

## **[Healing Together: Supporting Victims and Families of the Tragedy in Lewiston](#)**

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# Fall 2023 Newsletter - November 30, 2023

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## FROM THE CHAIR

### Post Trauma and Everyday Self-Care

*Maroulla S. Gleaton, M.D., Chair*

As Maine recovers from the recent devastating act of violence, BOLIM would like to acknowledge the efforts of all the medical and healthcare professionals who reacted quickly and provided care to the victims.

The full effects of this trauma may not be instantly visible, and healing will be slow. As medical professionals provide continued care and support, BOLIM encourages medical professionals to take care of themselves as well. As medical professionals, you are trained to compartmentalize and proceed with the task at hand. However, you are also human and need time to process the events that have occurred.

Help is available for medical professionals, whether it be from a trauma, such as we just witnessed, or from the day-to-day experiences in modern medicine. If you are feeling overwhelmed or just need someone to talk to please reach out. You can contact your own medical providers, use the resources provided by many of the health systems and employers in the state, or reach out to services in the state such as the Medical Professionals Health Program (MPHP) <https://www.mainemphp.org/about-mphp.html>. MPHP, which is supported by several licensing boards, can serve as a resource to help find qualified care in your geographic area.

Self-care is important for your community, your patients, and, most importantly, for yourself.

## WHAT EVERYONE SHOULD KNOW

### A Guide for Closing a Medical Practice

The Board has received several complaints regarding both the lack of notice of a medical practice closure as well as patients' inability to obtain a copy of their medical record after their physician or physician assistant retires, moves, or changes employment. These are only a couple of the many issues involved in closing a medical practice. In 2015 the Maine Medical Association published the "Physician's Guide to Closing A Medical Practice" at <https://www.mainemed.com/sites/default/files/content/Closing%20Practice%20Guide%20FINAL%206.2014.pdf>. It is a thorough account of the issues that should be considered well before a practice closes. There are several resources available on the internet as well, such as the American College of Physicians "Closing a Practice Checklist" at [https://www.acponline.org/sites/default/files/documents/running\\_practice/practice\\_management/tools/closing-practice.pdf](https://www.acponline.org/sites/default/files/documents/running_practice/practice_management/tools/closing-practice.pdf). Some physicians will also consult an attorney, especially when dealing with the dissolution of the business end of the practice.

For some people, losing their doctor or other medical care provider can be very stressful. Complaints of patient abandonment or neglect can be avoided by giving patients sufficient notice of the practice closure. Approximately ninety days is suggested whenever possible. Each patient should receive a letter and notices should appear in local newspapers at least three times over a few months or more. Approximately sixty days prior to closure, patients who require frequent follow-up should be referred to other providers, and patients with acute medical problems should have appropriate follow-up arranged.

Physicians and physician assistants should be aware of the ethical and legal obligations associated with closing a practice, including the obligation to provide a copy of medical records to patients or to patients' new providers. Patients should be informed in writing and through notice(s) placed on a website or in a newspaper regarding how to obtain a copy of their medical records. Historically, physicians have not typically charged for this service, but you may do so in accordance with applicable law. Physicians and physician assistants should not withhold records due to a patient's inability to pay.

Medical records retention, storage, retrieval, and disposal are extremely important to prepare for. Risk of future liability, physical damage, and breach of privacy must be considered, as penalties exist for failure to appropriately retain and/or protect such records.

Retirement should be a time of rejuvenation. Thorough preparation for a practice closure can help prevent possible headaches and or formal complaints from interrupting your new adventures.

### Private Licensing Agencies - A Cautionary Tale

As physicians and physician assistants start to obtain more state licenses and become more involved in telehealth, there is an increasing trend in the use of private licensing agencies. These are agencies

that help professionals apply for and maintain multiple licenses. There are many of these agencies and they provide varying levels of services.

BOLIM urges its licensees to use caution when contracting with these agencies and what they allow these agencies to do. Some recent BOLIM experiences include:

- Applicants not being aware that the agency applied for a Maine license on their behalf
- Agencies creating and submitting email addresses, so that all correspondence goes to the agency instead of the applicant/licensee
- Submission of documents with an attestation by the applicant/licensee that the applicant/licensee has never seen, and
- Jurisprudence exams being completed and submitted by the agency instead of the applicant/licensee.

