## State of Maine

## Board of Licensure in Medicine

## 137 SHS, 161 Capitol Street

## Augusta, Maine 04333-0137

## June 14, 2022

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## State of Maine Board of Licensure in Medicine 137 SHS, 161 Capitol Street Augusta, Maine 04333-0137 Minutes of June 14, 2022

**Board Members Present:** Maroulla S. Gleaton, M.D., Chair; Christopher R. Ross, P.A., Secretary; Holly Fanjoy, M.D.; Renee Fay-Leblanc, M.D.; Noel Genova, P.A.; Gregory Jamison, RPh, Public Member (excused 11:45 a.m. – 12:55 p.m. due to computer issues); Noah Nesin, M.D.; and Lynne M. Weinstein, Public Member

Board Members Absent: Brad E. Waddell, M.D. and Frederick Goggans, M.D.

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

**Attorney General's Office Staff Present:** Michael Miller, Assistant Attorney General and Andrew Black, Assistant Attorney General

In accordance with the "Board Member Remote Participation Policy" adopted by the Board on August 10, 2021, the Board Chair directed that the June 14, 2022 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.

Recess

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

EXECUTIVE SESSIONS	PURPOSE

None

#### **RECESSES**

2:30 p.m. - 2:40 p.m.

9:16 a.m. – 9:30 a.m.	Recess
10:48 a.m. – 11:00 a.m.	Recess
12:00 p.m. – 12:55 p.m.	Lunch

3:43 p.m. – 3:52 p.m. Recess

#### I. Call to Order

Dr. Gleaton called the meeting to order at 8:00 a.m.

## A. Amendments to Agenda (none)

## **B.** Scheduled Agenda Items

1. 1:00 p.m. Adjudicatory Hearing – Scott S. Foxworth, P.A. (Appeal of Preliminary Denial of Application to Convert License to Active Status)

### II. Licensing

## A. Applications for Individual Consideration

## 1. Initial Applications

### a. John A. Califano, M.D.

Mr. Ross moved to offer Dr. Califano a consent agreement mirroring the Louisiana consent order or alternatively leave to withdraw his application while not under investigation. Dr. Fay-Leblanc seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

## b. Georgina M. Bustamante-Coffey, M.D.

Mr. Ross moved to approve Dr. Bustamante-Coffey's license application. Dr. Fay-Leblanc seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

## c. David J. Swierzewski, M.D.

Dr. Nesin moved to obtain an expert review of the medical malpractice case and ask Dr. Swierzewski his intended scope of practice in Maine. Mr. Ross seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

## 2. Reinstatement Applications

#### a. Jason Aines, M.D.

Dr. Fanjoy moved to approve Dr. Aines' reinstatement application. Mr. Ross seconded the motion.

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

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

### 3. Renewal Applications (none)

#### 4. Requests to Convert to Active Status

#### a. Timothy J. Richardson, M.D.

Dr. Nesin moved to offer Dr. Richardson a consent agreement incorporating his reentry to practice plan. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For

Dr. Fay-Leblanc: Recused

Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

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

### 6. Requests for Collaborative/Practice Agreements

## a. Elaine Cadorette, P.A.

Ms. Genova moved to approve Ms. Cadorette's practice agreement. Mr. Ross seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### **B.** Other Items for Discussion (none)

### C. Citations and Administrative Fines (none)

### D. Licensing Status Report [Appendix A]

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

#### E. Licensing Feedback

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

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

## A. Decision and Order – Elmer H. Lommler, M.D.

Dr. Nesin moved to approve the Decision and Order. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

Mr. Ross moved to approve the proposed practice monitor. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### B. CR15-65 Marc C. DeBell, M.D.

Dr. Fanjoy moved to approve the first amendment to consent agreement. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 2 abstained.

Dr. Gleaton: For Mr. Ross: Abstained Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For

Mr. Jamison: Abstained

Dr. Nesin: For Ms. Weinstein: For

## IV. Complaints

#### 1. CR20-43

Mr. Ross moved to dismiss the complaint following his review and approval of the physician's written representation that he will 1) institute appropriate controlled substance medication tapers; 2) include documentation of actual pill count numbers in the medical records; and 3) perform routine confirmatory testing for patient's prescribed stimulants. Dr. Nesin seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### 2. CR21-73 Cynthia J. Bolles, P.A.

Ms. Genova 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 7 in favor, 1 abstained.

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

**MOTION:** The Board initiated the complaint following receipt of a report from a health care facility that the physician assistant deviated from the standard of care which caused direct harm to a patient. The report indicated that a patient presented to the facility with numerous risk factors for self-harm but was discharged without appropriate consultations. The physician assistant responded to the complaint, explained her medical decision-making, and admitted that she did not sufficiently document her interactions with other health care providers regarding the patient. Additional investigation revealed that protocols at the facility have been changed to avoid a similar situation in the future.

The guidance is as follows: Complete and accurate medical record documentation is essential to good patient care, especially continuity of care. Failure to ensure timely and adequate medical record documentation regarding medical decision making poses a risk to patient safety. In addition, patients who present with multiple risk factors for self-harm should be appropriately assessed through consultation with a mental health specialist or use of validated tools, and not released until risks of self-harm have been addressed and a safety plan established, if needed.

#### 3. CR21-140

Dr. Gleaton 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 Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

#### 4. CR21-160

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

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

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

**MOTION:** The patient presents with symptoms that have yet to be fully explained and feels the licensee has not listened to or understood the patient. However, after reviewing the records, the care provided was within the standard.

#### 5. CR21-211

Dr. Gleaton moved to table the matter. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

## Motion regarding CR22-12 & CR22-67

#### 6. CR22-12 Jarrod Ryan Daniel, M.D.

#### 7. CR22-67 Jarrod Ryan Daniel, M.D.

Dr. Gleaton moved to dismiss the complaints with a letter of guidance. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

**MOTION:** The complaints were filed by patients who expressed frustration about appointment cancellations and the physician's failure to participate in post-operative appointments with his staff. The physician responded to the complaints and explained the care provided.

The guidance is as follows: Ideally, patients should receive timely post-operative care and follow-up by their operating surgeon or arrangement with coverage by others with expertise to deliver care. If you as a surgeon delegate this care and/or know that you will have to delegate post-operative care, you should provide patients with full disclosure of this arrangement pre-operatively as part of the patients' informed consent to treatment. Additionally, as the physician-owner of the medical practice you should ensure timely responses to record requests by patients and quickly and personally address and resolve patient medical issues and concerns.

## 8. CR22-16 William Joseph Cullen, M.D.

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

**MOTION:** The complaint was filed by the relative of a patient regarding the physician's care and treatment of the patient during an initial appointment to follow-up after the patient's

discharge from the hospital. The physician responded to the complaint, explained his medical decision-making, described his examination of the patient and his interactions with the patient and the patient's relative.

The guidance is as follows: Be mindful of the purpose for an evaluation and its potential effects on patients, especially patients who are in acute pain. Prior to the examination, it is important to impart empathy and develop trust by using eye contact and explaining the type of examination to be performed, answering any questions about the examination and the sensations it might cause, and then obtaining the patient's consent to proceed. In addition, be aware of and sensitive to both verbal and nonverbal cues from patients and caregivers during the conduct of an examination that indicate a need for additional communication.

#### 9. CR22-61

Mr. Ross moved to table the matter. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

#### 10. CR21-149

Ms. Genova moved to table the matter. Mr. Ross seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### 11. CR22-34 Caroline Joyce, P.A.

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

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

**MOTION:** The complaint was filed by the mother of a teenage female patient regarding the physician assistant's care and treatment during an office appointment for a well child exam. After describing that the appointment began with confusion regarding the need for a vaccination booster, the patient's mother expressed concern regarding the physician assistant's failure to discuss issues regarding pregnancy, sexual activity, or drug and alcohol use. The physician assistant responded to the complaint, explained her medical decision-making, described her examination of the patient and her interactions with the patient and the patient's parents.

The guidance is as follows: Discussions with adolescent patients regarding pregnancy, reproductive care, and alcohol and drug use are considered standard and are an important part of a well child office visit involving teenage patients. Such discussions should be documented in the patient's medical record.

#### 12. CR22-46 Kelli M. Nicole Huth, P.A.

Dr. Fay-Leblanc moved to dismiss the matter with a letter of guidance. Ms. Weinstein seconded the motion.

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

**MOTION:** The complaint was filed by the father of a young patient regarding the physician assistant's care and treatment during an urgent care visit. The physician assistant responded to the complaint, explained her medical decision-making, described her examination of the patient and her interactions with the patient and parent.

The guidance is as follows: You should avoid utilizing exam templates as they may cause your notes from the office visit to be an inaccurate reflection of the actual examination that you performed. You should not assume that patients or their family members who may be in a health care profession will know certain health care information and should provide them with the same advice and education that you provide to any patient.

#### 13. CR22-59 Cynthia A. Self, M.D.

Dr. Gleaton 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 Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

**MOTION:** The Board initiated the complaint following receipt of a report that the physician provided a professional medical opinion regarding mental status of a patient who was related to her by marriage. The physician responded to the complaint and explained her medical decision-making.

The guidance is as follows: The co-mingling of professional and personal boundaries may affect objectivity on the physician's part and could ultimately be helpful or harmful to the patient. A physician must be thoughtful, vigilant, and mindful when making professional decisions involving patients with who they have personal and/or familial relationships. A copy of the *AMA Code of Medical Ethics, Opinion 1.2.1 "Treating Self or Family"* is enclosed with this letter of guidance for your review.

#### 14. CR22-73

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

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

**MOTION:** A patient in a state facility alleges he received inadequate care for an injured right shoulder. He was referred to a specialist after being seen by this physician and then requested a second opinion. Pain treatment was difficult for this patient with a history of opioid use disorder. Additionally, he was provided with two mattresses, extra pillows, and a wedge pillow for sleeping. Personal items belonging to the patient were found in other residents' spaces in the facility opening a conversation regarding diversion. Appropriate care and treatment provided.

#### 15. CR22-75

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

**MOTION:** The complainant is the patient's mother who alleges that the licensee was dismissive of her concerns regarding her child's genitourinary complaints and microscopic hematuria. The patient had an appropriate evaluation and urine sent for culture which was negative for infection. An explanation for the abnormal urine dip test was provided to the mother. The patient's evaluation did not warrant immediate additional testing for hematuria or antibiotics while being seen by the licensee. The patient received follow-up and reevaluation in the office. Care of the patient was appropriate.

#### 16. CR22-88

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

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

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

**MOTION:** The complainant is a patient who has been on Xanax and Ambien for many years. The provider discussed the use of these medications and recommended consideration to wean off them. The patient was upset that the provider reportedly told them they were "addicted" to the medications. The patient reports that the provider was upset and acted unprofessionally. The PMP and medical records were reviewed, and the standard of care was followed. The interaction may have been better if the licensee used different language (dependence versus addiction) and a shared decision-making approach with this patient.

#### 17. CR20-178

Dr. Fay-Leblanc moved to investigate further for completion of previously requested information. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

#### 18. CR21-108

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

**MOTION:** The complainant is dissatisfied with a decision to taper a controlled substance (benzodiazepine) and understood it to be due to the absence of that substance in repeated urine drug screens and that the licensee refused to follow up point of care tests with confirmatory tests. The licensee counters that the decision to taper was based on patient safety considerations (combination of benzodiazepine, opioid at high dose, plus marijuana) and not on the drug screens, and that confirmatory tests were in fact ordered.

Care was appropriate and well documented, and taper was discussed at two visits prior to its initiation. In a supplemental response the licensee also demonstrated insight into what could be done better and has initiated some practice improvement.

#### 19. CR22-83

Ms. Genova moved to investigate further, request additional information, and direct that the physician undergo a § 3286 neurocognitive and psychiatric evaluation. Dr. Fay-Leblanc seconded the motion.

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

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

#### V. Assessment and Direction

#### 20. AD22-11

Dr. Nesin moved to issue a complaint (CR22-120) and direct that the physician undergo a § 3286 psychiatric evaluation. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### 21. AD22-26

Dr. Fay-Leblanc moved to issue a complaint (CR22-121). Mr. Ross seconded the motion.

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

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

### 22. 22-102

Ms. Genova moved to issue a complaint (CR22-122), issue a complaint against the initial prescriber (CR22-124), and refer information to the Board of Nursing. Dr. Nesin seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For

Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### 23. Intentionally left blank

## 24. Intentionally left blank

## 25. Pending Adjudicatory Hearings and Informal Conferences Report

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

## 26. Consumer Assistance Specialist Feedback (none)

## VI. Informal Conference (none)

## VII. Minutes for Approval

Ms. Weinstein moved to approve the minutes of the May 10, 2022 meeting. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 2 abstained.

Dr. Gleaton: For Mr. Ross: Abstained Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For

Mr. Jamison: Abstained

Dr. Nesin: For Ms. Weinstein: For

## **VIII.** Consent Agreement Monitoring

## A. Monitoring Reports

## 1. Arthur Blake, M.D.

Following review of information related to Dr. Blake's monitoring, the Board directed staff to request records and corroborating documentation that changes have been implemented to address the Schmidt Institute's Controlled Substance Stewardship Committee's recommendations.

#### 2. Bart J. DeCristoforo, P.A.

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

#### 3. David B. Nagler, M.D.

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

## IX. Adjudicatory Hearing

# A. Scott S. Foxworth, P.A. – Appeal of Preliminary Denial of Request to Convert License to Active Status

Rebekah J. Smith, Esq., Hearing Officer, convened the hearing at 1:04 p.m. Mr. Foxworth was present and represented by Jeffrey Young, Esq. AAG Andrew Black represented Board Staff.

Following deliberations, the Board made the following motions:

### Allegation I.

Mr. Ross moved that the preponderance of evidence showed that Mr. Foxworth engaged in misrepresentation in obtaining a license by making untrue statement on his license renewal application submitted to the Board on December 22, 2019 and his application to convert his physician assistant license to active status received by the Board on September 27, 2021. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

#### Allegation II.

Mr. Ross moved that the preponderance of evidence showed that Mr. Foxworth violated Board Rule Chapter 2, § 8(7) by failing to notify the Board in writing within ten calendar days of his termination of employment on August 6, 2021. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### Allegation III.

Mr. Ross moved that the preponderance of evidence showed that Mr. Foxworth violated Board Rule Chapter 2, § 8(8) by failing to notify the Board in writing within ten calendar days of disciplinary action by the Texas Physician Assistant Board on November 8, 2019. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### Allegation IV.

Mr. Ross moved that the preponderance of evidence showed that Mr. Foxworth had a restriction placed on his license to practice in Texas for conduct that if committed in Maine would have constituted grounds for discipline against his Maine license. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

Mr. Ross moved to approve Mr. Foxworth's request to convert his license from Inactive to Active status, issue a reprimand, and assess a civil penalty of \$250.00 per violation (total \$1,000.00) to be paid within three months. Authority to sign the Decision and Order is delegated to the Board Chair. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For

Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

The hearing adjourned at 5:05 p.m.

#### X. Remarks of Chair

Dr. Gleaton spoke about serving on the FSMB Board of Directors and being selected to participate on the Governance, Audit and Awards Committees. Dr. Gleaton encouraged Board members to contact her with suggestions for ways that the FSMB might assist the Board in its work.

#### XI. Remarks of Executive Director

Mr. Smith informed the Board that Ms. Genova is resigning following the June meeting. He recognized her for the significant time and commitment she has made in serving the Board and noted that she joined the Board during the pandemic with the added challenge of meeting and working with Board members and staff virtually.

Mr. Smith informed the Board that Ms. Best is resigning effective July 8<sup>th</sup>. Ms. Best joined the Board in 2014 first as the consumer assistance specialist and was promoted to complaint coordinator in 2016. Mr. Smith noted Ms. Best's dedication, positive attitude, and leadership.

#### A. Newsletter Article Topics

The Board reviewed an article regarding Browntail Moth Caterpillar Dermatitis submitted as a potential article for its newsletter. After discussion, the Board determined that the purpose of the Board's newsletter is to identify issues and inform licensees as it pertains to licensure, regulation and rulemaking and that the article submitted was not appropriate for the newsletter.

## XII. Assistant Executive Director's Report

#### A. FY23 Contracts

#### 1. MPHP

Mr. Ross moved to approve a contract with the Medical Professionals Health Program in the amount of \$85,000. Dr. Fay-Leblanc seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For

Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: For Dr. Nesin: For Ms. Weinstein: For

### 2. MMA/MMCQI

Mr. Ross moved to approve a contract with the Maine Medical Association Center for Quality Improvement in the amount of \$37,130 and approve the suggested new modules. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: Absent Dr. Nesin: Abstain Ms. Weinstein: For

#### 3. Pulse Marketing

Mr. Ross moved to approve a contract with Pulse Marketing in the amount of \$5,000 for the creation of an additional 90 seconds of videos. Dr. Fay-Leblanc seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: Absent Dr. Nesin: For Ms. Weinstein: For

#### B. Travel

Mr. Terranova presented a list of training and educational opportunities that will require out of state travel by Board members and/or staff between July and December of 2022 for the Board's review and approval.

Mr. Ross moved to approve the travel. Dr. Fay-Leblanc seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: Absent Dr. Nesin: For Ms. Weinstein: For

## C. Complaint Status Report

As of June 1, 2022, there are one hundred eighteen complaints outstanding. Sixteen complaints were opened during the month of May and sixteen were closed.

- XIII. Medical Director's Report (none)
- XIV. Remarks of Assistant Attorney General (none)
- XV. Rulemaking (none)
- XVI. Policy Review

## A. Complaint Process and Filings

Ms. Genova moved to approve proposed amendments to the Complaint Process and Filings policy. Mr. Ross seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For

Dr. Fay-Leblanc: For Ms. Genova: For Mr. Jamison: Absent

Dr. Nesin: For Ms. Weinstein: For

## XVII. Requests for Guidance (none)

### XVIII. Board Correspondence (none)

#### XIX. FSMB Material

### A. Board of Directors Meeting Highlights April – May 2022

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

### XX. FYI

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

## XXI. Other Business (none)

## XXII. Adjournment 5:09 p.m.

At 5:09 p.m. Mr. Ross moved to adjourn the meeting. Ms. Genova seconded the motion.

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

Dr. Gleaton: For Mr. Ross: For Dr. Fanjoy: For Dr. Fay-Leblanc: For Ms. Genova: For

Ms. Genova: For Mr. Jamison: For Dr. Nesin: 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 June 14, 2022 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 June 14, 2022:

- The Secretary of the U.S. Department of Health and Human Services first proclaimed on January 31, 2020, and most recently renewed on April 16, 2022, the nationwide public health emergency (PHE) due to the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic. (<a href="https://aspr.hhs.gov/legal/PHE/Pages/COVID19-12Apr2022.aspx">https://aspr.hhs.gov/legal/PHE/Pages/COVID19-12Apr2022.aspx</a>)
- 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 May 31, 2022, 262,572 residents have been infected (189,301 confirmed and 73,271 probable), 4,951 residents have been hospitalized with the virus, and 2,346 people have died from the virus since January 2020. (<a href="https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml">https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml</a>)
- 5. As of May 31, 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 439; the number of new cases (confirmed and probable) statewide is 2,634; the number of current hospitalizations is 167 (with 21 in critical care); the number of validated vaccine breakthrough cases is 95,056; the total number of deaths is 2,346.

  (<a href="https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml">https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml</a>)

- 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 May 31, 2022, the Omicron variant represents 100 percent of all sequenced samples collected in Maine.
- 7. As of May 31, 2022, 1 of Maine's counties (Sagadahoc) is in the "low", 9 counties (Cumberland, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo, Washington & York) are in the "medium" and 6 counties (Androscoggin, Aroostook, Franklin, Hancock, Oxford, & Penobscot) are in the "high" transmission category as defined by the U.S. Centers for Disease Control and Prevention.
- 8. 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.
- 9. Conducting an in-person Board meeting on June 14, 2022 is not practicable due to the widespread rise in COVID-19 infections and the potential exposure to 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 June 14, 2022 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

#### **BOARD OF LICENSURE IN MEDICINE**

**DATE:** JUNE 1, 2022

TO: BOARD MEMBERS

CC:

FROM: TIMOTHY TERRANOVA

RE: LICENSING STATUS REPORT AND LISTS

The following information is included:

A summary of all new licenses granted in May 2022 by license type (118);

A list of all individuals granted a new license in May 2022;

A summary of all pending applications by license type (364);

A list of online vs. paper renewals in May 2022 by license type (93.96%);

The number of licenses expired May 31, 2022 (62);

The number of licenses lapsed for date February 28, 2022 (33); and

The list of licenses withdrawn in May 2022 (7).

In addition, the overall licensing statistics include:

The number of active MD licenses (not including EC) on June 1, 2022 (7,310);

The number of active MD licenses with a Maine address (not including EC) on June 1, 2022 (3,749);

The number of active PA licenses on June 1, 2022 (1,090);

The number of active PA licenses with a Maine address on June 1, 2022 (973); and

The number of licenses pending renewal on June 1, 2022 (45).

We look forward to your feedback.

SUMMARY BY LICENSE STATUS

A - Active

## **SELECTION FILE SUMMARY**

# STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION BOARD OF LICENSURE IN MEDICINE

Selection File Name: MONTHLY-ISSUED

TOTAL ALL LICENSES:

118

118

PREFIX	
CP - YOUTH CAMP LICENSE	
A - Active	1
SUBTOTAL:	1
EC - TEMPORARY EDUCATIONAL CERTIFICATE	
A - Active	3
SUBTOTAL:	3
EL - EMERGENCY 100-DAY LICENSE	
A - Active	1
SUBTOTAL:	1
MD - MEDICAL DOCTOR	
A - Active	98
SUBTOTAL:	98
PA - PHYSICIAN ASSISTANT	
A - Active	13
SUBTOTAL:	13
TD - TEMPORARY LICENSE	
A - Active	1
SUBTOTAL:	1
TM - TELEMEDICINE	
A - Active	1
	SUBTOTAL:  EC - TEMPORARY EDUCATIONAL CERTIFICATE A - Active SUBTOTAL:  EL - EMERGENCY 100-DAY LICENSE A - Active SUBTOTAL:  MD - MEDICAL DOCTOR A - Active SUBTOTAL:  PA - PHYSICIAN ASSISTANT A - Active SUBTOTAL:  TD - TEMPORARY LICENSE A - Active SUBTOTAL:

## 06/01/2022 LICENSE MASTER Page 1 of 7

# STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION BOARD OF LICENSURE IN MEDICINE

Selection File: MONTHLY-ISSUED

MD25899 - WOLLELAW W. AGMAS, MD

PA2362 - STEVEN JAMES AIELLO, PA

MD26080 - SAMUEL ANTWI-BOASIAKO, MD

MD26097 - SHANNON ARORA, MD

MD26096 - CONO BADALAMENTI, MD

MD26095 - BENJAMIN BERYL BARDEN, MD

MD26086 - ALYSSA ANNE BARTO, MD

MD25945 - REBECCA CYDNEY BATISTE, MD

MD26134 - KNOX JOSEPH BEASLEY, MD

EC221065 - BLAIRE MARIE BEERS-MULROY, MD

EC221027 - JOSEPH MICHAEL BENERT, MD

MD26113 - TANYA JAYLAN BENNETT, MD

MD24433 - JOHN BERNARD, MD

MD25886 - MICHAEL F. BLOSS, MD

MD26104 - JAMES CHRISTOPHER BOHNHOFF, MD

MD26060 - CHAD STEPHEN BOOMERSHINE, MD

MD25950 - GLENN KLINGENSMITH BUCHBERGER, MD

MD26022 - JENNIFER MARGARET BURG, MD

MD26001 - DOUGLAS PAUL CALDWELL, MD

EC221041 - JESSICA ANNE CHARLES-LAROSE, MD

PA2333 - CATHERINE YU-CHUN CHEN, PA

MD25915 - WENDY YVONNE CHEN, MD

MD26066 - CATHRYN MARIE CHRISTENSEN, MD

MD26094 - MATTHEW SOAME CHRISTIANSON, MD

MD25840 - JONATHAN COKER, MD

MD26135 - IRENE EKENE CORNELL-ADE, MD

PA2363 - VINH C. DAM, PA

MD21855 - BRANDON L. DAWKINS, MD

PA2330 - VIVEK ARVIND DESAI, PA

MD25662 - TERESA VICTORIA DOMBEK-LANG, MD

MD26030 - JOHN FLETCHER DROGOS, MD

MD26105 - GREGORY JOSEPH DUHON, MD

CP221001 - MATTHEW A. EISENBERG, MD

MD26131 - SAADIQ FARID EL-AMIN III, MD

MD26123 - MARTHA K. ELIAS, MD

MD25834 - IAN ENGLER, MD

MD25894 - ANFIN STEWART ERICKSON, MD

MD25880 - MICAH BARUCH FRIEDMAN, MD

MD26005 - JENNIFER ELIZABETH GODWIN, MD

PA2338 - BENJAMIN A. HABER, PA

MD26145 - ERIN MICHELLE HENDRIKS, MD

MD25329 - SARAH ELIZABETH HIPKENS, MD

TD221001 - SCOTT ROBERT HOCHGRAF, MD

MD26002 - HOUMEHR HOJJAT, MD

MD25282 - RAYMOND JOSEPH HOWARD, MD

MD26007 - NAUREEN IQBAL, MD

MD26099 - BRANDY SHERRAY NICOLE JEANSIMON, MD

MD25983 - HANNAH MILLARD JONES, MD

MD25949 - ELIZABETH M. JOYCE, MD

PA2365 - MARGARET ELIZABETH KASPER, PA

MD26147 - BARUCH KATZ, MD

MD25961 - SCOTT TUCKER KENDALL, MD

MD26049 - PETER JOHANNES KENNEL, MD

MD25986 - JENNIFER KIM, MD

MD26084 - LUKE ARTHUR KRYSTOSEK, MD

MD25934 - RHIANON LIU, MD

PA2111 - DAVID CHI LY, PA

MD25785 - JAMES F. MAGUIRE, MD

MD25804 - TRACI JEAN MARQUIS-EYDMAN, MD

MD24762 - NEIL MARTIN, MD

MD26112 - AMANDA CAROL MCBANE, MD

MD25926 - TIFFANI LEIGH MCDONOUGH, MD

MD26046 - ANUJ MEDIRATTA, MD

PA2352 - AMY JOSEPHINE MILLER, PA

MD26114 - MEHRUKH MUJEEB, MD

MD25930 - GLENN ALLEN NANNEY JR, MD

MD26120 - LESLIE WILMOT NELSON, MD

MD26121 - SERAH OLUWATOSIN OGUN, MD

MD25052	TITL IT	HADT	<b>OLDROYD</b>	MD
MID25955 -	JULIE	HAKI	OLDKOYD	. MID

TM25985 - EILEEN MARY O'REILLY, MD

MD26010 - SRIKANTH PADMA, MD

MD26087 - BARI ALEXIS PARKS BALLARD, MD

MD26130 - PANKTI A. PATEL, MD

MD25853 - POORAV JITENDRA PATEL, MD

