

Maine Board of Osteopathic Licensure
142 State House Station
161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 536-5811

Minutes of November 9, 2017 Board Meeting – 9:30 a.m. – 1:30 p.m.

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Detective James Gioia, Office of the Attorney General; Amanda Richards, Maine Osteopathic Association; Emily Bloch, Esquire; Michael Cunniff, Esquire

I. CR2016 51 – Review of Consent Agreement in lieu of Adjudicatory Hearing

Following review of the proposed Consent Agreement, signed by the licensee, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to accept the Consent Agreement as written and signed by Raymond Psonak, D.O. Ms. McIntyre, Case Reporter, was not present.

II. Complaints & Investigations

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

A. CR2017 11

Following a thorough review of the correspondence received, as requested by the Board after the October 2017 Informal Conference regarding the complaint, the Board took this action:

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

B. CR2017 17

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

MOTION: Made by Dr. deKay and seconded by Dr. Brewer to dismiss the complaint. The motion failed with only Drs. deKay and Brewer in favor. Dr. Thomas, Case Reporter, did not vote.

After additional discussion, this motion was made:

MOTION: Made by Ms. Michaud, seconded by Dr. Brewer and voted unanimously to have Det. Gioia conduct additional investigation. The Board will review the matter again once the investigation is complete and his report is ready for review. Dr. Thomas, Case Reporter, did not vote.

C. CR2017 27

Review of this matter was tabled until the December meeting as additional medical records were anticipated.

At this time, Dr. Thomas recused himself and left the Conference Room. Ms. Michaud assumed the Chair.

D. CR2017 28

Following review of the complaint and request to withdraw as submitted by the complainant, the Board took this action:

Continued from Page 1 of 4 – November 2017 Board of Osteopathic Licensure Meeting Minutes

MOTION: Made by Ms. Michaud, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not merit further investigation. Dr. Palman, Case Reporter, was not present.

Dr. Thomas rejoined the meeting and resumed Chair.

E. IN2017 43

Following a review of the complaint and the complainants request to withdraw it, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to approve the request to withdraw the complaint, closing the matter. Dr. Gaddis, Case Reporter, was not present.

At this time, the Board voted (Dr. deKay, Ms. Michaud – 2nd) to go into Executive Session based on 1 M.R.S. § 405 (6)(E). Once again in Public Session (Dr. deKay, Dr. Thomas – 2nd), the Board took this action:

F. IN2017 19

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

MOTION: Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to conduct further investigation. Dr. Thomas, Case Reporter, did not vote.

G. IN2013 39

H. CR2015 06

I. CR2015 33

J. CR2017 05

K. CR2014 51

L. CR2014 58 &

M. CR2015 17

Following an overview from Dr. Thomas (Case Reporter) of each of the above cases and lengthy discussions, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. deKay and voted unanimously to conduct further investigation, as noted during discussion, on CR2013 39, CR2015 06, CR2015 33, CR2017 05, CR2014 51, 2014 58 and CR2015 17. Dr. Thomas, Case Reporter, did not vote.

III. Consent Agreement/Board Decision & Order Compliance & Updates

A. Paul Gosselin, DO

The licensee is not currently practicing due to suspension. No Board action was necessary.

B. Kevin Kenerson, DO

The Executive Secretary noted that reimbursement for the hearing officer fees is now due and the licensee's attorney represented that the fee would be paid soon. No action necessary.

C. Bradley Libenson, DO

In the absence of Dr. Palman, Case Reporter, no concerns were noted and the Board took note that the licensee's Consent Agreement was due to expire in several days. Following a brief discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to terminate the Consent Agreement, effective this date.

IV. Minutes/Revenue & Expense Reports

A. August 2017 Meeting Minutes

Following review, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. deKay and voted to approve the minutes of the August 2017 meeting as written.

B. Revenue & Expense Reports

The October 2017 report was reviewed and accepted.

V. Miscellaneous

A. Review of Suggested Revisions to (Joint) Rule Chapter 10¹

Following review and discussion, the Board will convey concerns to the Board of Licensure in Medicine staff regarding some of the proposed changes and took no action.

B. Review of Comments/Draft Responses re: (Joint) Rule Chapter 21²

Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the Basis Statement and Response to Comments and to adopt the Rules as written.

C. Coalition Letter re: Buprenorphine Prescribing

Board members reviewed and briefly discussed the letter; no action was necessary.

D. MPHP³ Letter from Lani Graham, MD – Medical Director

Board members reviewed the letter from Dr. Graham regarding her retirement and noted the good work she has done with the Program through the years.

VI. Licensure Matters

At this time, Dr. Thomas recused himself and left the Conference Room. Ms. Michaud assumed the Chair.

A. Locum Tenens Application

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

MOTION: Made by Ms. Michaud, seconded by Dr. deKay and voted to approve Locum Tenens application submitted by Naciketa Rath, D.O. to work at St. Joseph Hospital in Bangor and The Aroostook Medical Center in Presque Isle.

Dr. Thomas rejoined the meeting and resumed the Chair.

B. Permanent Licensure Applications

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

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the permanent licensure applications submitted by Azima Rasiwala, D.O. and Kevin Shanaghan, D.O.

C. Physician Assistant Applications

There were no completed PA applications for circulation and review.

¹ Sexual Misconduct Rule

² Use of Controlled Substances for Treatment of Pain Rule

³ Medical Professionals Health Program

Continued from Page 3 of 4 – November 2017 Board of Osteopathic Licensure Meeting Minutes

D. Permanent Licensure Application – David Lunianski, D.O.

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

MOTION: Made by Dr. deKay, seconded by Dr. Brewer and voted to table the matter pending receipt of a report from a current psychiatrist or psychologist, evidence of current clinical competency, letter(s) from previous mental health provider(s) and up-to-date letters of reference which are not currently dated but exact copies of those previously submitted. Dr. Thomas and Ms. Michaud were opposed.

E. Permanent Licensure Application – Chris Adams, D.O.

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

MOTION: Made by Dr. deKay, seconded by Dr. Smith to table any action on the application pending receipt of treatment information, adequacy of the treatment received and clinical competence. Motion failed with Ms. Michaud, Dr. Thomas and Dr. Brewer opposed.

Following additional review and discussion, this motion was made:

MOTION: Made by Dr. Thomas, seconded by Ms. Michaud and voted to preliminarily deny the application based on, including but not limited to, unprofessional conduct, fraud and deceit, disciplinary action by another state and violation of Board statutes or rules. Drs. deKay and Brewer were opposed.

VI. Adjournment

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

Respectfully submitted,



Susan E. Strout, Executive Secretary