24-104

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complainant asserts that in carrying out a hysteroscopy for removal of a retained IUD fragment the licensee failed to spend enough time searching for the fragment and that although the licensee documented that a small fragment of plastic was removed, this was not communicated to the complainant and was inappropriately discarded, rather than being sent for pathological examination.

The licensee’s response and medical records indicate appropriate medical care and decision making, though it may have been prudent to discuss the small fragment which was removed with the complainant.

16. CR24-105

Dr. Nesin moved to table the matter. Mr. Flaherty seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

17. CR24-139

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient alleges that he was inappropriately denied pain medications and that the resultant high blood pressure was not managed properly. The licensee explains the rationale for not prescribing the opioid medications demanded by the patient and acknowledges the opportunity for better documentation regarding the patient's blood pressure. The licensee also explained the rationale for terminating his relationship with the patient.

18. CR24-102

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient makes a number of complaints alleging unprofessional and/or uncompassionate care during her hospitalization. Many of the complaints were related to issues beyond the control of the licensee (or any physician) – e.g. unavailability of a private room. Review of the complaint, response, rebuttal and medical records demonstrates that the licensee was mistaken for another physician in this complaint – which the complainant has acknowledged. Review also demonstrates that the licensee provided excellent clinical care to the patient.

19. CR24-146

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For

Ms. Weinstein: For

MOTION: The patient makes several complaints alleging unprofessional and/or uncompassionate care. Many of the complaints involve issues beyond the control of the licensee such as availability of a private room, etc. Review of the complaint, response, rebuttal and medical records, including documentation from the attending physician and a letter of support from the residency program director, suggests that the licensee provided timely and clinically appropriate care in a professional manner.

20. CR24-141

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complained about the competency of a board-certified radiologist who did not see pulmonary emboli when reading an emergent CT angiogram of the chest. The patient presented to the emergency room with symptoms not typical of pulmonary emboli and a CT of the chest, abdomen and pelvis were ordered to rule out aortic dissection. The radiologist retrospectively saw the pulmonary emboli in the right lower lobe of the lungs of the patient. He is sorry for missing this on initial reading and endeavors to proceed more carefully with his future professional work. Review of the information does not reveal a pattern of incompetency by this licensee and the delay in diagnosis did not harm the patient, thankfully.

21. CR24-144

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The daughter of an elderly patient with gait instability and cirrhosis of the liver complains her father was discharged from the hospital without her knowledge and she did not have the opportunity to review the discharge notes or plan. She was unhappy

with the diagnosis of alcohol abuse and feels it was merely speculation. The discharge note has been amended to eliminate the word “abuse” however, portions of the note remain as per medical records and direct communication with the patient and his consumption of alcohol. Appropriate documentation and care provided.

22. Intentionally left blank

23. Intentionally left blank

V. Assessment and Direction

24. AD24-57(not discussed)

25. AD24-67

Dr. Waddell moved to investigate further. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Mr. Flaherty:	For
Dr. Nesin:	For
Dr. Waddell:	For
Ms. Weinstein:	For

26. AD24-113

Dr. Fanjoy moved to issue a complaint (**CR24-200**), direct that the physician undergo a §3286 evaluation at Vanderbilt or other Board-approved entity and request that he voluntarily convert his license to inactive status pending resolution of the matter. Dr. Waddell seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Mr. Flaherty:	For
Dr. Nesin:	For
Dr. Waddell:	For
Ms. Weinstein:	For

27. AD24-147

Dr. Waddell moved to issue a complaint (**CR24-197**), request that the physician voluntarily convert his license to inactive status within 48 hours pending resolution of the matter and to issue an order of immediate suspension if he opts not to convert his license and authorize AAG Miller to negotiate an interim consent agreement for continued suspension of license

until resolution of the matter. Alternatively, offer the physician a consent agreement for permanent surrender of license. In addition, direct that the physician undergo a §3286 evaluation at Vanderbilt or other Board-approved entity unless he opts to surrender his license. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Mr. Flaherty:	For
Dr. Negin:	For
Dr. Waddell:	For
Ms. Weinstein:	For

28. Intentionally left blank

29. Pending Adjudicatory Hearings and Informal Conferences Report

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

30. Consumer Assistance Specialist Feedback

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

VI. Informal Conference (none)

VII. Minutes for Approval

A. July 8, 2024

Ms. Weinstein moved to approve the minutes of the July 8th meeting. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed 5 in favor, 1 abstained.

