

Board of Licensure in Medicine

January 10, 2023

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**Maine Board of Licensure in Medicine
Minutes of January 10, 2023**

Board Members Present: Maroulla S. Gleaton, M.D., Chair; Christopher Ross, PA, Secretary; Steven Blessington, PA; Holly Fanjoy, M.D.; Renee Fay-Leblanc, M.D.; Gregory Jamison, RPh, Public Member; Kristina Lunner, Public Member; Noah Nesin, M.D.; Brad Waddell, M.D. and Lynne Weinstein, Public Member

Board Members Absent: None

Board Staff Present: Executive Director Dennis E. Smith; Assistant Executive Director Timothy E. Terranova; Medical Director Kenji Saito, M.D.; Consumer Assistance Specialist Savannah Okoronkwo; Investigative Secretary Faith McLaughlin; Administrative Assistant Maureen S. Lathrop; Licensing Specialist Tracy Morrison and Licensing Specialist Lisa Reny

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 August 10, 2021, the Board Chair directed that the January 10, 2023 meeting of the Board be conducted through remote participation of all Board members pursuant to Section 2(A) of that policy. The Board posted notices of this virtual meeting on its website and on the Legislative calendar. In addition, the Board posted a copy of the agenda for the meeting on its website.

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

EXECUTIVE SESSIONS

PURPOSE

8:31 a.m. – 8:40 a.m.

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

10:40 a.m. – 11:35 a.m.

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

RECESSES

9:26 a.m. – 9:41 a.m.

Recess

12:04 p.m. – 12:31 p.m.

Lunch

I. Call to Order

Dr. Gleaton called the meeting to order at 8:01 a.m.

A. Amendments to Agenda

Mr. Ross moved to amend Dr. Milos Sinik’s license application and a consent agreement regarding CR22-65 onto the agenda. Dr. Fay-Leblanc seconded the motion.

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

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

B. Scheduled Agenda Items

1. 9:00 a.m. Board Member Remote Participation Policy Public Hearing

II. Licensing

A. Applications for Individual Consideration

1. Initial Applications

a. Carol J. Peden, M.D.

Dr. Fanjoy moved to approve Dr. Peden’s administrative license application and deem the Foreign Medical Graduate Examination in the Medical Services (FMGEMS) to be substantially equivalent to the VQE. Mr. Ross seconded the motion.

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

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Ms. Lunner: For
Dr. Nesin: For

Dr. Waddell: For
Ms. Weinstein: For

b. Milos Sinik, M.D.

Dr. Nesin moved to table the application, request a reference from the residency program director and direct Dr. Sinik to undergo a § 3286 psychiatric and substance misuse evaluation. Alternatively, Dr. Sinik is offered leave to withdraw his application. Dr. Fanjoy seconded the motion.

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

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

2. Reinstatement Applications

a. D. Scott Marr, M.D.

Dr. Waddell moved to approve Dr. Marr's reinstatement application upon receipt of his written representation that he will comply with the reentry to clinical practice plan as modified by the Board to require review of 5-10 charts monthly and quarterly reports to the Board by his mentor for six months. Mr. Ross seconded the motion.

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

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

3. Renewal Applications

a. Thomas Bugbee, M.D.

At 8:31 a.m. Dr. Fanjoy moved to enter executive session pursuant to 1 M.R.S. § 405(6)(F) to discuss confidential information. Mr. Ross seconded the motion.

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

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

At 8:40 a.m. Mr. Ross moved to come out of executive session. Ms. Weinstein seconded the motion.

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

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

Dr. Nesin moved to approve Dr. Bugbee's renewal application upon receipt of his written representation that he will not perform any procedures requiring the use of sharp instruments (scalpels, scissors, needles). Mr. Ross seconded the motion.

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

Dr. Gleaton: For
Mr. Ross: For

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

4. Requests to Convert to Active Status

a. Jonathan E. Harvey, M.D.

Mr. Ross moved to offer Dr. Harvey a consent agreement to convert to an active license incorporating his reentry to clinical practice plan. Dr. Fay-Leblanc seconded the motion.

