

**Board of Licensure in Medicine**  
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**September 12, 2023**

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**Maine Board of Licensure in Medicine  
Minutes of September 12, 2023**

**Board Members Present:** Chair Maroulla S. Gleaton, M.D.; Secretary Christopher R. Ross, P.A.; Holly Fanjoy, M.D.; Public Member Gregory Jamison, RPh; Noah Nesin, M.D.; Anthony T. Ng, M.D.; Public Member Jonathan Sahrbeck; Brad Waddell, M.D.; and Public Member Lynne M. Weinstein

**Board Members Absent:** Renee Fay-LeBlanc, M.D.

**Board Staff Present:** Executive Director Dennis E. Smith, J.D.; Assistant Executive Director Timothy E. Terranova; Complaint Coordinator Kelly McLaughlin; Consumer Assistance Specialist Faith McLaughlin; Administrative Assistant Maureen S. Lathrop; and Licensing Specialist Savannah Okoronkwo

**Attorney General’s Office Staff Present:** Assistant Attorney General Michael Miller

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The Board met in public session except during the times listed below which were held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (*e.g.*, 1 M.R.S. § 405; 10 M.R.S. § 8003-B; 22 M.R.S. § 1711-C; 24 M.R.S. § 2510; 32 M.R.S. § 3282-A). The Board moved, seconded, and voted the following executive session times. During the public session of the meeting, actions were taken on all matters discussed during executive session. In addition, though not required by law, the meeting was made virtually available to the public not attending the meeting in person using the platform Zoom. A link for the public to access the Board meeting virtually was included on the Board’s agenda and posted on its website.

**EXECUTIVE SESSIONS**

**PURPOSE**

None

**RECESSES**

9:14 a.m. – 9:24 p.m.	Recess
11:03 a.m. – 11:11 a.m.	Recess
12:02 p.m. – 12:36 p.m.	Lunch

**I. Call to Order**

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

**A. Introduction of New Board Member**

The new physician member introduced himself. Dr. Ng is a psychiatrist practicing in Bangor.

**B. Amendments to Agenda**

Mr. Ross moved to amend a monitoring report regarding Milos Sinik, M.D. onto the agenda. Ms. Weinstein seconded the motion, which passed unanimously.

**II. Licensing**

**A. Applications for Individual Consideration**

**1. Initial Applications**

**a. Jordan A. Breau, P.A.**

Mr. Ross moved to offer Mr. Breau a consent agreement incorporating his practice agreement, issue his license upon execution of the agreement, and delegate authority to sign the consent agreement to the Board Chair or Secretary. Ms. Weinstein seconded the motion, which passed unanimously.

**b. Joseph T. Dell’Orfano, Jr., M.D.**

Dr. Fanjoy moved to approve Dr. Dell’Orfano’s license application. Dr. Ng seconded the motion, which passed 8-0-1-0 with Dr. Nesin abstaining.

**c. Jon Stauffer, M.D.**

Dr. Waddell moved to approve Dr. Stauffer’s license application. Dr. Fanjoy seconded the motion, which passed 8-0-1-0 with Dr. Nesin abstaining.

**2. Reinstatement Applications**

**a. Pamela J. Petrocy, M.D.**

Dr. Nesin moved to approve Dr. Petrocy’s administrative license application, issue her a citation for failure to answer accurately a question on her application, and issue her license upon payment of the fine. Dr. Fanjoy seconded the motion, which passed unanimously.

**3. Renewal Applications**

**a. Sajad Zalzal, M.D.**

Dr. Waddell moved to 1) table the applications; 2) request that Dr. Zalzal provide an updated explanation regarding the resolution of a complaint in another licensing jurisdiction; 3) direct staff to request additional information from that licensing jurisdiction; 4) request a list of all Maine patients Dr. Zalzal has treated in the last two years and review up to ten medical records; and alternatively, offer Dr. Zalzal leave

to withdraw his renewal applications while under investigation. Dr. Ng seconded the motion, which passed unanimously.

**b. Fernando Blumenkron, M.D.**

Mr. Ross moved to 1) issue Dr. Blumenkron a citation for failure to meet CME requirements at license renewal as confirmed by random audit and approve his renewal application upon receipt of the CME documentation and payment of the fine; 2) offer him leave to withdraw his application while not under investigation; and 3) preliminarily deny Dr. Blumenkron's renewal application if he does not choose either option. Mr. Sahrbeck seconded the motion, which passed unanimously.

**c. Jutta Eichelman, M.D.**

Mr. Ross moved to issue Dr. Eichelman an active status license upon receipt of her written representation that if she is employed within the next six month, she will notify the Board within ten days of resuming practice and a provide a description of her practice, and if she does not resume practice within six months, she agrees to voluntarily change her license status to inactive and a submit a reentry to practice plan for the Board's approval once she has prospective employment. Ms. Weinstein seconded the motion, which passed 8-0-0-1. Dr. Gleaton was recused from the matter and left the room.

**d. Robert T. Howard, III., M.D.**

Dr. Nesin moved to approve Dr. Howard's license application. Dr. Ng seconded the motion, which passed unanimously.

**4. Requests to Convert to Active Status (none)**

**5. Requests to Withdraw License/License Application**

**a. Vishnu V. Chundi, M.D.**

Mr. Ross moved to approve Dr. Chundi's request to withdraw his license. Dr. Fanjoy seconded the motion, which passed unanimously.

**6. Requests for Collaborative/Practice Agreements**

**a. Nathan Banks, P.A.**

Dr. Fanjoy moved to approve Mr. Bank's practice agreement. Mr. Ross seconded the motion, which passed unanimously.

**b. Chaddwick M. McBeigh, P.A.**

Dr. Ng moved to approve Mr. McBeigh's practice agreement. Ms. Weinstein seconded the motion, which passed unanimously.

**c. Eliza M. Currie, P.A.**

Dr. Nesin moved to approve two practice agreements submitted by Ms. Currie. Mr. Ross seconded the motion, which passed unanimously.

**B. Other Items for Discussion**

**1. Sevaro Licensing Issues**

Dr. Waddell moved to issue complaints against two physicians regarding an issue with jurisprudence exams. Dr. Fanjoy seconded the motion, which passed unanimously.

**2. Norman Paradis, M.D. (Consultative Telemedicine Issue)**

Dr. Waddell moved to issue a complaint against Dr. Paradis and allow him to withdraw his license while under investigation. Mr. Sahrbeck seconded the motion, which passed unanimously.

**3. Nathaniel Robbins, M.D. (Consultative Telemedicine Issue)**

Dr. Waddell moved to issue a complaint against Dr. Robbins. Mr. Sahrbeck seconded the motion, which passed unanimously.

The Board also directed staff to draft a letter to be shared with Maine hospitals regarding the consultative telemedicine registration and hospital privileges.

**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. CR20-133 Cameron R. Bonney, M.D. Second Amendment to Consent Agreement**

Mr. Ross moved to approve the second amendment to consent agreement. Mr. Jamison seconded the motion, which passed 6-0-0-3 with Dr. Nesin, Dr. Ng and Mr. Sahrbeck abstaining.

#### IV. Complaints

##### 1. CR23-44

Dr. Nesin moved to set the matter for an informal conference in October and request that the physician voluntarily complete a CPEP evaluation. Ms. Weinstein seconded the motion, which passed unanimously.

##### 2. CR23-61 Jorge Ramon Insignares, M.D.

Dr. Fanjoy moved to dismiss the complaint with a letter of guidance. Dr. Ng seconded the motion, which passed 8-0-1-0 with Dr. Nesin abstaining.

**MOTION:** The complaint was filed by a patient who felt that the physician failed to address her pain symptoms appropriately, he accused her of drug seeking behavior, and he inappropriately discharged her from the emergency department. She returned the same day and was admitted for pain control and rehabilitation for an acute issue that was later identified. The physician responded to the complaint, provided a copy of the medical records, and explained his rationale for his decisions and actions.

The guidance is as follows: When discharging patients from the emergency department, it is important to clearly document ambulatory function and safe discharge planning for patients who are not felt to meet admission criteria. Be mindful when documenting medication-seeking behavior concerns on patients who may have an acute painful condition with symptoms that are difficult to control in the setting of opioid dependence.

##### 3. CR23-71

Mr. Ross moved to dismiss the complaint. Dr. Nesin seconded the motion, which passed 8-0-0-1. Dr. Ng was recused from the matter and left the room.

**MOTION:** The patient complains that the physician stopped all his medications at the time of admission to the hospital. The physician states that he was only involved in the initial admission of the patient, and it was agreed upon that they would stop some of the medications until things could be stabilized. Review of the records revealed that the patient received reasonable care.

##### 4. CR23-75

Dr. Fanjoy moved to dismiss the complaint. Dr. Nesin seconded the motion, which passed unanimously.

**MOTION:** A patient alleges that the licensee pressured her to have an induction of labor and that she developed a severe postoperative cesarean section wound infection requiring extensive wound care. The patient believes her wound infection was inappropriately managed, and she has experience PTSD from her difficult postpartum experience. The licensee responded that she provided appropriate and thoughtful care and was empathetic to the patient's challenging clinical course after delivery. The medical records support the licensee's management of the patient's pregnancy and postoperative care. The patient's treatment was appropriate and within the standard of care.

**5. CR23-76**

Dr. Fanjoy moved to dismiss the complaint. Dr. Waddell seconded the motion, which passed unanimously.

**MOTION:** A patient alleges that the licensee performed a cesarean section and she subsequently developed a postoperative wound infection which she believes was mismanaged. The patient reports this experience has resulted in chronic pain and body scarring as well as severe postpartum mental health issues. The licensee responded that she provided appropriate care and was empathetic to the patient's difficult clinical course after delivery. The medical records support the licensee's obstetrical management and wound care of her postoperative infection. A postoperative infection is a known complication following cesarean section and her obstetrical treatment was performed within the standard of care. She received appropriate treatment of her infection with prompt referral and follow up with wound care services.

**6. CR23-77**

Dr. Gleaton moved to dismiss the complaint. Dr. Waddell seconded the motion, which passed unanimously.

**MOTION:** The mother and guardian of a young woman complained about the care her daughter received from a plastic surgeon who performed breast reduction surgery. The mother had undergone this same surgery from this surgeon with a good result about five years previously. Review of the records reveals a complication occurring in the right breast, but the record also shows excellent postoperative care from the licensee and his staff as well as his partner, who helps cover his office. There is clear documentation of signed informed consent and verbal consent in the office including risks and benefits.

**7. CR23-78**

Mr. Jamison moved to table the matter. Dr. Nesin seconded the motion, which passed unanimously.

**8. CR23-80**

Dr. Gleaton moved to investigate further and request that the physician assistant complete a communication course regarding trauma informed care approved by the Board Chair and report



what he gained from the course. The complaint may be dismissed upon the Chair's review and approval of the physician assistant's course feedback. Dr. Ng seconded the motion, which passed 8-0-0-1. Dr. Fanjoy was recused from the matter and left the room.

**9. ~~CR23-83~~ (not discussed at meeting)**

**10. CR23-96**

Dr. Nesin moved to dismiss the complaint. Mr. Ross seconded the motion, which passed unanimously.

**MOTION:** The complainant asserts that:

- The licensee twice left her in a room for more than forty-five minutes and ignored her and has offered no treatment plan.
- The licensee has not seen her since her initial visit.

The licensee responded that:

- When the complainant was seen at her initial visit a treatment plan was created and follow up was scheduled.
- At the first follow up visit the licensee was running behind and the complainant was told that and was offered the opportunity to reschedule. The licensee then spoke with the complainant to apologize for the wait and give a time frame for seeing her and offered to reschedule, which the complainant did.
- At the rescheduled visit the licensee was again running behind and the complainant left before being seen and asked to be scheduled with another provider. Subsequent visits have been with another provider in the office.

The records indicate a thorough initial evaluation and treatment plan.

**11. CR23-99 Darin L. Carraher, P.A.**

Mr. Ross moved to dismiss the complaint with a letter of guidance. Dr. Ng seconded the motion, which passed 8-0-1-0 with Dr. Nesin abstaining.

**MOTION:** The complaint was filed by a patient who was upset when the physician assistant informed him in May 2023 that he did not meet federal Department of Transportation (DOT) physical qualification standards to drive commercial motor vehicles and alleged that the physician assistant had previously certified him as meeting DOT standards when the patient had the same condition for which the physician assistant disqualified him in May 2023 and when the same qualification standards were in effect during the previous years. The physician assistant responded to the complaint, provided a copy of the medical records which contained two prior certifications issued by him, and explained that he recently became aware of a specific regulation applicable to the patient.

The guidance is as follows: Every clinician who performs examinations as part of their medical practice and evaluates whether an individual meets standards or qualifications, such as DOT physical qualification standards, must maintain a current and comprehensive knowledge and understanding of all applicable standards and regulations, so that an accurate examination and assessment can be made.

**12. CR23-103**

Mr. Jamison moved to dismiss the complaint. Mr. Ross seconded the motion, which passed unanimously.

**MOTION:** The complainant states the licensee was neglectful in authorizing refills for a prescription the complainant is/was taking. The complainant states the pharmacy sent six requests to the licensee's practice over two weeks without a response. While this may be so there is no record presented (electronic or otherwise) verifying this allegation. The licensee says their practice has no record of these requests. Subsequently the complainant called the practice to request a refill and the request was promptly handled. One suspects had the complainant called the practice earlier or the pharmacy had made a simple phone call instead of an alleged electronic communication this matter would be have been more promptly dealt with.

**13. CR23-105**

Dr. Fanjoy moved to dismiss the complaint. Dr. Waddell seconded the motion, which passed unanimously.

**MOTION:** A patient's wife alleges that the licensee failed to appropriately diagnose the patient with a ventriculoperitoneal shunt malfunction. The patient had symptoms of nausea, vomiting and headache but had improving symptoms when he was assessed by the licensee. An upper respiratory infection was felt most likely as opposed to a shunt malfunction, and the patient was given instructions to obtain reevaluation for worsening symptoms. The patient ultimately required an urgent shunt revision days later in the hospital. The licensee responded appropriately and empathetically, and she discussed the reasoning of her alternative diagnosis. She reflects on the communication she has with patients and will remain cognizant to ensure patient understanding of shared decision-making. The medical records support the licensee's initial treatment of the patient and plan of care to pursue reassessment for clinical change.

**14. CR23-108**

Ms. Weinstein moved to dismiss the complaint. Mr. Ross seconded the motion, which passed unanimously.

**MOTION:** A patient complains the physician did not allow a medical clearance for a Department of Transportation (DOT) commercial driver's license after the patient suffered a TIA (transient ischemic attack) just two days prior to a recertification examination that had been requested by his employer.

Review of the records reveal thorough review of guidelines in the physician's capacity being certified by the Federal Motor Carrier Safety Administration (FMCSA) and arriving at his determination to not clear the patient. The physician explains that although the FMCSA leaves the decision to the discretion of the certified DOT medical examiner, the DOT medical examiner must follow DOT regulation and the FMCSA does not give leeway when it comes to regulation. The patient had the opportunity to seek the same certification evaluation with another physician certified by the FMCSA but instead was evaluated by a physician for a non-Federal DOT job position. In the interest of safety to the patient and to the public, appropriate action and care were provided.

**15. CR23-114**

Dr. Nesin moved to offer the physician a consent agreement to include requirements for regular psychotherapy with a psychologist approved by the Board Chair or Secretary for a minimum of one year with quarterly reports to the Board and treatment with a speech and language pathologist to improve communication skills with quarterly reports to the Board and treatment to continue until recommendation by the provider to discontinue treatment. Dr. Fanjoy seconded the motion, which passed 8-0-1-0 with Dr. Ng abstaining.

At 11:44 a.m. Dr. Nesin moved to modify his previous motion to delegate authority to sign the consent agreement to the Board Chair or Secretary and convert the physician's license to active status upon execution of the consent agreement. Mr. Ross seconded the motion, which passed unanimously.

**16. Intentionally left blank**

**V. Assessment and Direction**

**17. AD23-95**

Dr. Nesin moved to 1) issue a complaint (**CR23-200**); 2) order an immediate partial suspension suspending the physician's ability to prescribe controlled substances to any new patients pending a hearing; 3) deny the physician's request to modify or vacate the Board's subpoena for records and allow him five days to produce the medical records; and 4) offer the physician an interim consent agreement to continue the prescribing restriction until resolution of the matter. Dr. Ng seconded the motion, which passed unanimously.

**18. AD23-118**

Dr. Waddell moved to 1) impose a reciprocal suspension of the physician's license based on suspension of her license in Virginia; 2) issue a complaint; and 3) in lieu of the complaint, offer a consent agreement for surrender of license or allow her to surrender her license while under investigation. Authority to sign the consent agreement delegated to the Board Chair or Secretary. Mr. Sahrbeck seconded the motion, which passed unanimously.

**19. AD23-121**

Dr. Ng moved to close the matter with no further action. Dr. Fanjoy seconded the motion, which passed unanimously.

**20. AD23-128**

Mr. Sahrbeck moved to investigate further and obtain court documents; request that the physician respond to questions from the Board and permit disclosure of investigative information in order to obtain a better understanding of the circumstances regarding the patient's incarceration. Dr. Fanjoy seconded the motion, which passed 8-0-1-0 with Dr. Ng abstaining.

**21. AD23-144**

Dr. Nesin moved to 1) issue a complaint; 2) direct the physician to undergo a § 3286 neuropsychological evaluation; and 3) in lieu of the complaint and evaluation, offer to allow the physician to permanently surrender his license while under investigation or permanently convert his license to emeritus status while under investigation. Dr. Ng seconded the motion, which passed 8-0-0-1. Dr. Waddell was recused from the matter and left the room.

**22. AD23-147**

Dr. Waddell moved to close the matter with no further action. Dr. Fanjoy seconded the motion, which passed unanimously.

**23. AD23-153**

Dr. Fanjoy moved to close the matter with no further action. Mr. Ross seconded the motion, which passed unanimously.

**24. Intentionally left blank**

**25. Intentionally left blank**

**26. Pending Adjudicatory Hearings and Informal Conferences Report**

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

**27. Consumer Assistance Specialist Feedback**

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

**VI. Informal Conference (none)**

**VII. Minutes for Approval**

Dr. Waddell moved to approve the minutes of the August 8, 2023, meeting. Ms. Weinstein seconded the motion, which passed 6-0-3-0 with Dr. Nesin, Dr. Ng and Mr. Sahrbeck abstaining.

**VIII. Consent Agreement Monitoring**

**A. Monitoring Reports**

**1. Milos Sinik, M.D. (amended onto agenda)**

Dr. Waddell moved to offer Dr. Sinik an amendment to his consent agreement allowing him two weeks to comply with all initial requirements of his consent agreement, activating his license upon compliance, and inserting standard paragraphs regarding compliance. Authority to sign the consent agreement delegated to the Board Chair. Alternatively, Dr. Sinik may withdraw his license application. Dr. Ng seconded the motion, which passed unanimously.

**IX. Adjudicatory Hearing (none)**

**X. Remarks of Chair**

Dr. Gleaton noted that she will be attending an FSMB Workgroup meeting regarding Reentry to Practice in October.

Dr. Gleaton informed the Board that Dr. Ng recently received the Mary Floyd Cushman, M.D. Award for Exceptional Humanitarian Service as a Medical Volunteer. Dr. Ng was recognized for his service in disaster response behavioral health care.

**XI. Remarks of Executive Director**

**A. Personnel Matter**

Mr. Ross moved to amend the effective date of Mr. Terranova's employment as Executive Director to October 9<sup>th</sup> as Mr. Smith's last day of employment will be October 6<sup>th</sup>. Dr. Ng seconded the motion, which passed unanimously.

**XII. Assistant Executive Director's Report**

**A. Travel and Training for Approval**

Mr. Ross moved to approve 2024 proposed travel for Board members and staff. Dr. Ng seconded the motion, which passed unanimously.

**B. 2024 Board Meeting Dates (FYI)**

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

**XIII. Medical Director's Report (none)**

**XIV. Remarks of Assistant Attorney General (none)**

**XV. Rulemaking (none)**

**XVI. Policy Review**

**A. BOLIM Jurisprudence Exam Policy**

Mr. Ross moved to approve the Jurisprudence Exam Policy. Ms. Weinstein seconded the motion, which passed unanimously.

**B. Open Complaints or Investigations in other Jurisdictions Policy**

Mr. Ross moved to approve the Open Complaints or Investigations in Other Jurisdictions Policy. Dr. Ng seconded the motion, which passed unanimously.

**C. Reentry to Practice Guidelines**

Mr. Ross moved to approve proposed amendments to the guidelines by removing reference to the sample consent agreement and removing the sample consent agreement document. Dr. Ng seconded the motion, which passed unanimously.

**XVII. Requests for Guidance (none)**

**XVIII. Board Correspondence (none)**

**XIX. FSMB Material (none)**

**XX. FYI**

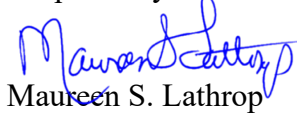
This material was presented for informational purposes. No Board action was required.

**XXI. Other Business (none)**

**XXII. Adjournment 2:07 p.m.**

At 2:07 p.m. Mr. Sahrbeck moved to adjourn the meeting. Mr. Jamison seconded the motion, which passed unanimously.

Respectfully submitted,



Maureen S. Lathrop  
Administrative Assistant