Dr. Gleaton:	For
Dr. Fanjoy:	For
Mr. Flaherty:	Abstained
Dr. Negin:	For
Dr. Waddell:	For
Ms. Weinstein:	For

B. July 9, 2024

Dr. Negin moved to approve the minutes of the July 9th meeting. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed 4 in favor, 2 abstained.

Dr. Gleaton: Abstained
Dr. Fanjoy: For
Mr. Flaherty: Abstained
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

VIII. Consent Agreement Monitoring

A. Monitoring Reports

1. Stacey L. Anderson, M.D.

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

2. Amanda E. Buzzell, P.A.

The Board reconsidered this matter and Ms. Weinstein moved to withdraw the Board's vote terminating the consent agreement and to offer Ms. Buzzell a consent agreement amendment requiring Board-approval of her practice location which must include the ability for the employing entity to produce compliance reports regarding chart completion and direct that Ms. Buzzell undergo a §3286 psychiatric and substance misuse evaluation. Alternatively, offer her a consent agreement for voluntary surrender of license. Mr. Flaherty seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Mr. Flaherty: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

3. Anthony Perrone, M.D.

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

IX. Adjudicatory Hearing (none)

X. Remarks of Chair

Dr. Gleaton informed the Board that the FSMB will begin a campaign to raise public awareness of medical regulation and the role of state medical boards.

XI. Remarks of Executive Director

Mr. Terranova gave the Board an update on the budget.

Mr. Terranova recognized Tracy Morrison for receiving certification as a Certified Medical Board Licensing Specialist.

A. FSMB Policy Implementation Workshop

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

B. FSMB Training

Mr. Terranova informed the Board that the FSMB is offering a New Board Member Training program designed to support and educate new members of state medical boards regarding their roles and responsibilities.

C. Board of Optometry Rulemaking

Following review of a proposed rule and on advice of the Board's legal counsel, the Board directed staff to submit a comment on the rule noting that there is no statutory authority for the glaucoma consultation subcommittee or for the Board of Optometry to impose a requirement that BOLIM appoint members to the subcommittee.

XII. Assistant Executive Director's Report (none)

XIII. Medical Director's Report (none)

XIV. Remarks of Assistant Attorney General

AAG Miller provided the Board with an update regarding pending litigation.

XV. Rulemaking (none)

XVI. Policy Review (none)

XVII. FSMB Material (none)

XVIII. FYI

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

XIX. Other Business (none)

XX. Adjournment 4:05 p.m.

At 4:05 p.m. Dr. Waddell moved to adjourn the meeting. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Mr. Flaherty:	For
Dr. Nesin:	For
Dr. Waddell:	For
Ms. Weinstein:	For

Respectfully submitted,



Maureen S. Lathrop
Administrative Assistant



Janet T. Mills
GOVERNOR

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE
137 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0137

Maroulla S. Gleaton, MD
CHAIR

Timothy E. Terranova
EXECUTIVE DIRECTOR

In accordance with the “Board Member Remote Participation Policy” adopted by the Board on November 14, 2023, I have approved all Board members to participate remotely for the August 12, 2024, meeting of the Board pursuant to Section 2(F) of that policy.

Members of the public may attend this meeting in-person at the Board’s Offices at 161 Capitol St, Augusta, Maine. The Board will also continue to provide members of the public with a meaningful opportunity to attend the meeting remotely via Zoom. Please post this approval to the Board website and update the agenda to include the Zoom information as soon as possible.

Maroulla S. Gleaton, M.D.
Chair, Board of Licensure in Medicine

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