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

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

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

6. Requests for Collaborative/Practice Agreements (none)

7. Requests to Terminate Reentry to Clinical Practice Consent Agreements

a. Kristin H. Coleman, M.D.

Mr. Ross moved to approve Dr. Coleman's request to terminate the consent agreement. Dr. Fay-Leblanc seconded the motion.

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

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: For

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

B. Other Items for Discussion

a. Board Secretary Duties

Dr. Fay-Leblanc moved to adopt the revised Board Secretary Duties policy.
Mr. Blessington seconded the motion.

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

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

b. PA Compact

Mr. Terranova informed the Board that legislation regarding a physician assistant licensure compact is expected to be introduced this session. He and AAG Miller discussed concerns about the compact with the Board.

c. New Mainer Resource Center

The Board reviewed a letter from the New Mainer Resource Center. No action was taken.

d. NCCPA Certification and Title Change

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. CR22-65 Charles E. Reimers, P.A.

Dr. Fay-Leblanc moved to approve the signed consent agreement. Mr. Ross seconded the motion.

A roll call vote was taken, and the motion passed 7 in favor, 1 abstained, 2 recused.

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

IV. Complaints

1. CR21-72

Dr. Waddell moved to deny the physician's request for an informal conference, allow the physician one week to accept the proposed consent agreement as written and if not accepted set the matter for an adjudicatory hearing. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 2 recused.

Dr. Gleaton: Recused
Mr. Ross: Recused
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Ms. Lunner: For
Dr. Nesin: For

Dr. Waddell: For
Ms. Weinstein: For

2. CR21-142

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

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

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

3. CR22-57

Ms. Weinstein moved to dismiss the complaint and provide a copy of the Board's guideline for communicating with patients to the licensee. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 4 recused.

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

4. CR22-64

Ms. Weinstein moved to issue the physician a citation for failure to accurately answer two questions on his renewal application and table the matter. Mr. Ross seconded the motion.

A roll call vote was taken, and the motion passed 9 in favor, 1 recused.

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

5. CR22-66

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

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

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

MOTION: The concerns raised have been thoughtfully addressed by the licensee.

6. CR22-86

At 10:40 a.m. Ms. Weinstein moved to enter executive session pursuant to 1 M.R.S. § 405(6)(F) to discuss confidential information. Mr. Ross seconded the motion.

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

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Ms. Lunner: For
Dr. Nesin: For
Dr. Waddell: For

Ms. Weinstein: For

At 11:35 a.m. Ms. Lunner moved to come out of executive session. Dr. Fay-Leblanc seconded the motion.

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

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

Dr. Nesin moved to offer the physician a consent agreement for permanent revocation of license and if not accepted to set the matter for an adjudicatory hearing. Dr. Fay-Leblanc seconded the motion and proposed that the physician also be offered the option to permanently surrender his license.

Following discussion, Dr. Fay-Leblanc withdrew her second and Dr. Waddell seconded the original motion.

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

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

7. CR22-96 Joshua Jeffrey Vaughn, M.D.

Dr. Fay-Leblanc moved to dismiss the complaint with a letter of guidance. Dr. Nesin seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 2 abstained.

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

MOTION: The complaint was filed by a patient who alleged she felt abandoned by the physician following the removal of orthopedic hardware by failing to listen to her concerns regarding her ongoing physical challenges and by his placing her back on full work duty. The physician responded to the complaint, explained his medical treatment and decision making, and indicated that in retrospect he should have recommended the patient remain on a modified work limitation and he expressed regret regarding the patient's perception that he was no longer willing to treat her.

The guidance is as follows: a physician should not lose sight about caring for a patient beyond executing outstanding surgery and obtaining an excellent orthopedic result anatomically. A physician should be sensitive to the ramifications of an orthopedic injury and how it can affect a patient's ability to perform a job and how it can contribute to hardship in the patient's life in general.

8. CR22-101

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

A roll call vote was taken, and the motion passed 9 in favor, 1 recused.

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

MOTION: The patient unfortunately passed away due to complications associated with heart surgery. Family visitation was restricted due to hospital COVID policies. The complainant alleges that the licensee did not act to facilitate family visitation.

Review demonstrates that the licensee indeed tried but was unsuccessful in arranging for in-person family visitation.

9. CR22-124

Dr. Fay-Leblanc moved to investigate further and incorporate limits on prescribing into consent agreement if the physician's license becomes active in the future. Mr. Ross seconded the motion.

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

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

10. CR22-138 Timothy G. Allen, M.D.

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

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

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

MOTION: The complaint was filed by a patient who alleged that the physician performed an orthopedic procedure using anchors containing a metal to which the patient was allergic and which allergy was disclosed to him. The physician responded to the complaint, explained his medical care and treatment, and explained his decision making in using the anchors for the procedure.

The guidance is as follows: a physician should note potential allergic complications when planning surgical procedure and when providing informed consent to patients with documented allergies. Full transparency in discussing risks and benefits of surgery with informed consent should be undertaken to avoid complications or potential complications, however rare. Surgery for patients is stressful and emotional so that, ideally, they should be a part of the decision-making process. Enclosed with this letter of guidance is the Board's guideline for informed consent.

11. CR22-140 Felecia Nanvit Jinwala, M.D.

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

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

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

MOTION: The Board initiated the complaint following receipt of a report that during an operative procedure the physician allegedly requested an anesthesiologist to administer a type of anesthesia for which there was no informed consent from the patient and that she became argumentative and berated the anesthesia team. The physician responded to the complaint and denied the allegations. The Board conducted additional investigation by interviewing persons present during the operative procedure.

The guidance is as follows: surgeons should conduct thorough, careful pre-operative discussion with anesthesiologists on patients scheduled for surgery (at least by the day of surgery) to clarify a mutually agreed upon plan of care. In addition, civility in professional discussions and interactions is necessary for optimum patient care. The Board's communication guidelines are enclosed.

12. CR22-149

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

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

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

MOTION: An elderly patient with cognitive dysfunction was admitted to the hospital for suicidal ideation, inability to care for herself, and lack of decision-making capacity. She was diagnosed by psychiatry with major neurocognitive dysfunction with behavioral disturbance. The licensee completed a PP-505, which was filed for emergency guardianship based on the patient's condition. The patient's son disagreed with the diagnosis and believed that the patient's brother coerced the licensee to establish a dementia diagnosis so that he could obtain guardianship of the patient. This case arises out of significant family conflict. The medical records corroborate that the patient lacked capacity and ability to care for herself and had cognitive dysfunction. She required guardianship to maintain her safety and she needed placement in a supervised environment. The care of the licensee was appropriate and within the standard of care.

13. CR22-150

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

MOTION: An elderly patient with cognitive dysfunction was admitted to the hospital for suicidal ideation, inability to care for herself, and lack of decision-making capacity. She was diagnosed by psychiatry with major neurocognitive dysfunction with behavioral disturbance. A PP-505 was filed for emergency guardianship based on the patient's condition. The patient's son disagreed with the diagnosis and

believed that the patient's brother influenced the diagnosis of dementia so that he could obtain guardianship of the patient. This case arises out of significant family conflict. The medical records corroborate that the patient lacked capacity and ability to care for herself and had cognitive dysfunction. She continued to lack decision-making capacity during her hospitalization and another psychiatric consultation was not warranted. The patient required guardianship and placement in a supervised environment for her safety. The care of the licensee was appropriate and within the standard of care.

14. CR22-155

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

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

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

MOTION: The Maine Board of Licensure in Medicine received two mandated reports alleging that one of its licensees was involved in inappropriately touching the breast of a minor family member in 2007. The solo incident occurred at a time that the physician was abusing alcohol and/or illicit drugs. It subsequently also received a complaint from the mother of the minor reporting the incident. Review of the records and thorough subsequent evaluation by experts in the field of comprehensive evaluation of such matters revealed no concerns about this physician being fit and safe to practice medicine. There was a strong recommendation to continue in psychotherapy. The physician has been in long term chronic recovery from substance use disorder for the past fourteen years and has been sober and drug free since 2008. The physician is exemplary in taking care of his patients and improving the work environment of his colleagues as well as the lives of the people in his community.

15. CR22-151

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

A roll call vote was taken, and the motion passed 9 in favor, 1 recused.

Dr. Gleaton: For

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

MOTION: The information in the patient's chart that the complainant has issue with was not written by the licensee. Would suggest that the licensee talk with their institution about documentation in the emergency department so that it is clear which licensee is doing the documentation.

16. CR22-158

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

A roll call vote was taken, and the motion passed 9 in favor, 1 recused.

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

17. CR22-163

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

A roll call vote was taken, and the motion passed 8 in favor, 2 recused.

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: Recused
Dr. Fay-Leblanc: For
Mr. Jamison: For
Ms. Lunner: For
Dr. Nesin: Recused

Dr. Waddell: For
Ms. Weinstein: For

MOTION: Review of the records reveals that the provider did try to connect with the patient and did not feel comfortable changing medications or making an urgent neurology referral without ever meeting the patient. This case exemplifies failures in the wider healthcare system, but the licensee followed the standard of care.

18. CR22-167

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

A roll call vote was taken, and the motion passed 9 in favor, 1 recused.

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

MOTION: The complainant alleges that the licensee inappropriately documented that the complainant's mother likely has Munchhausen's by Proxy related to the complainant's brother, for whom the complainant's mother is guardian. The patient himself has intermittent episodes of psychosis and conflicted relationships with family members which may be a manifestation of psychosis.

The licensee's response is thorough and points out that the documentation of concern was entered by another physician, from whom the licensee accepted transfer of care at change of shift. Medical records bear that out. In addition, the documentation regarding the potential diagnosis of concern is conveyed based on discussion with a provider involved in the care when a call was made to Adult Protective Services. The licensee documented thorough and thoughtful care.

19. CR22-168

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

A roll call vote was taken, and the motion passed 9 in favor, 1 recused.

Dr. Gleaton: For
Mr. Ross: For

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

MOTION: The complainant alleges that the licensee inappropriately documented that the complainant's spouse likely has Munchhausen's by Proxy related to the complainant's son, for whom the complainant's spouse is guardian. The patient himself has intermittent episodes of psychosis and conflicted relationships with family members which may be a manifestation of psychosis. The complainant also asserts that the family has requested that the documentation of the visit in question be amended, with no response.

The licensee's response is thorough and points out that the documentation of concern was entered by another physician, from whom the licensee accepted transfer of care at change of shift. Medical records bear that out. In addition, documentation regarding the potential diagnosis of concern is conveyed based on discussion with a provider involved in the care when a call was made to Adult Protective Services. The licensee documented thorough and thoughtful care. The licensee does not feel it is appropriate for him to amend the record because the documentation of concern was entered by other providers of care.

20. CR22-161

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

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

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

MOTION: The complainant is the patient. The complaint and the records support that this was a very traumatic experience for the patient. At the same time, the

licensee did follow the wishes of the patient and did not move to emergency c-section until the patient consented.

21. CR22-166

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

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

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

MOTION: The complainant alleges that the licensee documented a weight incorrectly, which resulted in delay in consultation that the complainant felt was critical. The complainant asserts that no weight was obtained at the time of the visit in question and that the licensee purposefully misrepresented the complainant's weight because the licensee "had been again (sic) it."

The licensee responds that the weight is documented by staff, and he acted partly based on that entry, but also largely based on lab work and physical exam findings, that the complainant did not raise concerns during the visit, and that even had the weight been entered as that stated by the complainant, the plan would have been the same. The licensee made good faith efforts to expedite the desired consultation and responded rapidly, compassionately and appropriately when made aware of the complainant's concern and maintained a physician/patient relationship with the complainant.

22. CR22-180

Mr. Jamison moved to dismiss the complaint. Ms. Lunner seconded the motion.

A roll call vote was taken, and the motion passed 9 in favor, 1 recused.

Dr. Gleaton: Recused
Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For

Mr. Jamison: For
Ms. Lunner: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The husband of a patient complains about the bill she received from this office which was not covered under insurance. There was no referral made prior to the office visit which was required. In the physician's response, he clearly states the office policy, which is posted in the office, and adds the patient was apparently scheduled as a walk-in with the understanding the referral would be arranged. The referral should have been arranged prior to the appointment either by the referring provider or the patient's primary care physician. Additionally, a patient holds accountability for services being rendered and could have confirmed the referral prior to signing the consent to treat. The physician does feel that his understaffed office has room for improvement and noted he voided the charge for this office visit. He says he will arrange for the original referring provider to refer the patient to another facility where she can receive the ongoing care necessary.

23. CR22-184

Ms. Lunner moved to investigate further and obtain relevant medical records, an audit log of electronic health records and an outside expert review. Mr. Ross seconded the motion.

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

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

24. CR22-187

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

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

Dr. Gleaton: For
Mr. Ross: For

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

MOTION: A patient complains that the physician deemed her safe and said she could be released from the emergency department. The patient states that she had obvious cuts on her wrist and threatened to throw herself in front of a car. The physician responded that the patient had outpatient resources in place and would not have benefited from an inpatient stay. Review of the records revealed that the patient received reasonable care.

25. CR22-188

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

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

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

MOTION: A patient complains that the physician discharged her when she was unsafe and suicidal. The physician responded that he evaluated her, and she was deemed to be low risk for self-harm. The patient presented to the emergency room and was evaluated and found not to need an inpatient stay but was discharged to crisis intervention unit. Review of the records revealed that the patient received reasonable care.

26. Intentionally left blank

27. Intentionally left blank

V. Assessment and Direction

28. AD22-216

Mr. Ross moved to issue a complaint (**CR23-8**) and direct the physician assistant to undergo a § 3286 psychiatric and substance misuse evaluation. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 2 recused.

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

29. AD22-229

Dr. Nesin moved to issue a citation to the physician for failure to make a notification to the Board within ten days as required by Board Rule, Chapter 1 and to close the matter with no further action upon receipt of payment. Dr. Fanjoy seconded the motion.

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

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

30. AD22-231

Dr. Fanjoy moved to issue a complaint (**CR23-7**), direct the physician to undergo a § 3286 neuropsychological evaluation, and notify the Texas Medical Board. Dr. Waddell seconded the motion.

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

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

31. Intentionally left blank

32. Intentionally left blank

33. Pending Adjudicatory Hearings and Informal Conferences Report

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

34. Consumer Assistance Specialist Feedback (none)

VI. Informal Conference (none)

VII. Minutes for Approval

Mr. Ross moved to approve the minutes of the December 13, 2022 meeting. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed 9 in favor, 1 abstained.

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Ms. Lunner: For
Dr. Nesin: For
Dr. Waddell: Abstained
Ms. Weinstein: For

VIII. Consent Agreement Monitoring

A. Monitoring Reports (none)

IX. Adjudicatory Hearing (none)

X. Remarks of Chair

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

XI. Remarks of Executive Director

A. LD1858 – EMS Legislation Draft Report

Dr. Fay-Leblanc moved to approve the LD1858 report to the legislature. Mr. Ross seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 2 abstained.

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

XII. Assistant Executive Director's Report

Mr. Terranova provided an update on the status of the lease. He also reminded the Board that the Federation of State Medical Boards annual meeting will be held May 4-6 in Minneapolis and requested that Board members interested in attending notify staff.

XIII. Medical Director's Report (none)

XIV. Remarks of Assistant Attorney General

AAG Miller informed the Board of the dismissal of a lawsuit filed in Superior Court.

XV. Rulemaking (none)

XVI. Policy Review

A. Revised Draft Board Member Remote Participation Policy 9:01 a.m. – 9:10 a.m.

At 9:01 a.m. the Board commenced a public hearing regarding a revised draft Board Member Remote Participation Policy. Notice of the public hearing and review of the revised draft policy was included on the Board's agenda, in the Legislature's weekly

legislative calendar, and a notice and copy of the revised draft policy was published on the Board's website. Members of the public were provided an opportunity to submit written comments in advance of the hearing or provide comments virtually during the hearing. No written comments were received, and no comments were provided virtually during the hearing.

Following discussion of the revised draft policy, Mr. Ross moved to adopt the revised Board Member Remote Participation policy. Dr. Fanjoy seconded the motion.

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

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

The public hearing ended at 9:10 a.m.

XVII. Requests for Guidance (none)

XVIII. Board Correspondence (none)

XIX. FSMB Material

A. Quarterly Update on USMLE – December 2022

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

XX. FYI (none)

XXI. Other Business (none)

XXII. Adjournment 2:52 p.m.


Dr. Waddell moved to adjourn the meeting. Mr. Ross seconded the motion.

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

Dr. Gleaton: For
Mr. Ross: For

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

Respectfully submitted,



Maureen S. Lathrop
Administrative Assistant

Dear Mr. Smith,

In accordance with the “Board Member Remote Participation Policy” adopted by the Board on August 10, 2021, I am directing that the January 10, 2023 meeting of the Board be conducted virtually through exclusively remote participation pursuant to Section 2(A) of that policy. In support of this directive, I have determined that, based on the following circumstances, there exists an emergency or urgent issue which, pursuant to the policy, requires the Board to meet by entirely remote methods on January 10, 2023:

1. The Secretary of the U.S. Department of Health and Human Services first proclaimed on January 31, 2020, and most recently renewed on October 13, 2022, the nationwide public health emergency (PHE) due to the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic. (<https://aspr.hhs.gov/legal/PHE/Pages/default.aspx>)
2. The Commissioner of the Maine Department of Health and Human Services declared on July 1, 2021 a health emergency due to the continued consequences of the COVID-19 pandemic, which shall remain in effect through the duration of the PHE declared by the Secretary of the U.S. Department of Health and Human Services. (<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Public%20Health%20Emergency%20Declaration%206-30-21.pdf>)
3. The acting Secretary of the U.S. Department of Health and Human Services wrote a letter to all Governors on January 22, 2021 stating, “To assure you of our commitment to the ongoing response, we have determined that the PHE will likely remain in place for the entirety of 2021, and when a decision is made to terminate the declaration or let it expire, HHS will provide states with 60 days' notice prior to its termination.” (<https://ccf.georgetown.edu/wp-content/uploads/2021/01/Public-Health-Emergency-Message-to-Governors.pdf>)
4. Efforts to combat the pandemic continue in Maine where, as of December 20, 2022 304,797 residents have been infected (218,510 confirmed and 86,287 probable), 6,463 residents have been hospitalized with the virus, and 2,779 people have died from the virus since January 2020. (<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>)
5. As of December 20, 2022, the number of new COVID-19 infections in the State of Maine as confirmed by testing brings the seven-day average of new cases in the State to 182; the number of new cases (confirmed and probable) statewide is 1,277; the number of current hospitalizations is 116 (with 23 in critical care); the number of validated vaccine breakthrough cases is 123,591; the total number of deaths is 2,779. (<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>)
6. Viruses like SARS-CoV-2 continuously evolve. The Omicron variant of SARS-CoV-2 (including B.1.1.529, BA.1, BA.1.1, BA.2, BA.3, BA.4 and BA.5 lineages) is currently

classified as a Variant of Concern. As of December 20, 2022, the Omicron variant represents 100 percent of all sequenced samples collected in Maine.

7. As of December 20, 2022, 13 of Maine's counties are in the “low”, 3 counties are in the “medium,” and 0 counties are in the “high” transmission category as defined by the U.S. Centers for Disease Control and Prevention.
(https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=Maine&data-type=CommunityLevels)
8. Eight of the Boards’ members (6 physicians and 2 physician assistants) are actively practicing medicine or rendering medical services and are potentially exposed to the COVID-19 virus while seeing and treating patients at medical facilities, including hospitals, despite taking precautionary measures.
9. An in-person meeting of the Board is foreseeably likely to result in an increased risk of exposure to the COVID-19 virus, which has an incubation period of 2-14 days before the onset of symptoms, for members of the Board, its staff, licensees, and members of the public.
10. Conducting an in-person Board meeting on January 10, 2023 is not practicable due to the widespread persistence in COVID-19 infections and the continued threat of exposure of the COVID-19 virus to Board members and to members of the public. Therefore, I have determined that there is an emergency such that the January 10, 2023 Board meeting shall be held entirely remotely as the best way to protect the safety and wellbeing of the members of the Board, its staff, licensees, and members of the public.

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

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