

Maine Board of Osteopathic Licensure
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Minutes of October 8, 2015 Board Meeting – 9:30 a.m. – 1 p.m.

Members Present: Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; Gary Palman, D.O.; Melissa Michaud, PA-C & Marty W. McIntyre, Public Member; John F. Gaddis, D.O.; Board Members Excused: Joseph R. D. deKay, D.O., Board Chair; David Rydell, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Det. James Gioia, Office of the Attorney General; Christopher Taintor, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association; Andrew McLean, Esquire, Deputy Executive Director & General Counsel, Maine Medical Association (hereafter MMA); Catherine Stratton, Medical Professionals Health Program (hereafter 'MPHP') MMA; Heidi LaMonica, MMA MPHP, Amy Tardy, MMA MPHP.

I. Complaints & Investigations

Dr. Thomas recited the Complaint Review Script. All complaint reviews are conducted in Public Session without the use of names, unless otherwise noted.

A. CR2014-55

Following thorough review of the complaint, response and any other materials gathered, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Palman and voted to dismiss the complaint and issue a Letter of Guidance emphasizing the importance of establishing and maintaining communications between all who serve the interests of a patient residing in a long term care setting and suggesting that to be effective, such communication includes the physician, the patient, family members, other health care providers, hospice workers, and facility staff. Motion passed with Dr. Piper opposed. Dr. Gaddis, Case Reporter, did not vote.

After a brief discussion, another motion was made:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted to clarify that the Letter of Guidance would remain in the licensee's file for 10 years as has been the Board's customary practice. Dr. Gaddis, Case Reporter, did not vote.

B. CR2015-15

Following thorough review of the complaint, response and any other materials gathered, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Palman and voted to unanimously to dismiss the complaint as it did not rise to a level which would warrant action against the licensee. Dr. Gaddis, Case Reporter, did not vote.

C. CR2015-25

Following thorough review of the complaint, response and any other materials gathered, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Ms. Michaud and voted to dismiss the complaint as it did not rise to a level which would warrant any action against the licensee. Dr. Gaddis, Case Reporter, did not vote.

D. CR2015-27

Following a thorough review of the complaint which the complainant did not follow through with, the Board took this action:

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MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint.

E. CR2015-28

Following review of the complaint which the complainant did not follow through on, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to table any action on the matter at this time and run a Prescription Monitoring Profile. If the PMP corroborates the concerns raised by the complainant, the complaint will be sent out for a response. If not, the complaint will be brought back to the Board for guidance or dismissal. Dr. Palman, Case Reporter, did not participate in the discussion nor did he vote.

F. CR2015-30

Following a review of the licensee's response to the Board-generated complaint (precipitated by a hospital report) and discussion, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted to dismiss the complaint and to issue a Letter of Guidance suggesting that the licensee be mindful of boundary issues when treating people with whom there is a relationship beyond that of physician and patient and further, that in cases where boundary questions arise, in addition to any rules promulgated by a state licensing Board, the licensee should consult the American Osteopathic Association Code of Ethics and the American Medical Association Code of Medical Ethics for guidance. Motion carried with Ms. Michaud opposed; Dr. Palman, Case Reporter, did not vote.

II. Consent Agreement/Board Order Compliance Reviews

A. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted the licensee's request for approval of another professional to serve as Case Manager and the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted to approve Robert Katz, LCSW to serve as Case Manager. Dr. Thomas, Case Reporter, did not vote.

The Board then discussed the specifics of the plan and took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted to have the Case Manager provide the Board with the following: names and addresses of all treatment providers, outlined treatment plan including frequency and goals of treatment with quarterly reports to the Board from the Case Manager with the exception of immediate reports of any violation(s). The names, addresses and treatment plan are due by no later than November 8, 2015; Case Manager reports would begin, on a quarterly basis, once the other requirements are in place. Dr. Thomas, Case Reporter, did not vote.

B. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no new concerns. No Board action was necessary.

C. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, discussed the licensee's letter with the Board and asked that prior to a final decision being made regarding the renewal of his license, he provide clarification of one of the answers on his renewal application. The Board then took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Palman and voted to issue the renewal if it was found that the licensee had indeed provided the details pertinent to affirmative to the 'yes' answers on his renewal application and if so, to suggest that the licensee remain compliant and actively working with the Medical Professionals

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Health Program and to remind him that he is not authorized to practice without Board approval of his proposed workplace and reviewer with monthly reports to the Board. Dr. Thomas, Case Reporter, did not vote.

III. Minutes/Revenue & Expense Reports

A. Review of Draft August 13, 2015 Meeting Minutes

Following their review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Piper and voted unanimously to accept the August 13, 2015 meeting minutes, as written. Neither Ms. McIntyre nor Ms. Michaud voted as they were not present in August.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

IV. Miscellaneous

A. Federation of State Medical Boards

1. FSMB Call for Committee Appointments

Board members briefly discussed the request for volunteers and took no action.

2. FSMB Call for Bylaws Amendments

Board members briefly discussed the request for amendments but took no action.

3. FSMB Call for Awards Nominations

Board members briefly discussed the request for awards nominations and took no action.

4. FSMB Call for Associate Directors

Board members briefly discussed the request for associate directors but took no action.

B. Diversion Alert Advisory Board Information

Board members reviewed the information regarding the Diversion Alert Advisory Board; no action was necessary.

C. AAG Miller – Legislation & Antitrust Information & Updates

AAG Miller provided the Board with information about laws becoming effective on October 15th that might have any bearing on the Board and the work it does. AAG Miller also provided an update on antitrust matters.

D. PA Advisory Committee Meeting Update – Ms. McIntyre & Ms. Michaud

Marty McIntyre, Public Member and Melissa Michaud, PA-C, the Board's representatives on the PA Advisory Committee noted that the Committee had met, reviewed and discussed the draft joint rule. Following the meeting, copies were provided to the Maine Osteopathic Association, the Maine Medical Association and the Maine Association of Physician Assistants. Each Board will review any questions and/or comments at the respective November Board meetings with the hope that the actual rulemaking process, which will include a 30-day public comment period, as required by the Maine Administrative Procedures Act, can begin.

V. Medical Professionals Health Program Annual Report

Andrew McLean, Catherine Stratton, Heidi LaMonica & Amy Tardy, Ph.D., joined the meeting and provided highlights from the annual report and shared future plans for the program. No Board action was necessary.

VI. Licensure Matters

A. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to approve the permanent licensure applications submitted by: Alexandra Barr, D.O.; Tia Sanborn, D.O.; Brittany Lower, D.O. and William Scott, D.O.

B. Physician Assistant Applications (PA-C)

No PA applications were ready for review.

C. Fred Goldblatt, D.O.

Board members reviewed materials regarding the licensee's request to withdraw his application to for license renewal and took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Palman and voted unanimously to allow the licensee to withdraw his application for renewal of his Maine license.

There being no additional business, the meeting was adjourned at 1p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary