

Maine Board of Osteopathic Licensure 142
State House Station, 161 Capitol Street
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Minutes of March 9, 2017 Board Meeting – 9:30 a.m. – 1:45 p.m.

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

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; Tricia Peterson; Gretchen Sullivan; Emily Bloch, Esquire; Elizabeth Olivier, Esquire; Pamela Wansker, D.O.

I. CR2016 37

It was noted that the adjudicatory hearing originally scheduled for this date, was continued.

II. Complaints & Investigations

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

A. IN2013 39, CR2014 51, CR2014 58, IN2015 06, CR2015 17 & IN2015 33

Dr. Thomas, Case Reporter, provided an overview of these matters and reminded the Board that the draft consent agreement (as discussed at the January 2017 meeting) had been provided for their review and approval. Following the Board's review of all of the materials as well as the overview provided by Dr. Thomas, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously to set these matters for an Adjudicatory Hearing and to offer the proposed Consent Agreement as discussed and drafted. Dr. Thomas, Case Reporter did not vote.

B. IN2017 05

At this time, the Board reviewed a mandated report related to the licensee referred to in the above six (6) matters. Following their review, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Ms. McIntyre and voted unanimously to amend the above-noted draft Consent Agreement to include the new additional allegations. Dr. Thomas, Case Reporter, did not vote.

C. CR2016 43

In the absence of the Case Reporter, the Board reviewed the materials and took this action:

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

D. CR2016 44

In the absence of the Case Reporter, the Board reviewed the materials and took this action:

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

E. CR2016 47

Dr. Thomas, Case Reporter, provided a brief overview of the case and the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted to dismiss the complaint and to issue a (non-disciplinary) Letter of Guidance regarding communications issues, i.e. the importance of listening carefully to all information conveyed by a patient or their family members, and to also consider expanding the differential diagnosis. The Case Reporter did not vote.

F. CR2016 38

Dr. Palman, Case Reporter, provided a brief overview of the case and following their review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to dismiss the complaint and to issue a (non-disciplinary) Letter of Guidance regarding the importance of accurate recordkeeping, and to remind the licensee of professional standards existing in the context of Independent Medical Examinations as contained in the American Medical Association Code of Medical Ethics Opinion 10.03, Patient-Physician Relationship in the Context of Work- Related and Independent Medical Examinations. The Case Reporter did not vote.

G. CR2016 40

Dr. Gaddis, Case Reporter, provided a brief overview of the case and following review, the Board took this action:

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

H. CR2016 42

Dr. Piper, Case Reporter, provided a brief overview of the case and following review, the Board took this action:

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

I. CR2016 45

In the absence of the Case Reporter, the Board reviewed the materials and took this action:

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

J. CR2016 48

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

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted to set the matter for an Adjudicatory Hearing but also authorizing AAG Miller to draft and offer a Consent Agreement (for prior review by the Case Reporter) which would include a reprimand For prescribing to family members and a requirement that the licensee cease doing so. The Case Reporter did not vote.

K. CR2016 51

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

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted to set the matter for an Adjudicatory Hearing but also authorizing AAG Miller to draft and offer a Consent Agreement to include a censure, a 5 year period of probation and required continuing medical education in professional ethics such as ProBE and to suggest the licensee consider providing the patient with the refund requested.

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At this time, the Board made another motion regarding this matter:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted unanimously to forward a referral regarding the licensee's spouse, who is a Registered Nurse, to the Board of Nursing.

At this time, the Board voted (McIntyre & Thomas) to go into Executive Session, based on 1 M.R.S. §§405(6)(E) and 405(1)(F). Once again in Public Session, the Board noted the following:

L. IN2017 09

Dr. Gaddis, Case Reporter, provided a brief overview of the materials received. Following their review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted to issue a complaint on the Board's own motion and forward to the licensee for response. Case Reporter did not vote.

S. Miscellaneous Complaint Information

Correspondence complaining that the Board had taken a license away from a licensee several years ago was reviewed; in fact the license was suspended for a short time but the licensee now works in a specific location, taking no new patients or seeing prior patients. The Board determined that no response was warranted.

III. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no concerns with the reports received and then reminded the Board that the licensee had requested approval to work additional hours in additional sites. The Board reviewed several letters of support and then took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Palman and voted to approve the licensee's request to work additional hours at certain 'Groups' locations in Maine. The Case Reporter did not vote.

B. Bradley Libenson, D.O.

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

IV. Minutes/Revenue & Expense Reports

A. Review of January 2017 Meeting Minutes

Following review, the Board took these actions:

MOTION: Made by Ms. McIntyre, seconded by Dr. Gaddis to approve the January 2017 meeting minutes.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports for January 2017. No Board action was necessary.

V. Other Business

A. Federation of State Medical Boards Annual Meeting

Ms. Michaud indicated that she would be willing to represent the Board at the late April meeting in Texas.

B. Legislative Information

Board members received updates on bills that might be of interest and were provided with the future schedule as well as a list of all committees and members. No action was taken.

- LD13 – Voted Ought Not to Pass
- LD114 – Work Session was held on 3/2/2017

- LD232 – Hearing not yet scheduled;
- LD347 – Hearing not yet scheduled;
- LD534 – Hearing not yet scheduled.

VI. Licensure Matters

A. Permanent Licensure Applications

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

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to approve the license applications submitted by: Justin Valiquet, D.O.; Pardeep Shori, D.O.; Lisa Yeh, D.O.; Michelle Ramirez, D.O.; Shayna Shackford, D.O.; Nichols Dupuis, D.O. and Garrett Caldwell, D.O.

Following discussion, the Board took this additional action regarding licensure:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to approve the application for issue pending the Executive Secretary's receipt of appropriate information regarding the last two (2) questions on the application.

B. Physician Assistant Applications

There were no new PA applications for review.

VII. Informal Conference

At this time, the Board welcomed the parties to the following Informal Conference and at the request of the licensee, as permitted by Maine law, the Board voted to go into Executive Session. Once again in Public Session, the Board took this action:

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

VIII. Adjournment

A motion to adjourn was made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously – 1:45 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary