

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of October 13, 2016 Board Meeting – 9:30 a.m. – 1:00 p.m.

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

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; Emily Bloch, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association.

I. Complaints & Investigations

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. The Complaint Script was recited by Dr. Piper.

A. CR2016-23

Dr. Palman, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

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

Dr. Thomas joined the meeting during the following review and discussion.

B. CR2015-34

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

MOTION: Made by Ms. Michaud, seconded by Dr. Thomas and voted to dismiss the complaint as it did not rise to a level which would warrant Board action. Ms. McIntyre and Dr. deKay were opposed; Dr. Palman abstained. Motion carried with Dr. Thomas, Dr. Piper and Ms. Michaud in favor. The Case Reporter did not vote.

MOTION: Made by Dr. deKay to issue a Letter of Guidance; there being no second, the motion was withdrawn.

AAG Miller left the room prior to the next complaint review.

C. CR2016-08

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

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

AAG Miller returned to the meeting during the following complaint review.

D. CR2016-10

Dr. Thomas, Case Reporter, provided 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 rise to a level which would warrant Board action. The Case Reporter did not vote.

E. CR2016-12

Ms. Michaud, Case Reporter, provided an overview of the information received from the licensee. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to table any action pending

Continued from Page 1 of 4 – October 13, 2016 Board of Osteopathic Licensure Meeting Minutes

further investigation. The motion also included an invitation to attend an Informal Conference at a future meeting. The Case Reporter did not vote.

F. CR2016-13

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

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

G. CR201-29

Ms. McIntyre, Case Reporter, provided an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Piper and voted unanimously to dismiss the complaint but to issue a Letter of Guidance regarding communications with other professionals. Dr. Thomas was opposed. The Case Reporter did not vote.

H. CR2016-32

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

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

I. CR2016-33

Dr. Palman, Case Reporter, provided an overview of the case. Following their review and a 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 rise to a level which would warrant Board action. The Case Reporter did not vote.

J. CR2016-35

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

MOTION: Made by Dr. Thomas, seconded by Ms. Dr. Piper and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

K. CR2016-38

Dr. Palman, Case Reporter, provided an overview of the complaint. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to table any action pending further investigation. The Case Reporter did not vote.

L. CR2016-21

Ms. McIntyre, Case Reporter, provided an overview of the complaint. Following review and discussion, the Board took this action:

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

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no concerns with the reports received. No action was necessary.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no issues of concern; next reports due November 2016. No action was necessary.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no concerns. Det. Gioia plans another site visit, as allowed pursuant to the Consent Agreement. No action was necessary.

III. Minutes/Revenue & Expense Reports

A. Review of August 2016 Meeting Minutes

Following their review, the Board took these actions:

MOTION: Made by Dr. Thomas seconded by Dr. Palman and voted unanimously to accept the August 2016 minutes as written.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports for August & September 2016. No Board action was necessary.

IV. Other Business

A. Review of Chapter 6 – Telemedicine Standards of Practice

Board members reviewed the draft rule and, following discussion, took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Palman and voted unanimously to approve the Basis Statement and the Response to Comments and adopt joint rule Chapter 6, Telemedicine Standards of Practice.

B. Legislative Information

This was informational only. No Board action necessary.

C. FOAA¹ Information

AAG Miller provided discussed the information from Commissioner Anne Head which indicates an opinion that agencies may not request pre-payment of the costs associated with complying with FOAA requests.

D. FSMB² Information

This was informational only. No Board action necessary.

E. ACGME³ Correspondence

This was informational only. No Board action necessary.

F. NBOME⁴ Correspondence

Board members noted that the NBOME has been recognized for CPEP⁵ Competency Assessment or Reentry Evaluation.

V. Licensure Matters

A. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to approve the permanent

¹ Freedom of Access Act

² Federation of State Medical Boards

³ Accreditation Council for Graduate Medical Education

⁴ National Board of Osteopathic Medical Examiners

⁵ Center for Personalized Education for Physicians

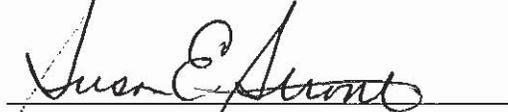
licensure applications submitted by: Mikhail Yakubov, D.O.; Jeffrey Lee, D.O.; Debra Rodes, D.O.; Amanda Rago, D.O. and Jessica D'Amico, D.O.

B. Physician Assistant Applications

It was noted there were no PA applications ready for review at this meeting.

Dr. Gaddis made a motion, seconded by Ms. McIntyre, to adjourn at 1 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan E. Strout", is written over a horizontal line.

Susan E. Strout, Executive Secretary