

State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of October 25, 2022

Board Members Present: Maroulla Gleaton, M.D., Chair; Holly Fanjoy, M.D.; Renee Fay-Leblanc, M.D.; Gregory Jamison, RPh, Public Member; Noah Nesin, M.D.; Brad Waddell, M.D.; Lynne Weinstein, Public Member

Board Members Absent: Christopher Ross, P.A., Secretary; Steven Blessington, P.A.; and Kristina Lunner, Public Member

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

Attorney General’s Office Staff Present: Timothy Steigelman, Assistant Attorney General and Jennifer Willis, 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 October 25, 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.

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

EXECUTIVE SESSIONS

PURPOSE

None

RECESSES

10:26 a.m. – 10:36 a.m.	Recess
12:00 p.m. – 12:38 p.m.	Lunch
12:38 p.m. – 12:46 p.m.	Conference between Hearing Officer and attorneys
1:44 p.m. – 1:57 p.m.	Recess
3:18 p.m. – 3:35 p.m.	Recess

I. Call to Order

Dr. Gleaton called the meeting to order at 9:00 a.m.

IX. Adjudicatory Hearing

Hearing Officer Rebekah J. Smith, Esq. convened the hearing at 9:08 a.m.

Dr. Nass was present and represented by Gene R. Libby, Esq. and Tyler J. Smith, Esq. AAG Timothy Steigelman and AAG Jennifer Willis represented Board Staff.

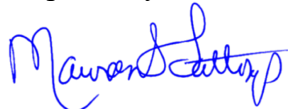
Hearing Officer Smith conducted a roll call vote to confirm that Board members had access to the hearing exhibits with all members voting in the affirmative.

Following presentation of evidence and witness testimony the hearing adjourned at 4:48 p.m. and is scheduled to continue on January 31, 2023.

XXII. Adjournment

The meeting ended at 4:48 p.m.

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 October 25, 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 October 25, 2022:

1. The Secretary of the U.S. Department of Health and Human Services first proclaimed on January 31, 2020, and most recently renewed on July 15, 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/COVID19-12Apr2022.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 October 19, 2022, 294,415 residents have been infected (211,709 confirmed and 82,706 probable), 6,022 residents have been hospitalized with the virus, and 2,627 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 October 19, 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 294; the number of new cases (confirmed and probable) statewide is 2,063; the number of current hospitalizations is 234 (with 44 in critical care); the number of validated vaccine breakthrough cases is 116,443; the total number of deaths is 2,627. (<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 October 19, 2022, the Omicron variant represents 100 percent of all sequenced samples collected in Maine.
7. As of October 19, 2022, 6 of Maine's counties are in the “low”, 6 counties are in the “medium,” and 4 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 October 25, 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 October 25, 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, Board of Licensure in Medicine