The applicant/licensee is responsible for all documents submitted to the Board. If certain documents, especially those requiring attestation by the applicant/licensee, are submitted without the knowledge of the applicant/licensee it could be considered fraud, deceit, or misrepresentation in obtaining a license. In addition, failure to respond to BOLIM requests because all notices go to the agency-created contact is not an excuse and will not eliminate licensee or applicant responsibility for the failure to respond which could be considered unprofessional conduct.

BOLIM has issued complaints against licensees for receipt of falsely submitted documentation and failure to respond to requests for information or records. Unfortunately, the trend seems to be increasing. Here are three simple steps to ensure that you do not experience these issues:

- When signing up with an agency be clear about what the agency can and can't do on your behalf and your expectations of the agency
- Provide an email address that reaches you directly. Do not allow BOLIM notices to go to others on your behalf, and
- When you applied for licensure, you received a username and password to log into your profile. Never give access to your profile to anyone. Access to the profile allows others to change your contact information and submit documents in your name.

These simple steps will help safeguard your information and prevent Board actions against your license based on the conduct of private licensing agency staff.

## **Maine Office of Behavioral Health and OPTIONS Liaisons: A Bridge to Community Services for Patients Who Use Substances**

Substance use disorders are chronic conditions with no one-size-fits all response. The Maine Office of Behavioral Health has funded a unique model to help people who use substances, and loved ones, find resources for harm reduction, essential services, treatment and recovery: Overdose Prevention Through Intensive Outreach Naloxone and Safety (OPTIONS).

OPTIONS Liaisons, working in each county in Maine, are licensed behavioral health clinicians and a judgment-free point of contact for patients struggling with substance use and their loved ones. Liaisons are contracted through the following providers: [Tri County Mental Health Services](#), [Aroostook Mental Health Services \(AMHC\)](#), [Oxford County Mental Health Services](#) and [Sweetser](#).

In addition to helping people navigate services, Liaisons assist people to meet basic needs; de-escalate behavioral health crises and provide short-term therapeutic interventions; provide naloxone training and distribution; and conduct community outreach and education.

- Download the [OPTIONS Liaison Clinician Fact Sheet](#) for guidance for healthcare providers on how to refer patients to the Liaison in their area.
- View and share video: [Know Your Patients' OPTIONS in Maine: Refer to Your Local OPTIONS Liaison](#)

Liaisons are a bridge to a variety of services and resources, and can continue to follow up with people to offer support and guidance. If you have a patient who is interested in support related to substance use, offer to fill out the Liaison referral form together during your visit. It only takes about one minute to complete online. Referral links and all contact information can be found at [KnowYourOptions.ME/options-liaisons/](https://www.knowyouroptionsme.com/options-liaisons/). Patients can also call 2-1-1 to get Liaison contact information and other behavioral health resources.

### What else can clinicians do?

- Download our two-page [OPTIONS Liaison Clinician Fact Sheet](#) to share with your practice
- Get materials for your office at [KnowYourOptions.ME/options-partner-toolkit/](https://www.knowyouroptionsme.com/options-partner-toolkit/)
- Join the [OPTIONS email list](#) to hear of campaign updates and opportunities.
- Follow us on the [OPTIONS LinkedIn](#) page.
- Follow us on [Instagram: @knowyouroptionsme](https://www.instagram.com/knowyouroptionsme) and [Facebook.com/knowyouroptionsme](https://www.facebook.com/knowyouroptionsme)

## ADVERSE ACTIONS

### Adverse Actions

In 2022 the Board reviewed approximately 300 complaints and investigative reports – an average of 25 per meeting. While the number of complaints received by the Board remains consistently large, the number of complaints that result in adverse action is quite small. In most cases, the conduct resulting in adverse action is egregious or repeated or both.

The Board's complaint process is relatively straight-forward. FAQs about the complaint process are available on the Board's website: <https://www.maine.gov/md/complaint/discipline-faq>. Brochures regarding the complaint process are also available on the Board's website: <https://www.maine.gov/md/resources/forms>.

Upon receipt of a complaint, it is forwarded to the licensee for a written response and a copy of the medical records. In general, the licensee's response is shared with the complainant, who may submit a reply. The Board reviews the complaint file once completed, and may take any of the following actions:

- Dismiss
- Dismiss and issue a letter of guidance
- Further investigate
- Invite the licensee to an informal conference
- Schedule an adjudicatory hearing

The following adverse actions are being reported for the purpose of educating licensees regarding ethical and/or legal issues that can lead to discipline, and to inform licensees of any limitations or restrictions imposed upon scope of practice.

**Sean Kevin-Charles Closs, M.D., License #MD25874 (Date of Action 09/22/2023)** On September 22, 2023, the Board of Licensure in Medicine and Dr. Closs entered into a Consent Agreement for unprofessional conduct. The consent agreement requires Dr. Closs to engage in individual psychotherapy with an approved licensed psychologist with reports to the Board for a period of at least one year and to engage an approved speech-language pathologist for at least six months to improve communication skills with reports to the Board.

**Jordan Adam Breau, P.A., License #PA2488 (Date of Action 09/22/2023)** Effective September 22, 2023, Mr. Breau and the Board entered into a Consent Agreement for Licensure requiring that Mr. Breau comply with all terms of the reentry to practice plan.

**Milos Sinik, M.D., License #MD2664 (Date of Action 09/22/2023)** On September 22, 2023, the Board of Licensure in Medicine entered into a First Amendment to Consent Agreement for Licensure amending compliance deadlines and reporting requirements contained in paragraphs 5(a), 5(b), and 5(c), amending paragraph 6 to reflect that the license shall issue upon compliance with certain initial requirements, and inserting standard compliance paragraphs 7A, 7B, and 7C.

**Scott M. Davis, M.D., License #MD 18688 (Date of Action 09/20/2023)** On September 20, 2023, Dr. Davis and the Board of Licensure in Medicine entered into an Interim Consent Agreement continuing the partial suspension of Dr. Davis's license providing that he shall not prescribe controlled substances to any new patients until such time as the Board takes further action regarding this matter.

**Scott M. Davis, M.D., License #MD 18688 (Date of Action 09/12/2023)** On September 12, 2023, the Board issued an Order of Immediate Partial Suspension ("Order") suspending Dr. Davis's ability to prescribe controlled substances to new patients effective immediately upon issuance of the Order for a thirty (30) day period ending on October 12, 2023, at 11:59 p.m. The Order is based upon a preliminarily finding that the continued ability of Dr. Davis to practice as a physician in the State of Maine without a restriction on his ability to prescribe controlled substances to new patients constituted an immediate jeopardy to the health and safety of the public who might receive his services and that suspension was necessary pending the scheduling of an adjudicatory hearing.

**Milos Sinik, M.D., License #26644 (Date of Action 08/09/2023)** On August 9, 2023, Milos Sinik, M.D. and the Board entered into a Consent Agreement for Licensure requiring that Dr. Sinik enroll in a behavioral monitoring agreement for at least one year, engage in individual psychotherapy, and engage a physician mentor who will provide quarterly reports to the Board.

**Bernard H. Perlman, M.D., License #18122 (Date of Action 08/09/2023)** On August 9, 2023, Bernard H. Perlman, M.D., and the Board entered into a Consent Agreement for unprofessional conduct and violation of Board rules regarding the use of controlled substances for the treatment of pain. The Consent Agreement imposes practice restrictions and practice requirements related to opioid and benzodiazepine prescribing, requires compliance with Board rules, and requires continuing medical education courses on medical recordkeeping and the prescribing and management of controlled substances. The Consent Agreement imposes a probation for at least twelve (12) months during which Dr. Perlman may not prescribe any controlled substances to any patient in Maine without having engaged a Board-approved Physician or Entity Expert Reviewer to provide regular ongoing expert reviews of all patients prescribed opioids, benzodiazepines, and stimulants, who will provide monthly reports to the Board and make recommendations for patient care and controlled substance prescribing that Dr. Perlman must comply with.

**Scott William Smith, M.D., License #MD25162 (Date of Action 07/31/2023)** On July 31, 2023, Dr. Smith agreed to a permanent surrender of his Maine medical license while under investigation for inappropriate prescribing of controlled substances and violation of Board rules.