MD26124 - DANIEL KENNITH PATTERSON, MD

MD26088 - TANMAY PRAVINCHANDRA PATWA, MD

MD26160 - STEVEN SCOTT PEPPER, MD

MD26093 - AARON RICHARD PERREAULT, MD

MD26098 - ERIC MATTHEW PERRY, MD

MD26064 - VANESSA BILLSTONE PEYTON, MD

MD26071 - JONATHAN PROULX, MD

MD26003 - SHARIQ REFAI, MD

EL221014 - ANDREW ROSENTHAL, MD

MD25703 - ROBERT ROSSERO, MD

PA2355 - JENNIFER ELLEN ROWLINSON, PA

PA2347 -	MOLLY	SABIDO.	PA

MD26148 - JONATHAN MICHAEL SCHWARTZ, MD

MD26156 - PATRICE L. SCIPIO, MD

MD26139 - JOHN MATTHEW SEELY, MD

MD26157 - KHUSHALI R. SHAH, MD

MD25431 - MUHAMMAD A. SHEIKH, MD

MD25920 - JESSICA YUME SHIM, MD

MD25989 - PLINIO PEREIRA SILVA, MD

MD26085 - ROBERT RUTHA SIMON, MD

MD26133 - TAWANA SMITH, MD

MD26081 - DAVID WATSON SOBEL, MD

PA2345 - GARY SAMUEL SORCHER, PA

MD26054 - STEPHANIE JEAN SPURGAT, MD

MD26040 - BENJAMIN NOLIN STEPP, MD

PA2361 - STACIA L. STICKNEY, PA

MD26115 - TERESA H. STILLION, MD

MD25743 - KENNETH BOYD STRUMPF, MD

MD26144 - ANDREW STU	UBBS.	. MD
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MD25923 - TIMOTHY SULLIVAN, MD

MD26146 - LILY TALAKOUB, MD

MD26155 - RAJESH RAJAGOPALAN TAMPI, MD

MD25770 - RANDOLPH WILKERSON TAYLOR II, MD

PA2337 - NICHOLAS TROCHALAKIS, PA

MD26063 - CHRISTOPHER PATRICK TUOHY, MD

MD25975 - MERCEDES ALLISON VOLK, MD

MD25969 - JONATHAN MATTHEW WEIMER, MD

MD25843 - TED SCOTT WILLIS, MD

MD26132 - ROBERT MICHAEL WOOD, MD

MD24879 - LINDA WALKER YOUNG, MD

MD26122 - ROGER S. YOUNG, MD

MD25773 - EMILY JANE ZARAGOZA, MD

MD25927 - ARIEL PORTERFIELD ZODHIATES, MD

MD26159 - MICHELE LEIGH ZUCKER, MD

## **SELECTION FILE SUMMARY**

# STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION BOARD OF LICENSURE IN MEDICINE

Selection File Name: MONTHLY-PENDING

#### SUMMARY BY LICENSE PREFIX

CP - YOUTH CAMP LICENSE P - Pending	3
SUBTOTAL:	3
EC - TEMPORARY EDUCATIONAL CERTIFICATE P - Pending	22
SUBTOTAL:	22
EL - EMERGENCY 100-DAY LICENSE	
P - Pending	4
SUBTOTAL:	4
MD - MEDICAL DOCTOR	
P - Pending	282
SUBTOTAL:	282
PA - PHYSICIAN ASSISTANT	
P - Pending	48
SUBTOTAL:	48
TD - TEMPORARY LICENSE	
P - Pending	1
SUBTOTAL:	1
TM - TELEMEDICINE	
P - Pending	4
SUBTOTAL:	4
SUMMARY BY LICENSE STATUS	
P - Pending	364
TOTAL ALL LICENSES:	364



I	DISPLAY_NAME	BRD#	PFX	TOTAL RENEW	ONLINE - COMPLETE	ONLINE - PARTIAL	ONLINE - TOTAL	PAPER	% ONLINE
1	MEDICINE	376	CP	0	0	0	0	0	0
İ	MEDICINE	376	EL	0	0	0	0	0	0
Ì	MEDICINE	376	MD	198	160	23	183	15	92.42
	MEDICINE	376	MDA	2	1	1	2	0	100
Ī	MEDICINE	376	MDE	12	11	1	12	0	100
Ī	MEDICINE	376	MDV	0	0	0	0	0	0
Ī	MEDICINE	376	PA	51	38	12	50	1	98.04
Ī	MEDICINE	376	TM	2	2	0	2	0	100

Selection File: WITHDRAWALS

MD24969 - NAVEED ALAM, MD

MD21861 - HAROLD MURRAY ALPERT, MD

MD24627 - MATTHEW DAVID DALKE, MD

MD15632 - DAVID R. GREATOREX, MD

MD22026 - JUNAID KAMAL, MD

MD14583 - CHARLES B. MARKOWITZ, MD

PA119 - DAVID A. PAYNE, PA