

Board of Licensure in Medicine
March 14, 2023
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**Maine Board of Licensure in Medicine
Minutes of March 14, 2023**

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

Board Members Absent: None

Board Staff Present: Executive Director Dennis E. Smith; Assistant Executive Director Timothy E. Terranova; Consumer Assistance Specialist Savannah Okoronkwo; and Complaint Coordinator Kelly L. McLaughlin

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 January 10, 2023, the Board Chair directed that the March 14, 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

None

RECESSES

12:12 p.m. – 12:42 p.m.

Lunch

I. Call to Order

Dr. Gleaton called the meeting to order at 8:04 a.m.

A. Amendments to Agenda (none)

B. Scheduled Agenda Items (none)

II. Licensing

A. Applications for Individual Consideration

1. Initial Applications

a. Thomas F. King, M.D.

Dr. Fanjoy moved to approve the FLEX Exam set as equivalent to the VQE, issue a citation for failure to answer accurately a question on the license application and issue Dr. King's license upon payment of the fine. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

b. Sean Lager, M.D.

Dr. Nesin moved to issue a citation for failure to answer accurately a question on the license application and issue Dr. Lager's 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
Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

c. Robert M. Cuddihy, M.D.

Dr. Fay-Leblanc moved to approve Dr. Cuddihy's license application. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

d. Zafar I. Ahmad, M.D.

Dr. Fanjoy moved to table the application and obtain additional information regarding the exams Dr. Ahmad has taken and if he has worked as an attending physician. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

2. Reinstatement Applications (none)

3. Renewal Applications

a. Amanda Young, P.A.

Dr. Fanjoy moved to issue a complaint and obtain an expert review of medical records. Dr. Waddell seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

b. Timothy R. Jones, M.D.

Dr. Nesin moved to reconsider the Board's prior decision, approve Dr. Jones' renewal application and issue a letter of guidance. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

4. Requests to Convert to Active Status

a. Kathleen Marion Helen Dosiek, P.A.

Dr. Nesin moved to offer Ms. Dosiek a consent agreement for conversion of license incorporating reentry to clinical practice requirements including six months of direct supervision and six months of general supervision. Authority to review, approve and sign the consent agreement is delegated to the Board Chair. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

5. Requests to Withdraw License/License Application

a. Stephanie Santoro, M.D.

Dr. Fay-Leblanc moved to approve Dr. Santoro's request to withdraw her license application. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

b. Marc C. DeBell, M.D.

Dr. Fay-Leblanc moved to approve Dr. DeBell's request to withdraw his license and terminate his consent agreement. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

c. Catharine M. Crawford, M.D.

Mr. Ross moved to approve Dr. Crawford's request to withdraw her license reinstatement application. Mr. Jamison 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

d. Scott R. Short, M.D.

Dr. Nesin moved to approve Dr. Short's request to withdraw his 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
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

6. Requests for Collaborative/Practice Agreements

a. Amanda N. Brooks, P.A.

Mr. Ross moved to approve Ms. Brooks' practice agreement. 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
Mr. Blessington: Not present
Dr. Fanjoy: Recused
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

B. Other Items for Discussion (none)

C. Citations and Administrative Fines (none)

D. Licensing Status Report

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

E. Licensing Feedback

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

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

A. Mark W. Fourre, M.D.

Ms. Weinstein moved to approve the signed consent agreement for conversion of license. Mr. Ross seconded the motion.

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

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: Not present
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

IV. Complaints

1. CR20-208

Dr. Nesin moved to approve the physician's request for an informal conference. Ms. Weinstein seconded the motion.

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

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: Not present
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

2. CR21-24 Maria Michailidou, 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 6 in favor, 2 abstained and 1 recused.

Dr. Gleaton: For
Mr. Ross: For

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

MOTION: The Board issued a complaint following receipt of a report made by a health care entity that the physician resigned following an administrative suspension regarding issues associated with professionalism, clinical skills, and clinical judgment. The physician responded to the complaint and explained the circumstances surrounding her resignation. The Board further investigated and obtained an outside expert review of the care provided to patients.

The guidance is as follows: when there is a discrepancy in the sponge count at the end of an operative procedure, it is the standard of care for the surgeon to manually check the abdominal cavity and document this in the operative summary as well as obtain an intraoperative x-ray. Keep a high index of suspicion about retained foreign bodies on imaging and undertake immediate remedial operative action.

Continue to learn and gain experience as a surgeon by carefully planning preoperatively, discussing potential surgical cases with other experts, seeking consultation on medically complex patients, and obtaining assistance surgically when deemed necessary to take the best care of your patients.

For any physician dealing with patients, especially medically complex patients, it is important to have strong professional relationships and good communication with all colleagues and staff.

3. CR21-111

Dr. Waddell moved to issue a citation to the physician for failure to report an outstanding complaint on her renewal application and to dismiss the complaint 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
Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complaint alleges that the licensee was unprofessional and that the care provided was substandard. The former allegation is not substantiated after review of the licensee's response and the medical records. The latter allegation is not substantiated by external peer review.

4. ~~CR21-156~~

This matter was not discussed at the meeting.

5. CR22-15

Dr. Nesin moved to reiterate the Board's prior offer to the physician to permanently convert his license to emeritus status while under investigation or undergo a CPEP Clinical Competence Assessment and if he declines, to set the matter for an adjudicatory hearing. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

6. CR22-28

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

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

MOTION: The patient complains that the provider refused to see her due to a positive COVID test and refused to prescribe antibiotics. The patient was upset about not being able to get a mask waiver and a COVID vaccine waiver and the patient felt pushed to receive the COVID vaccination.

Records reveal that the provider did address the patient's desire for a mask and vaccine waiver and was planning to discuss it in person with the patient. The provider's response indicates that it was the organizational policy that outpatients testing positive for COVID be referred to the emergency department. The policy reveals the licensee did follow the organization's policy regarding COVID positive patients.

7. CR22-80

Dr. Fay-Leblanc moved to dismiss the complaint. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: This complaint revolves around care that was provided in 2015 by the on-call OB/GYN who evaluated the patient, who was 25 weeks 4 days pregnant, in the emergency department for bloody vaginal discharge. The provider examined the patient, monitored her for contractions for two hours, tested for infections and sent the patient home. The provider felt the bloody discharge was light, and per the patient's records there was a possible alternative diagnosis. The patient developed severe bleeding the following day and unfortunately ended up having a placental abruption and the baby died. The Board requested an expert review of the matter. The reviewer opined that the standard of care was followed.

8. CR22-87

Mr. Ross moved to dismiss the complaint. Mr. Jamison seconded the motion.

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

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: Not present
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For

Ms. Weinstein: For

MOTION: A patient complains that the physician was dismissive when she presented to him three days in a row. The patient complains that this resulted in her being admitted to the intensive care unit for days. There was a second issue when the physician did not have a medical assistant that day and she needed to have packing removed. The patient also states that the physician was rude when he told her they no longer had a therapeutic relationship, due to the fact that she was looking for an attorney to sue him for his short comings. The physician responded that he had taken care of the patient since 2010 and she had many exacerbations of her breathing issues. As part of that treatment, she has had pulmonary function tests and was being followed by a pulmonologist. Prior to this incident her oxygen levels were dropping down far enough that she was started on supplemental oxygen. He also investigated other treatment options, but the patient was not interested or did not qualify. Around the time of the hospitalization, the physician states he did not have any interaction with her. The second issue was her being seen without a chaperone and the physician states that he told her he did not have anyone that could come in, but she insisted to be seen. He states at their final meeting he tried to explain to her that he does not feel comfortable being her provider if she is searching for an attorney to sue him. Review of the records revealed that the patient received reasonable care.

9. CR22-111 Reid A. Roberts, M.D.

Dr. Fanjoy 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 7 in favor, 1 abstained.

Dr. Gleaton: For
Mr. Ross: For
Mr. Blessington: Not present
Dr. Fanjoy: For
Dr. Fay-Leblanc: Abstain
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complaint was filed by a mother of a pediatric patient alleging that the physician was dismissive of the child's symptoms, neglected to examine the child and provided inappropriate care. The physician responded to the complaint and explained his medical decision making.

The guidance is as follows: when interacting with patient relatives/guardians be mindful of the importance of communication and active listening in situations where there may be disagreements regarding diagnoses and the plan of care. As outlined in the enclosed guidelines for "Communicating with Patients," these aspects of

communication, combined with active listening, will enhance your practice and may preclude similar future complaints.

As a physician it is your responsibility to ensure that a patient's medical record accurately reflects all aspects of patient care and communications, including any physical examination that is performed.

10. CR22-122

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

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

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

11. CR22-134 Charles E. Foley, M.D.

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

A roll call vote was taken, and the motion passed 8 in favor, 1 abstained.

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

MOTION: The complaint was filed by a patient alleging that her surgery should have been determined to be medically necessary, that the surgery was not performed properly, and that her medical records were inaccurate. The physician responded to the complaint and explained the care provided and his interactions with the patient.

The guidance is as follows: as a physician it is your responsibility to ensure that a patient's medical record includes documentation that accurately reflects the

information available, and services provided. As indicated in the Board's Copy and Paste Guidelines (enclosed), "Clinicians using CPF or pre-populating data should do so carefully and judiciously to create efficient and complete clinical notes that will enhance communication, while avoiding duplication of notes and the propagation of outdated information that does not reflect the current condition of the patient."

12. CR22-159 Emily A. Vayda, M.D.

Dr. Nesin 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 8 in favor, 1 abstained.

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

MOTION: The complaint was filed by a patient alleging misdiagnosis, which exacerbated anxiety, and that the prescribing of benzodiazepines for that anxiety and subsequent attempts to taper those medications worsened the complainant's condition. The physician responded to the complaint and explained the care provided. The guidance is as follows: the decision to start a short course of a benzodiazepine for situational anxiety may be reasonable, but clinicians need to be aware of safety considerations and patient history which could result in difficulty in managing and tapering this class of medication. In addition, clinicians must have knowledge regarding proper tapering of any medication they prescribe.

13. CR22-172

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

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

MOTION: The complainant alleges that the licensee accused him of being manipulative in gaining access to appointments earlier than scheduled. The complainant suffers with chronic pain and may have a significant psychiatric diagnosis. The complainant has repeatedly expressed dissatisfaction with his treatment plan, both with this and other providers.

The licensee responded that she worked to address both the complainant's medical concerns and to approach his care with clear boundary setting and direct, clear communication, which is the appropriate approach to a patient with this psychiatric diagnosis.

14. CR22-175

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

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

MOTION: A pregnant woman presented to the emergency department with pregnancy-related complaints and was prescribed an inappropriate medication in error. The error was promptly discovered by the patient and the licensee appropriately apologized, admitted her error and corrected the mistake. No harm resulted from the medication error. The licensee's response indicates that she understands the issues that contributed to this mistake and has incorporated measures into her practice to prevent future errors.

The licensee accepted responsibility for her error and responded appropriately at the time. Her response shows that she has taken ownership of this mistake and has shared this experience and the lessons learned with her department and colleagues.

15. CR22-176

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

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

Dr. Gleaton: For
Mr. Ross: For

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

16. CR22-181

Mr. Ross moved to dismiss the complaint. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complains that the physician failed to acknowledge his complaints and insisted on a drug screen. He also felt the physician did not offer any help and that depression was the cause of his symptoms. The physician responded that he tried to establish a rapport with this new patient while working through all the possible causes of his symptoms. Review of the records revealed that the patient received reasonable care.

17. CR22-192

Mr. Blessington moved to dismiss the complaint. Mr. Ross seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

MOTION: The complainant felt the emergency department licensee was curt, rude and arrogant. The patient himself however, seemed evasive and reluctant to participate in the important aspects of history-taking. Both parties have culpability here and the history-taking portion of this encounter should have been less hostile. The licensee stated she would use the experience to improve future patient interactions.

18. CR22-208

Ms. Weinstein moved to dismiss the complaint. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: A patient complains about the care she received from this physician. She alleges he was rude, dismissive, aggressive and short tempered. The physician attempted to explain in laymen's terms the previous report documented from a vascular surgeon and printed the report for the patient to take. He also explained her vascular physician would be seeing her every six months for follow-up. The physician noted this office visit was the fourth medical opinion for this patient. She had a high level of anxiety with concerns over her condition and unfortunately this office visit did not go well between the patient and the provider. Documentation of a less than optimal patient encounter is challenging but needs to be done in a neutral manner. However, review of the records reveals appropriate care was provided.

19. CR22-215

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

Ms. Weinstein: For

MOTION: The complainant alleges that the licensee was confrontational about an unexpected result in a random urine drug screen and that she was threatened with dismissal from the practice.