**Scott William Smith, M.D., License #MD25162 (Date of Action 07/20/2023)** On July 20, 2023, the Maine Board of Licensure in Medicine automatically suspended Dr. Smith's license for 90 days in accordance with 32 M.R.S. 18511 as a result of the June 7, 2023, Voluntary Surrender of Dr. Smith's Alabama medical license while under investigation by the Alabama State Board of Medical Examiners.

**Rachel Kate Jackson, P.A., License #PA2022 (Date of Action 07/11/23)** On July 11, 2023, the Board accepted Ms. Jackson's request to voluntarily surrender her Maine medical license to the Maine Board of Licensure in Medicine while under investigation for allegations of misuse of alcohol, drugs, or other substances that may result in performing services in a manner that endangers the health or safety of patients.

**Helge G. Riemann, M.D., License #17897 (Date of Action 06/30/2023)** On June 30, 2023, Dr. Riemann failed to renew his Maine medical license while under investigation for unprofessional conduct.

## LICENSING ISSUES

### Review of Changes to Physician Assistant Licensure

LD 1660 was enacted as emergency legislation in March 2020 and made several changes to Physician Assistant (PA) licensure. Many of those changes were waived during the declared state of emergency in Maine, which ended on June 30, 2021.

During that time, the Board of Medicine and the Board of Osteopathic Licensure worked to implement new rules, conforming to the new law, and update their technical systems to match the new requirements. The rule, <https://www.maine.gov/md/sites/maine.gov.md/files/inline-files/Chapter%20%20effective12.16.20.pdf>, was enacted on December 16, 2020 and the technical changes went live on January 6, 2021. Since that time Board staff have worked to educate PAs and systems that employ physician assistants about the changes. Unfortunately, there appears to be continued confusion regarding the requirements.

In general, physician assistants are broken into two groups, those with less than 4,000 clinical hours since graduation and those with more than 4,000 hours since graduation.

If a physician assistant has fewer than 4,000 clinical hours, they must submit either a uniform notice of employment or a collaborative practice agreement before they can provide medical services in Maine.

A scope of practice agreement or, uniform notice of employment, [https://www.maine.gov/md/sites/maine.gov.md/files/inline-files/Uniform%20Notification%20Form\\_2.pdf](https://www.maine.gov/md/sites/maine.gov.md/files/inline-files/Uniform%20Notification%20Form_2.pdf) is used when the physician assistant works in a health care system or physician group practice that has a system of privileging and credentialing.

A collaborative agreement, [https://www.maine.gov/md/sites/maine.gov.md/files/inline-files/Uniform%20Collaboration%20Practice%20Agreement%20Application%20Review%20Form\\_0.pdf](https://www.maine.gov/md/sites/maine.gov.md/files/inline-files/Uniform%20Collaboration%20Practice%20Agreement%20Application%20Review%20Form_0.pdf), is required when the physician assistant works in a setting that is not a health care system or physician group practice as defined above.

Physician assistants with more than 4,000 clinical hours need a practice agreement, [https://www.maine.gov/md/sites/maine.gov.md/files/inline-files/Uniform%20Collaboration%20Practice%20Agreement%20Application%20Review%20Form\\_0.pdf](https://www.maine.gov/md/sites/maine.gov.md/files/inline-files/Uniform%20Collaboration%20Practice%20Agreement%20Application%20Review%20Form_0.pdf), if they are the principal clinical provider without a physician partner, or they own and/or operate an independent practice. Physician assistants who only work with nurse practitioners, registered nurses, or other physician assistants need to have a practice agreement. **Physician assistants with more than 4,000 clinical hours working in any other setting do not need to submit any forms.**

If you are a physician assistant and do not know if you have more than 4,000 clinical hours verified with the Board, you can go to our online search <http://www.pfr.maine.gov/ALMSOnline/ALMSQuery/SearchIndividual.aspx?Board=376>, enter your name or license number and review the results. If there is a notice at the top of the screen that states, "At the time of issuance the physician assistant has less than 4,000 hours of clinical practice documented" you must submit a form prior to providing medical services in Maine. The notice looks like this:



If you are a physician assistant and believe you have 4,000 hours, proof of hours can be submitted to the Board at [medicine.pfr@maine.gov](mailto:medicine.pfr@maine.gov). The easiest way to have your hours verified is to have your employer(s) submit a letter, on letterhead, that contains your start date, end date if applicable, full or part-time status if you have been working in a clinical capacity, and the number of hours. For example,

Physician Assistant Smith has worked at the Medical Office since January 1, 2019, in a full-time clinical capacity. During that time Ms. Smith has worked over 6,000 clinical hours.

Once the information has been verified the notice will be removed from the license.

If you have any questions, please contact our licensing staff.

Tracy Morrison  
Licensure Specialist (207) 287-3602  
[tracy.a.morrison@maine.gov](mailto:tracy.a.morrison@maine.gov)  
Last Name A-L

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## BOARD NEWS

### Dennis E. Smith, Esq. Retires

Dennis E. Smith, Esq. the Executive Director of the Board of Licensure in Medicine retired effective October 6, 2023. Mr. Smith has had a long and distinguished career, as a JAG officer, Assistant District Attorney, Assistant Attorney General, and our Executive Director.

Mr. Smith became the Assistant Attorney General (AAG) assigned to BOLIM in 2007 and accepted the position of Executive Director in March 2015.

Mr. Smith has been dedicated to BOLIM's mission to protect the public and has been an integral part of the variety of ways in which the mission is accomplished:

- Through its licensing process, it verifies the education, training, and competency of applicants for licensure. Mr. Smith's efforts include online initiatives, the creation of the emeritus license, entrance into the Interstate Medical Licensure Compact, and the removal of stigmatizing language from initial and renewal applications.
- Through the complaint investigative process, it reviews and acts on complaints against physicians and physician assistants. Mr. Smith's efforts include modernizing and streamlining this process.
- Through rulemaking. Under Mr. Smith's stewardship, BOLIM has updated and modernized every rule to keep pace with changing trends, including the regulation of telehealth and controlled substances.
- Through educational sources such as this newsletter and the guidelines posted on the Board's website. Mr. Smith's efforts included a new, revamped newsletter, and two website redesigns; and
- Through collaboration with state, national, and international organizations like the Maine Medical Association, the Federation of State Medical Boards, and the International Association of Medical Regulatory Authorities. Mr. Smith also helped the Board maintain and increase its support of the Medical Professionals Health Program which provides valuable assistance to physicians and physician assistants.

Mr. Smith helped lead board members and staff through the difficult challenges around the COVID-19 siege, ensuring that all Board services continued, the staff remained a cohesive unit, and the public remained protected.

Under Mr. Smith's empathetic guidance and encouragement, the staff has achieved and continues to experience great respect for each other and the tasks they perform. His sense of service, especially in support of the staff, has enriched office culture and created a unit that chooses to help and support each other in times of need.

This simple acknowledgment does not begin to address the positive impact Mr. Smith has had on our organizational ethos, staff well-being, and the protection of Maine citizens.

Thank you, Mr. Smith.

### New Executive Director: Timothy Terranova

On October 9, 2023, I assumed the role of Executive Director of BOLIM. I joined the Board in 2000 and served as the Consumer Assistant for both the Medical and Osteopathic Boards for many years. I have been BOLIM's Assistant Executive Director since 2014. While Assistant Executive Director I had the privilege of representing BOLIM at organizations such as the International Association or Regulatory

Authorities (IAMRA), the Federation of State Medical Boards, (FSMB), and as chair of the Interstate Medical Licensure Compact Commission (IMLCC).

BOLIM's mission is to protect the public, which it does in a variety of ways:

- Through its licensing process.
- Through the complaint investigative process.
- Through educational sources such as this newsletter and the rules and guidelines posted on the Board's website.
- Through the support of other organizations such as the Medical Professionals Health Program; and
- Through coordination with other regulatory organizations, locally, nationally, and internationally.

BOLIM performs its mission thanks to its capable and dedicated Board Members and staff. Board Members volunteer countless hours reviewing materials related to licensing, complaints, and administrative matters. Staff serve as points of contact for the public, applicants, and our licensees. In addition, staff support our Board Members by gathering, preparing, and organizing materials for the Board.

Current topics being considered by BOLIM include physician and physician assistant health and wellness, the increasing role of telehealth, integration of an increasing number of International Medical Graduates, streamlining the Interstate Medical Licensure Compact process, and review of the newly introduced Physician Assistant Compact.

I look forward to supporting BOLIM and its mission. Please feel free to reach out if you have questions or concerns. My email address is [tim.e.terranova@maine.gov](mailto:tim.e.terranova@maine.gov).

## New Board Member: Anthony Ng, MD



Dr. Anthony Ng is a board-certified psychiatrist and current medical director of Community Services for Northern Light Acadia Hospital. Dr Ng is also the clinical director of the Neuromodulation Service at Acadia, overseeing ECT and Ketamine to treat various psychiatric disorders. He is the past chair of the Coalition for Psychiatric Emergencies. Dr. Ng was also the former president of the American Association for Emergency Psychiatry and has a lengthy history of involvement and

advocacy in community, emergency, and crisis psychiatry.

Dr. Ng is an Assistant Professor of Psychiatry with the Uniformed Services University of Health Sciences. He has had numerous recognitions for his contributions including the Dr. Ulrich B Jacobsohn Lifetime Achievement Award from the Maine Association of Psychiatric Physicians, the Mary Floyd Cushman Award for Exceptional Humanitarian Service as Medical Volunteer from the Maine Medical Association, and the Bruno Lima Award and Special Presidential Commendation from the American Psychiatric Association.

## BOARD OPPORTUNITIES

### Expert Medical Reviewers Needed

The Board of Licensure in Medicine (Board) receives roughly 200 complaints and mandated reports per year against licensed physicians and physician assistants. While investigating these complaints, there are times when it is absolutely vital for the Board to have an outside expert perform a review of the medical care and treatment provided in association with an investigation or complaint.

The expert reviewer role is a critical one that contributes immeasurably to the mission of the Board, which is the protection of the public in part by ensuring patients are treated by honest and competent physicians and physician assistants. Outside expert reviews promote excellence in medical practice, help identify and correct errors or deficiencies, and ensure that physicians and physician assistants are delivering the standard of care to their patients. It can be a superb educational tool for a licensee who is the subject of a complaint and aid the Board in identifying specific areas or opportunities for learning



or improvement – or alternatively, affirm that the care and treatment provided by the licensee met or exceeded the standard of care.

The Board tries to find expert reviewers licensed and practicing within the state to perform the reviews.

Expert reviewers are considered agents of the Board when performing this work. Please see 24 M.R.S. § 2511 which provides immunity protection to those who assist the Board, <https://legislature.maine.gov/statutes/24/title24sec2511-3.html>.

The Board asks that you consider assisting the Board in its mission to protect the public.

Currently, the Board is in critical need of reviewers in the following specialties:

- General Surgery
- Trauma Surgery
- Family Medicine
- Internal Medicine
- Family Medicine with experience in Long Term Care
- Internal Medicine with experience in Long Term Care
- Otorhinolaryngology

Anyone interested in assisting the Board may contact Kelly McLaughlin, Complaint Coordinator at 207-287-6931 or [kelly.mclaughlin@maine.gov](mailto:kelly.mclaughlin@maine.gov).

Thank you!

## An Opportunity to Join the Board

Take advantage of this opportunity to gain a broad and deeply informed perspective on the spectrum of medical practice in Maine while performing an essential public service in overseeing public safety.

The Maine Board of Licensure in Medicine (“Board”) has been licensing and regulating allopathic physicians in Maine since 1895. Today, it consists of 11 members – 6 actively practicing physicians, 2 actively practicing physician assistants, and 3 public members. The Board is seeking a **physician assistant** member who meets the following statutory qualifications:

Two individuals must be physician assistants licensed under this chapter who have been actively engaged in the practice of the profession of physician assistant in this State for a continuous period of 5 years preceding appointment to the board.

The Board meets once a month at its offices in Augusta, Maine. The members of the Board are provided with materials for an upcoming meeting 1-2 weeks in advance. A typical Board meeting commences at 8:00 a.m. and lasts until 4:00-5:00 p.m. During a meeting, the Board conducts reviews of applications for licensure, complaints and investigations, and rulemaking. In addition, the Board occasionally holds informal conferences and adjudicatory hearings to resolve complaints and investigations.

The Board is composed of motivated, hard-working individuals committed to ensuring the protection of the public. The Board is supported by a dedicated staff of professionals. Anyone who may be interested in this challenging and rewarding opportunity should contact Tim Terranova, Executive Director at (207) 287-6930 or e-mail at [tim.e.terranova@maine.gov](mailto:tim.e.terranova@maine.gov)

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