

**Minutes of December 14, 2017 Board Meeting – 9:30 a.m. – 1:30 p.m.**

This meeting was held at the University of New England College of Osteopathic Medicine

Members Present: Scott Thomas, DO, Chair; Melissa Michaud, PA-C, Vice-Chair; John Gaddis, DO, Board Secretary; John Brewer, DO; Ryan Smith, DO; Joseph R. D. deKay, DO; Marty McIntyre, Public Member; Gary Palman, DO

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Amanda Richards, Maine Osteopathic Association; Abigail Varga, Esq.; Emily Bloch, Esq.; Maureen Sturtevant, Esq.; Jennifer Rush, Esq.; Kris Sornberger, DO; Evelyn Schwalenberg, DO; James Bass, Esq.; Representatives of American Academy of Anesthesiologist Assistants

**I. Complaints & Investigations**

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

**A. CR2017 23**

Following a thorough review of the complaint, response and other records submitted, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Palman and voted to dismiss as the complaint did not rise to a level which would warrant further Board action. Dr. deKay, Case Reporter, did not vote.

**B. CR2017 24**

Following a thorough review of the complaint, response, medical records and other documentation gathered, the Board took this action:

**MOTION:** Made by Dr. Brewer, seconded by Ms. Michaud and voted to dismiss the complaint. Dr. deKay, Case Reporter, did not vote.

**C. CR2017 25**

Following review of a request for reconsideration of the forensic evaluation required of the licensee, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Ms. McIntyre and voted to defer the originally required forensic evaluation pending receipt of documentation of the licensee's successful completion of an anger management course by January 2, 2018. Ms. Michaud, Case Reporter, did not vote.

**D. CR2017 27**

Following review of the complaint, response and records, the Board took this action:

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

**E. IN2017 29**

This matter was tabled until pending additional information.

**F. CR2017 34**

Following review of the complaint, response and medical records, the Board took this action:

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

**G. CR2017 35**

Following review of the complaint, response, rebuttal and medical records, the Board took this action:

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

**H. IN2017 36**

Following their review of the report submitted pursuant to 24 M.R.S. § 2505, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously to issue a complaint on the Board's own motion. Dr. Gaddis, Case Reporter, did not vote.

**I. CR2017 38**

Following review of the complaint and the response submitted, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to dismiss the complaint and refer the matter to the Board of Licensure in Medicine as the physician was not supervising the physician assistant against whom the complaint was made. Dr. Gaddis, Case Reporter, did not vote.

**J. IN2017-39**

Following their review of the information received at the Board's request, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Ms. McIntyre and voted to take no action based on new information. The Board previously voted to issue a complaint. Dr. deKay, Case Reporter, did not vote.

**K. CR2017 41**

Following review of the complaint, response, medical records and rebuttal, the Board took this action:

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

**L. CR2017 42**

Following their review of the complaint, response and medical records, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Palman and voted 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.

**M. CR2017 44**

Following their review of the complaint, response, billing and medical records, the Board took this action:

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

**N. CR2017 45**

Following their review of the complainants request to withdraw the complaint, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Michaud and voted unanimously to approve the request to withdraw the complaint, closing the matter.

**O. IN2017 48**

Following their review of the information provided by the FSMB<sup>1</sup> regarding Board action in other states, the Board took this action:

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<sup>1</sup> Federation of State Medical Boards

**MOTION:** Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to issue a complaint on the Board's own motion. Dr. Smith, Case Reporter, did not vote.

## II. Consent Agreement/Board Decision & Order Compliance & Updates

### A. Kevin Kenerson, DO

The Executive Secretary noted that the Board had received reimbursement for the hearing officer costs. No clinical concerns were noted. Dr. Gaddis, Case Reporter or Dr. Thomas, Board Chair will randomly select patient charts for review. No Board action was necessary.

### B. Raymond Psonak, DO

Board members reviewed the fully signed Consent Agreement with the licensee. No Board action was necessary.

## III. Minutes/Revenue & Expense Reports

### A. October & November 2017 Meeting Minutes

Review of the minutes was tabled until the January 2018 meeting.

### B. Revenue & Expense Reports

The November 2017 reports were reviewed and accepted.

## IV. Miscellaneous

### A. Request for Board Approval of Training

Board members reviewed materials provided by Dr. Palman in advance of the meeting. In addition, representatives from the American Association of Anesthesiologists Assistants were present to provide information regarding the request. AAG Miller advised that the Board did not have legal authority to approve a course for Anesthesiologists Assistants as requested. The Board took no action regarding this request. Dr. Palman recused himself from participating as a Board member during the discussion.

Dr. Palman left the meeting room at the conclusion of the discussion.

### B. Request for Legislative Committee

The Executive Secretary asked for a committee of Board members to work on legislative matters such as writing/reviewing testimony for the Commissioner/Governor's review & approval, presenting testimony at Legislative hearings and assisting with rewriting multiple sections of the Board's statute. Drs. Thomas, Smith and Brewer offered to serve on the Committee. AAG Miller and Mrs. Strout will be a part of the Committee as well.

### C. Federation of State Medical Boards

#### 1. Nominations for Associate Member

Board members reviewed and took no action.

#### 2. Final Call for Committee Nominations

Board members reviewed; none able to make the commitment.

#### 3. Board of Directors Meeting Highlights

Board members reviewed; no action taken.

#### 4. Advocacy Bulletin

Board members reviewed; no action taken.

### D. Discussion re: Category II CME Hours

Board members discussed making a change similar to the MD Board regarding Category II hours but took no action at this time.

Dr. Palman rejoined the meeting prior to the review of applications, etc.

**V. Licensure Matters**

**A. David Lunianski, D.O. – Permanent License Applicant**

At this time, the Board voted to go into Executive Session (Dr. Thomas, 2<sup>nd</sup> by Dr. Brewer) to review confidential information. Once again in Public Session, the Board took this action:

**MOTION:** Made by Dr. Thomas and seconded by Dr. Brewer to request a letter from a psychiatric consultant, tabling any further action pending receipt of that letter. With all members voting in opposition to the motion, it was withdrawn and the following motion was made:

**MOTION:** Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to table the application and require that the applicant undergo a current, full and comprehensive evaluation.

**B. Permanent DO Applications**

Following circulation, review and discussion of the permanent licensure applications, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to approve the permanent license applications submitted by: Jeffrey Gazzara, DO; Matthew Farbman, DO and Grant J. Linnell, DO.

**B. Physician Assistant Applications**

Following circulation and review of the applications, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to approve the license applications submitted by Megan Southwick, PA and Tennie Shardlow, PA.

**VI. Adjournment**

A motion to adjourn was made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to adjourn the meeting at 1:30 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary