

Board of Licensure in Medicine
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February 12, 2024

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**Maine Board of Licensure in Medicine
Minutes of February 12, 2024
1:00 p.m. – 6:13 p.m.**

Board Members Present: Chair Maroulla S. Gleaton, M.D.; Holly Fanjoy, M.D.; Renee M. Fay-LeBlanc, M.D.; Public Member Gregory Jamison, RPh; Anthony T. Ng, M.D.; Public Member Jonathan Sahrbeck; Brad Waddell, M.D.; and Public Member Lynne M. Weinstein

Board Members Absent: Secretary Christopher R. Ross, P.A. and Noah Nessin, M.D.

Board Staff Present: Executive Director Timothy E. Terranova; Medical Director Paul N. Smith, M.D.; Complaint Coordinator Kelly McLaughlin; Consumer Assistance Specialist Faith McLaughlin; 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 and Assistant Attorney General Kelly Morrell (AAG Morrell was present for the 1:00 p.m. Executive Session and then left the meeting)

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

1:06 p.m. – 1:17 p.m.

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

5:36 p.m. – 5:45 p.m.

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

RECESSES

2:44 p.m. – 3:00 p.m.

Recess

4:45 p.m. – 5:01 p.m.

Recess

I. Call to Order

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

A. Amendments to Agenda

Dr. Ng moved to amend a consent agreement for permanent surrender of license (CR23-113) and a consent agreement (CR23-34 & CR23-43) onto the agenda. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

B. Scheduled Agenda Items

1. 1:00 p.m. Executive Session to Consult and Seek Legal Advice Regarding Pending Litigation

At 1:06 p.m. Mr. Jamison moved to enter executive session pursuant to 1 M.R.S. 405(6)(E) to consult and seek legal advice regarding pending litigation. Ms. Weinstein seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

At 1:17 p.m. Dr. Waddell moved to come out of executive session. Dr. Ng seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For

Dr. Waddell: For
Ms. Weinstein: For

Dr. Ng moved to authorize Executive Director Tim Terranova to represent the Board in consultation with AAG Kelly Morrell in regard to pending litigation and possible settlement. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

2. 1:15 p.m. Petition to Withhold Information Pursuant to a FOAA Request

Following discussion, Mr. Sahrbeck moved to deny the Petition to Withhold Information Pursuant to a FOAA Request and delegate authority to sign the decision on the matter to the Board Chair. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

II. Licensing

A. Applications for Individual Consideration

1. Initial Applications

a. Edward J. Williams, III., M.D.

Dr. Fay-LeBlanc moved to issue a citation to Dr. Williams for answering inaccurately a question on his license application and grant the license upon payment of the fine. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

b. Larry Stephen Wasser, M.D

Dr. Fanjoy moved to issue a citation to Dr. Wasser for answering inaccurately a question on his license application and grant the license upon payment of the fine. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

c. Charles P. Honsinger, III., M.D.

Dr. Fanjoy moved to issue a citation to Dr. Honsinger for answering inaccurately a question on his license application and grant the license upon payment of the fine. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

2. Reinstatement Applications

a. Mahnee Dinsmore, M.D.

This matter was tabled to be discussed in conjunction with another matter on the agenda.

3. Renewal Applications

a. Lana Schumacher-Beal, M.D.

Dr. Fay-LeBlanc moved to issue a citation and allow Dr. Schumacher-Beal fourteen days to complete the required CME; allow her to withdraw her renewal application while not under investigation; or alternatively preliminarily deny her renewal application and offer a consent agreement imposing a \$500 civil penalty, requiring completion of CME, and granting license renewal upon completion of CME and payment of the civil penalty. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

b. Sajad Zalzal, M.D.

Dr. Waddell moved to offer Dr. Zalzal leave to withdraw his renewal application while not under investigation or alternatively preliminarily deny his renewal application and offer a consent agreement to include a warning, completion of continuing medical education approved by the Board Chair, a report to the Board explaining what he gained from the courses, and review of five charts randomly selected by Board staff three months after course completion. Ms. Weinstein seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

c. Rezeda Zinyatullova, P.A.

Dr. Waddell moved to approve Ms. Zinyatullova’s request for a waiver to renew her license and issue a complaint. Dr. Ng seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

4. Requests to Convert to Active Status (none)

5. Requests to Withdraw License/License Application

a. Carlyn Hutchins McGrath, P.A.

Dr. Fay-LeBlanc moved to approve Ms. McGrath’s request to withdraw her license application. Dr. Ng seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

b. Amit Rathi, M.D.

Dr. Ng moved to approve Dr. Rathi’s request to withdraw his license application. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For

Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

6. Requests for Collaborative/Practice Agreements

a. Anne M. Richardson, P.A.

Dr. Ng moved to approve Ms. Richardson’s proposed collaborating physician. Mr. Jamison seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

b. Alla Shabtai, P.A.

Dr. Ng moved to approve Ms. Shabtai’s practice agreement. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

B. Other Items for Discussion

a. Christian M. Basque, M.D.

Dr. Fay-LeBlanc moved to issue a letter of guidance to Dr. Basque and deny the request from Dr. Basque’s legal counsel. Dr. Ng seconded the motion.

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

Dr. Gleaton: For

Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: On July 20, 2023, the physician renewed his license in inactive status. Because he needed to take the Jurisprudence examination in order to renew his license in active status, the online application option required him to select the “Take the Online Exam” option prior to submitting an application for an active status. He chose, “Renew as an Inactive Physician” and was issued an inactive status license. He admitted to continued clinical practice in Maine until November 13, 2023. His license was converted to active status on November 15, 2023, following submission of proof of completion of Continuing Medical Education and the Jurisprudence examination.

The guidance is as follows:

Great care should be taken when addressing the requirements to obtain and maintain medical licensure. As a licensed professional you have the responsibility to review and confirm the accuracy and completeness of all information being submitted to the Board and to verify that the appropriate license has been issued.

b. 2023 Annual Licensing Report

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

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. CR20-130 Stacey L. Anderson, M.D.

Dr. Fanjoy moved to approve and ratify the consent agreement. Dr. Ng seconded the motion.

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

Dr. Gleaton: For

Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

B. CR23-113 Norris K. Lee, M.D.

Dr. Fanjoy moved to approve and ratify the consent agreement for permanent surrender of license. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

C. CR23-34 & CR23-43 Albert W. Adams, M.D.

Dr. Fanjoy moved to approve and ratify the consent agreement. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

IV. Complaints

1. CR22-238

Dr. Fanjoy moved to send a final communication to the physician by both email and mail allowing her fourteen days to enroll in a medical record documentation course; offer her leave to withdraw her reinstatement application while under investigation or

alternatively preliminarily deny the physician’s reinstatement application. Dr. Ng seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

2. CR23-45 Carl F. Alessi, M.D.

Dr. Fay-LeBlanc moved to dismiss the complaint with a letter of guidance. Mr. Jamison seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: In this case, the Board initiated a complaint and obtained an outside expert review of the care provided to patients following receipt of a referral from the Maine Prescription Monitoring Program (“PMP”) reflecting concerns associated with controlled substance prescribing practices. The physician responded to the complaint and explained the care provided to patients.

The guidance is as follows:

1. It is recommended that you avoid the use of methadone and be mindful that doses above 20 mg daily may violate state law requirements regarding prescription of opioid medication. Also, it is important to remember that methadone can have cardiac effects, and EKG monitoring is usually indicated especially for elderly patients.
2. All patients on an opioid prescription should be offered a naloxone prescription.

3. Limit the use of multiple pharmaceuticals and adhere to the principle that all medicines should be prescribed at the lowest effective dose, and only as long as necessary. Remember that a pharmacist is an excellent resource to consult for drug interactions, especially for the elderly and patients with renal compromise.
4. Clinicians should understand and respond to abnormalities in urine drug screens. Be mindful that when a steady state has been reached, the metabolite-to-drug ratio is approximately 2:1. The presence of unexpected drugs and the absence of expected ones should be addressed promptly with the patient and documented in the medical record.

3. CR23-83

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

A roll call vote was taken, and the motion passed 7-0-0-1. Dr. Waddell was recused from the matter.

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	Recused
Ms. Weinstein:	For

MOTION: A patient complained about the care she received from her general surgeon. Following complaints of post prandial right upper quadrant abdominal pain, she underwent an endoscopic retrograde cholangiopancreatography and was found to have obstructing biliary gallstones; so, she was counseled with discussion of risks and benefits to undergo laparoscopic cholecystectomy which went well according to the operative summary. Postoperatively she experienced some lowering of her blood pressure and bradycardia. Her family and a friend expressed concerns for her well-being early postoperatively. She was evaluated and found to have lowering of her hemoglobin and hematocrit and a postoperative complication of hemorrhage was suspected. She was appropriately taken back to the operating arena and a hemorrhage was discovered and cauterized. She did not require a transfusion.

Unfortunately, this patient and her caring family members have a history of an unfortunate death of a beloved family member from a rare occurrence that was not medically diagnosed/treated; and it has left them understandingly traumatized.

An independent peer review of this complaint revealed appropriate standard of care was met.

4. CR23-158

Dr. Waddell moved to investigate further, and interview nursing staff involved in the case, obtain records of ten colonoscopy procedures performed within the last ninety days, obtain an outside expert review of the instant case as well as the ten additional cases, and request that the physician respond to additional questions. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

5. CR23-167

Ms. Weinstein moved to table the matter. Dr. Ng seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

6. CR23-169

Mr. Jamison moved to table the matter. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

7. CR23-174

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

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: The patient complains that the licensee made unprofessional comments during his visits which prompted him to change providers. He also complains that his refill prescriptions were not managed properly by the practice. Review of investigative materials demonstrates that timely and clinically appropriate care was provided. There is no information to support the allegation of unprofessional behavior or comments by the licensee.

8. CR23-177 Scott P. Pelletier, 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.

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: The mother of a pediatric patient complained that the physician failed to recognize her child's injury and was dismissive of her concerns. The mother reported that her child is nonverbal. A subsequent evaluation by another provider revealed findings of swelling and pain, and an x-ray revealed a subtle fracture with elbow effusion. The physician responded to the complaint and explained his treatment of the patient.

The guidance is as follows:

Be mindful that patients who are shy, nonverbal, or developmentally delayed may demonstrate an altered pain response or may have a difficult or unreliable examination. In such situations, additional observation of the patient for a sufficient interval of time or observing normal use of the affected extremity may be necessary to assist in determining the need for further evaluation or imaging.

9. CR23-191

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

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: A patient complained about the care he received from his retinal fellowship trained ophthalmologist. He felt his injections for exudative macular degeneration were painful and should not have been. The physician responds appropriately about the disease, selection of medication and anesthetic for the injections. She is well trained and well experienced. All patients are different and require adjusted treatment efforts when feedback dictates. She indicates she adjusts and ramps up anesthesia as needed and appropriately, the records reveal this.

10. CR23-193

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

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: The grandfather of a minor patient visiting from outside the United States complains about the fees charged by the laboratory after discussing the pricing with the facility that provided the services for his grandson who was uninsured. The patient

presented with Bell's Palsy symptoms and complaints of multiple tick bites. Confirmatory blood testing was ordered to ensure a correct diagnosis and treatment.

Review of the records reveal conversation between the licensee and complainant prior to approving the lab work and the issue appears to be the laboratory fee for the tests provided. Appropriate care and treatment provided when the patient results were positive.

11. CR23-198

Dr. Fanjoy moved to dismiss the complaint and make a referral to the Board of Nursing. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: The patient alleges that the licensee abandoned the patient when her primary care provider abruptly left the licensee's practice. The patient was unable to receive care at the new site of her primary care provider, and the licensee could not absorb this provider's patient panel. The licensee agreed to refill medications for ninety days while the patient sought another primary care provider. The patient alleges there was a delay in refilling her prescriptions. The medical record supports that the office communications with the patient were appropriate, the licensee researched the patient's chart to verify safety of the medications being refilled, and there was no significant delay in medication refill requests. The licensee's response is appropriate and empathetic, and she tried to accommodate the patient's needs during this transition.

12. CR23-199

Dr. Fanjoy moved to dismiss the complaint and make a referral to the Board of Nursing. Dr. Ng seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For

Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient alleges that the licensee abandoned the patient when his primary care provider abruptly left the licensee’s practice. The patient was not able to receive care at the new site of his primary care provider, and the licensee could not absorb this provider’s patient panel. The patient had not been seen in the office and did not have appropriate documentation in his chart to support further treatment and refills by the licensee without an examination. The medical record supports that the office communications with the patient were appropriate. The licensee was able to accommodate the patient and performed a thorough assessment in the office. The patient’s medications were refilled, and it was communicated that he would need to establish primary care elsewhere. The licensee’s response is appropriate and empathetic, and she tried to accommodate the patient’s needs during this transition.

13. CR23-202

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The wife of a patient complained about the care her husband received from a physician’s assistant at a small emergency room department. Review of the records reveals excellent evaluation and treatment which remedied an abscess in his right forearm.

14. CR23-208

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For

Ms. Weinstein: For

MOTION: The patient alleges that the licensee performed an unnecessary surgery which delayed his definitive treatment for urothelial cancer and resulted in subsequent development of a bladder mass several months later. The licensee provides an appropriate response detailing the rationale for the surgical treatment plan. The medical record supports that patient communication was appropriate and all surgical procedures had informed consent. The treatment of the patient's condition was within the standard of care.

15. CR23-209

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient alleges that the licensee mismanaged his surgical treatment and had his partner perform an unnecessary surgery which delayed his definitive treatment for urothelial cancer and resulted in subsequent development of a bladder mass. The licensee provides an appropriate response detailing the rationale for the surgical treatment plan. The medical record supports that patient communication was appropriate and all surgical procedures had informed consent. The licensee recognized there was a miscommunication regarding the patient's pathology report and has ensured that future reports will be reviewed in their entirety in his practice. The patient transferred his care to another specialist closer to his home. There was mutual communication that there was no longer a therapeutic patient-provider relationship, and the patient was discharged from the practice. The licensee response indicates that he listened to the patient's concerns and was empathetic and provided appropriate care.

16. CR23-214

Dr. Fay-LeBlanc moved to dismiss the complaint. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For

Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient has had a history of abnormal pap smears and is interested in having hysterectomy. After an abnormal pap the licensee (who never saw the patient but was asked to review the case by another provider) recommended that a colposcopy be done first, because if the patient did have cancer the treatment plan would be different. The provider was following the standard of care.

17. CR23-215

Dr. Fay-LeBlanc moved to dismiss the complaint. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient has had a history of abnormal pap smears would like a hysterectomy. The licensee in this case performed the pap smear. The licensee's documentation outlines the plan if the pap is normal versus abnormal. The licensee was covering at the practice, so the pap smear results were reviewed and acted upon by a different provider. The licensee followed the standard of care and had good documentation.

18. CR23-216

Mr. Sahrbeck moved to dismiss the complaint. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complaint is from a patient who believes the licensee was unprofessional with him due to allegations that she swore at him and berated him. The complainant indicated he does not feel safe receiving treatment from the licensee. The licensee denies the allegations, stating that her voice was never raised but she does acknowledge having to be firm with him given his emotional state. Based on a review of the materials it seems that the cancellation of an appointment, which was outside of the control of both the complainant and licensee, was the actual source of the disagreement. Nothing in the records outside the allegations indicates any type of unprofessional conduct by the licensee. The complainant is back to being a patient of the licensee with no further complaints. Dismissal of the complaint is appropriate.

19. CR23-242

Mr. Sahrbeck 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
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: The complaint is from a third party who was concerned with the care given to a patient by the licensee. The allegation is that the licensee may have gone outside the appropriateness of a doctor/patient relationship. The complaint seems to include speculation and the complainant's beliefs, as opposed to actual evidence, outside of the end results. The licensee provides a detailed description of his care and his relationship with the patient, including the interactions between the patient and her attorney when it came to the patient's estate as well as a personal relationship including his son's visiting the patient on Halloween. There is insufficient evidence regarding unprofessional conduct and a dismissal of the complaint is appropriate.

20. CR23-243

Dr. Fay-LeBlanc moved to dismiss the complaint. Dr. Ng seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For

Dr. Waddell: For
Ms. Weinstein: For

MOTION: A child was given the wrong vaccination. The MA discovered the mistake the same day and the patient's parents were notified same day. The licensee's response outlines what the practice does in general around vaccine safety and also reviewed the internal investigation that was done in response to this mistake. The licensee and the practice took the mistake seriously and acted upon it accordingly.

21. CR23-244

Dr. Fanjoy moved to dismiss the complaint. Mr. Jamison seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient alleges that the licensee was unprofessional, did not assess her injury in the emergency department, and made inappropriate discriminatory comments. The patient felt the licensee was dismissive and insensitive. The medical record does not support any unprofessional treatment, and the licensee denies that he made any discriminatory statements. The patient received an appropriate musculoskeletal examination, and this is supported by the medical record. The licensee does reflect on this case and attempts to understand the reasoning for these allegations and potential communication that may have been misinterpreted. He is apologetic for this patient interaction, and the patient accepts this apology in her rebuttal. The patient received appropriate care, and the licensee's response supports his professionalism.

22. CR23-246

Dr. Gleaton moved to dismiss the complaint. Mr. Sahrbeck seconded the motion.

A roll call vote was taken, and the motion passed 6-0-0-2. Dr. Fanjoy and Dr. Ng were recused from the matter.

Dr. Gleaton: For
Dr. Fanjoy: Recused
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: Recused
Mr. Sahrbeck: For

Dr. Waddell: For
Ms. Weinstein: For

MOTION: A mother of a young patient complained about the care her daughter received from an emergency room physician. Allegations of poor evaluation, incompetency, condescending attitude, burnout and false documentation were levied at the physician. Review of the records indicates reasonable evaluation and advice. The mother's expectations were not fully met so she was unhappy but standard of care was met.

23. CR23-256

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

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient complains that the licensee did not properly evaluate and manage her condition leading to a delay in diagnosis and further complications. Review of the medical records demonstrates that appropriate and timely clinical care was provided.

24. CR23-265

Mr. Jamison moved to table the matter. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

25. CR23-277

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

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: A patient arriving via ambulance to a facility is scheduled for surgery due to urgent surgical intervention. Proper procedure was followed. The patient exhibited a great deal of anxiety surrounding any care or treatment by male practitioners and whether her breasts or genitals had been exposed during any part of the surgery. Post surgery, the physician advised the patient how to retrieve her surgical medical records and addressed her concerns. Review of the record reveals appropriate care and conversation over this sensitive matter with the patient and a positive surgical outcome.

26. Intentionally left blank

27. Intentionally left blank

V. Assessment and Direction

28. AD23-152 Donald T. Nicell, M.D.

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

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

MOTION: In this case, Board staff received notification of a medical malpractice settlement made on the physician's behalf for an event that occurred December 16, 2018, and involved an alleged failure to diagnose a condition on a radiological study that resulted in significant permanent injury. The Board requested records and images and obtained an independent expert review.

The guidance is as follows:

When image quality is suboptimal, such as poor contrast opacification, it is important to assess technical parameters and make adjustments to improve image quality. In addition, it is always important to pay close attention to axial raw data images.

29. AD23-176

Dr. Fay-LeBlanc moved to issue a complaint and obtain an expert review or alternatively allow the physician to surrender his license while under investigation. Dr. Ng seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

30. AD23-194

Dr. Ng moved to issue a complaint and obtain an expert review or alternatively allow the physician to surrender his license while under investigation. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton:	For
Dr. Fanjoy:	For
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

31. AD23-195

Dr. Ng moved to issue a complaint (**CR24-49**) and obtain an expert review or alternatively allow the physician to surrender his license while under investigation. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

32. AD23-196

Dr. Fanjoy moved to close the matter with no further action and flag the physician's record should he seek licensure in the future. Dr. Fay-LeBlanc seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

33. AD23-234

Dr. Ng moved to issue a complaint (**CR24-73**), obtain investigation materials and patient records and obtain an expert review. Dr. Fanjoy seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

34. AD23-270

Dr. Fay-LeBlanc moved to issue a citation to the physician for failure to report disciplinary action to the Board within ten days and close the matter upon payment of the fine. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

35. AD23-272

Dr. Fay-LeBlanc moved to issue a citation to the physician for failure to report disciplinary action to the Board within ten days and close the matter upon payment of the fine. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

36. Pending Adjudicatory Hearings and Informal Conferences Report

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

37. Consumer Assistance Specialist Feedback

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

VI. Informal Conference (none)

VII. Minutes for Approval

Dr. Ng moved to approve the minutes of the January 9, 2024, meeting. Mr. Sahrbeck seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For

Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

VIII. Consent Agreement Monitoring

A. Monitoring Reports

1. Anthony Perrone, M.D.

At 5:36 p.m. Dr. Gleaton 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.

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

At 5:45 p.m. Ms. Weinstein moved to come out of executive session. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

Ms. Weinstein moved to deny approval of the proposed treating psychiatrist. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For

Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

Ms. Weinstein moved to allow Dr. Perrone fifteen days to propose a treating psychiatrist and provide a CV. Dr. Ng seconded the motion.

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

Dr. Gleaton: For
Dr. Fanjoy: For
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

2. Charles E. Reimers, P.A.

Dr. Fay-LeBlanc moved to deny Mr. Reimer's request to amend his consent agreement to remove a requirement or otherwise amend 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
Dr. Fay-LeBlanc: For
Mr. Jamison: For
Dr. Ng: For
Mr. Sahrbeck: For
Dr. Waddell: For
Ms. Weinstein: For

IX. Adjudicatory Hearing (none)

X. Remarks of Chair

Dr. Gleaton reported that she will be attending an FSMB Board of Director's meeting next week.

XI. Executive Director's Monthly Report

Mr. Terranova reported that current Board employee Nathan Fitts has accepted the position of Investigative Secretary effective February 20th. The new Assistant Executive Director will start on March 1st.

A. 2023 BOLIM Legislative Year End Report

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

B. FSMB Requests Comment on Draft Policy Documents

Mr. Terranova reported that the FSMB has three new draft policy documents that have been sent out for comment. Mr. Terranova requested that Board member comments be provided to him, and he will submit comments to the FSMB on behalf of the Board.

C. 2024 AI Symposium Report

The Board reviewed Mr. Terranova's written report.

D. MMA-CQI Milestone Report

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

E. Statement of the ME State Board of Nursing on IV Therapy Clinics

The Board reviewed the information and discussed potential joint rulemaking with other health related Boards regarding aesthetics and IV therapy clinics.

F. USMLE Security Incident

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

XII. Assistant Executive Director's Report (none)

XIII. Medical Director's Report (none)

XIV. Remarks of Assistant Attorney General

AAG Miller provided an update on pending litigation.

XV. Rulemaking (none)

XVI. Policy Review (none)

XVII. Requests for Guidance (none)

XVIII. Board Correspondence (none)

XIX. FSMB Material (none)

XX. FYI

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

XXI. Other Business

A. Copithorne Petition Denial Decision (FYI)

B. 1:15 p.m. Petition to Withhold Information Pursuant to a FOAA Request

See entry on page three of minutes.

C. Complaint Status Report

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

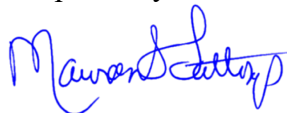
XXII. Adjournment 6:13 p.m.

At 6:13 p.m. Mr. Sahrbeck 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
Dr. Fay-LeBlanc:	For
Mr. Jamison:	For
Dr. Ng:	For
Mr. Sahrbeck:	For
Dr. Waddell:	For
Ms. Weinstein:	For

Respectfully submitted,



Maureen S. Lathrop
Administrative Assistant