

Maine Board of Osteopathic Licensure  
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**Minutes of July 14, 2016 Board Meeting – 9:30 a.m. – 12:30 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Angela Westhoff, Executive Director

**I. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. There being no members of the public present, the Complaint Script was not recited.

**A. CR2016-02**

Although Dr. Rydell, Case Reporter, was unable to be present, the Board felt that there was sufficient information to move forward with review. Following the review and a discussion, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action.

**B. CR2016-04**

Dr. Piper, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas and seconded by Dr. deKay to dismiss the complaint as it did not rise to a level which would warrant Board action. After discussion, there were no voted in favor of dismissal and the motion was withdrawn.

Following additional discussion, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint but to issue a Letter of Guidance reminding the licensee that 1) it is very important to understand a patient's expectations of the care he or she will receive as well as providing a clear explanation of the care that may or will be provided; 2) good communication in a physician/patient relationship is absolutely necessary in providing the best possible care, and 3) it is necessary to accurately and thoroughly document everything in the patient's medical record. The Letter of Guidance will remain on file for a period of one (1) year. Dr. Piper did not vote.

**C. CR2016-05**

Dr. Piper, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to dismiss as it did not merit further Board review. Dr. Piper did not vote.

**D. CR2016-17**

Dr. Thomas, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Thomas did not vote.

**E. CR2016-18**

Dr. Gaddis, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant further Board action. Dr. Gaddis did not vote.

**F. IN2016-22**

Dr. deKay provided an overview of the issue concerning this licensee. Following discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to close the investigation as but to communicate to the licensee that the Board strongly encourages him to follow any suggestions he receives from the Medical Professionals Health Program. The licensee's renewal will be issued.

**G. IN2016-24**

Board members reviewed a report from the Board of Licensure in Medicine regarding an osteopathic physician supervising a physician assistant without having submitted an application or the appropriate fees. Because an allopathic physician working at the same practice noted having planned to submit all of the paperwork but neglected to do so, the Board, following discussion, took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted to close the investigation as Board action was not warranted. Dr. Gaddis abstained from voting.

**H. IN2016-25**

Board members reviewed a report from the Board of Licensure in Medicine regarding an osteopathic physician supervising a physician assistant without either of them having submitted an application or the appropriate fees. Review of documentation indicated that the physician assistant had attempted to work with the company handling human resources work for the employer but that they had not followed through and he ended up losing his job. The physician no longer resides or practices in Maine. Following discussion, took this action:

**MOTION:** Made by Dr. Piper, seconded by Dr. Thomas and voted unanimously to close the investigation as Board action would not be warranted.

**II. Consent Agreement/Board Order Compliance Reviews**

**A. Paul Gosselin, D.O.**

Board members reviewed the reports received as well as a request from the licensee for approval to work additional hours at Recover Together (now 'Groups Recover Together). Following review and no concerns from Dr. Thomas, Case Reporter, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to approve the request for an increase in hours worked at the Auburn, ME location only.

**B. John Herzog, D.O.**

Dr. Thomas, Case Reporter, noted no issues of concern. No action was necessary.

**C. Bradley Libenson, D.O.**

Board members reviewed Det. Gioia's report regarding his most recent visit to the licensee's office, which indicated no concerns except that Board members would like Dr. Palman, Case Reporter, to remind the licensee that the legibility of the patient medical records he creates is of the utmost importance. No other action was necessary.

**III. Minutes/Revenue & Expense Reports**

**A. Review of June 2016 Meeting Minutes**

Because the minutes were not ready, this was tabled.

**B. Revenue & Expense Reports**

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

**IV. Other Business**

**A. Review of PA Application/Registration Form for Physician Assistants**

Following review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to accept the forms as written.

**B. MEAPA<sup>1</sup> Response to Proposed Chapter 2 (PA Rule)**

Board members reviewed the letter. No action was necessary.

**C. FSMB<sup>2</sup> Correspondence re: New Telehealth Proposal**

The Board reviewed the information from the FSMB and took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to draft a letter, as requested, asking that the language in *HR4909, Section 705 (d): Location of Care* (for Tri-Care patients) be stricken during conference as it would redefine the practice of medicine to occurring at the location of the provider as opposed to the location of the 9.4 million patients themselves. Dr. deKay, Ms. McIntyre and Ms. Strout will work on a draft, to be reviewed by AAG Miller.

**D. FSMB Report re: Marijuana Model Guidelines**

The Board reviewed and briefly discussed the article. No action necessary.

**E. JSAD<sup>3</sup> Annual Report**

The Board reviewed and briefly discussed the manuscript and commentary. No action necessary.

**F. Nova Southeastern University Annual Drug Diversion Report**

Board members reviewed and noted the report. No action was necessary.

**V. Permanent Licensure Applications (D.O.)**

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to approve the permanent licensure applications submitted by: Lindsay Ackley-Pozzessere, D.O.; John Allerdig, D.O.; Hillary Haas, D.O.; Romeo Lucas, D.O.; Nicholas Phillips, D.O.; Robert Rankin, D.O.; Jason Remick, D.O.; Chelsea Roan, D.O.; Michelle Sansky, D.O.; Stephen Matta, D.O.

Dr. Gaddis made a motion, seconded by Ms. McIntyre, to adjourn at 12:30 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

<sup>1</sup> Maine Association of Physician Assistants

<sup>2</sup> Federation of State Medical Boards

<sup>3</sup> Journal of Studies on Alcohol and Drugs