The licensee responds that the unexpected finding was discussed and that it could result in discontinuation of opioid prescription. The licensee also documented concurrently that the testing lab would be contacted to see if the finding could be a false positive. The licensee's staff followed through on that, learned that it likely was false positive and communicated with the patient, who became very upset. The licensee, in response to the rebuttal, has implemented a number of thoughtful practice workflow changes to address the concerns.

20. CR22-221

Ms. Weinstein moved to dismiss the complaint upon her review and approval of an acceptable apology letter to the patient. Dr. Waddell seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

MOTION: A patient complains she was profiled due to her medical condition and the physician felt this condition likely influenced or exacerbated her condition. The physician recognized how what he said affected this patient.

21. CR22-222

Dr. Fanjoy 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
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For

Dr. Waddell: For
Ms. Weinstein: For

22. CR22-224

Dr. Waddell moved to dismiss the complaint. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The patient alleges that she was abandoned by a surgeon who moved out of state after he “promised” that he would perform spine surgery. The patient voluntarily re-established care with the same surgeon in his new practice (despite clear recommendations from the surgeon to maintain her care closer to home) and alleges that she was abandoned once again when the surgeon subsequently left that practice. Review of the investigative material shows that thoughtful clinical care was provided and shows no evidence of unprofessional conduct by the licensee.

23. CR22-225

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

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

MOTION: A patient complains that the physician assistant refused to fill her prescription. The physician assistant responded that she had refilled her prescription a few times along with telling the patient that she needed to be seen before more refills would be done. It was almost four years since the patient was seen when the

physician assistant stopped re-filling the prescription for medication. Review of the records revealed that the patient received reasonable care.

24. CR22-233

Dr. Nesin moved to dismiss the complaint. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The complainant is the spouse of the patient treated for multiple sclerosis (MS) and chronic pain and complains that:

- The licensee lacks compassion and allows the patient to suffer
- Medication treatment for pain is ineffective and is improperly chosen and improperly dosed
- The licensee's office committed an error that resulted in a delay in the patient's infusion for MS and progression of symptoms

The licensee responds by describing in detail interactions with the patient and the spouse, decision-making regarding treatment choices, repeated offer of early appointments to address concerns and promotion of a multi-modal approach to the patient's care, including collaboration with the neurologist, psychotherapy, physical therapy, exercise and medication. The care (including medication choices and dosing) is well documented and appropriate. There is no evidence of a delay in infusion occurring under the care of this licensee.

25. CR22-234

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

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

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

MOTION: The complainant alleges that he was involuntarily committed to a medical facility and was told that he would be discharged as he should not have been committed. In addition, the complainant alleges mistreatment in the medical facility, that the physician accessed the complainant's previous medical records in violation of HIPAA, and that the physician unilaterally gave permission to other providers to prescribe him controlled medications. The physician responded to the complaint, described the process for the complainant's involuntary hospitalization – which was subject to judicial approval and review, and explained that any discharge decision was not based upon an arbitrary opinion but upon the patient meeting certain criteria. Finally, the physician explained that the outpatient Progressive Treatment Program does not unilaterally give permission to anyone to change medications without the patient's consent.

Board staff contacted the complainant to determine if he was willing to execute a release to allow the medical facility to release his medical records to the Board for review as the physician does not have access to the medical records for release. The complainant informed Board staff that he was not willing to sign the release. Therefore, the medical records are not available for review.

26. CR22-237

Dr. Waddell moved to issue a citation to the physician for failure to accurately answer a question on his license application and to dismiss the complaint 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
Mr. Ross: For
Mr. Blessington: For
Dr. Fanjoy: For
Dr. Fay-Leblanc: For
Mr. Jamison: For
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

MOTION: The licensee failed to report an ongoing malpractice case on license renewal. He responded that this was an unintentional error and indicates that he has taken steps to make other licensing boards aware of the settled lawsuit.

27. CR22-239

Dr. Waddell moved to investigate further to obtain information regarding office processes and request that the physician respond to questions from the Board. Mr. Jamison 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

28. CR23-7

Dr. Gleaton moved to dismiss the complaint contingent upon the physician completing a Board approved communication course and report to the Board Chair. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

29. Intentionally left blank

30. Intentionally left blank

V. Assessment and Direction

31. AD22-218

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

32. AD23-15

Dr. Nesin moved to allow the physician thirty days to complete required opioid CME for the past two renewal cycles and issue two citations – one for failure to comply with CME requirements and one for failure to make a required notification to the Board. Completion of the opioid CME does not count toward the current renewal cycle. The matter will be closed with no further action upon the physician’s compliance and payment of fines. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

33. AD23-16

Mr. Ross moved to issue a complaint (**CR23-43**) and obtain an expert review of medical records. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

34. AD23-17

Dr. Nesin moved to issue a complaint (**CR23-44**) and obtain an expert review of medical records. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

35. AD23-18

Dr. Fanjoy moved to issue a complaint (**CR23-45**) and obtain an expert review of medical records. Dr. Fay-Leblanc seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 1 recused.

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

36. Intentionally left blank

37. Intentionally left blank

38. Pending Adjudicatory Hearings and Informal Conferences Report

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

39. Consumer Assistance Specialist Feedback

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

VI. Informal Conference (none)

VII. Minutes for Approval

A. February 14, 2023

Mr. Ross moved to approve the minutes of the February 14, 2023, meeting. Dr. Fanjoy seconded the motion.

A roll call vote was taken, and the motion passed 8 in favor, 1 abstained.

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

B. March 2, 2023

Mr. Jamison moved to approve the minutes of the March 2, 2023, meeting. Ms. Weinstein seconded the motion.

A roll call vote was taken, and the motion passed 6 in favor, 3 abstained.

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

VIII. Consent Agreement Monitoring

A. Monitoring Reports

1. CR17-169 Michael S. Berry, M.D.

Dr. Fay-Leblanc moved to terminate Dr. Berry's consent agreement. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

2. CR18-232 Susan D. Paul, M.D.

The Board reviewed Dr. Paul's prescribing activity report and a report from her practice monitor. No action was taken. Dr. Nesin was recused from the matter.

3. CR17-240 Marc C. DeBell, M.D.

This matter was reviewed in conjunction with Dr. DeBell's request to withdraw his license. Refer to entry in Licensing Section – Requests to Withdraw License/License Application (pg. 5).

IX. Adjudicatory Hearing (none)

X. Remarks of Chair

Dr. Gleaton discussed her recent attendance at an FSMB Board of Directors meeting.

XI. Remarks of Executive Director (none)

XII. Assistant Executive Director's Report

Mr. Terranova reported that he will be providing testimony to the Legislature next week.

XIII. Medical Director's Report (none)

XIV. Remarks of Assistant Attorney General (none)

XV. Rulemaking (none)

XVI. Policy Review

A. CJIS Policy Review

Mr. Ross moved to approve the proposed changes to the policy. 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
Dr. Nesin: Recused
Dr. Waddell: For
Ms. Weinstein: For

B. Reentry to Practice Guidelines

The Board directed staff to obtain information from the Federation of State Medical Boards regarding policies in other states and draft changes to the guidelines to be presented at a future meeting.

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 (none)

XXII. Adjournment 1:51 p.m.

At 1:51 p.m. Mr. Ross moved to adjourn the meeting. 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
Dr. Nesin: For
Dr. Waddell: For
Ms. Weinstein: For

Respectfully submitted,

Dennis E Smith

Dennis E. Smith, JD
Executive Director

Dear Mr. Smith,

In accordance with the “Board Member Remote Participation Policy” adopted by the Board on January 10, 2023, I am directing that the March 14, 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 situation which, pursuant to the policy, requires the Board to meet by entirely remote methods on March 14, 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 February 28, 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 February 28, 2023, 316,760 residents have been infected (225,980 confirmed and 90,780 probable), 7,035 residents have been hospitalized with the virus, and 2,921 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 February 28, 2023, 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 128; the number of new cases (confirmed and probable) statewide is 1,331; the number of current hospitalizations is 168 (with 30 in critical care); the number of validated vaccine breakthrough cases is 190,741; the total number of deaths is 2,921.
(<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 February 28, 2023, the Omicron variant represents 100 percent of all sequenced samples collected in Maine.

7. As of February 28, 2023, 7 of Maine's counties are in the “low”, 9 county is 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. Seven of the Boards’ members (5 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 March 14, 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 March 14, 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