

Maine Board of Osteopathic Licensure
142 State House Station
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Minutes of October 12, 2017 Board Meeting – 9:30 a.m. – 3:15 p.m.

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; Detective James Gioia, Office of the Attorney General; Amanda Richards, Maine Osteopathic Association; Elizabeth Campbell; Peter Michaud; Richard Haskell; Vincent Herzog, DO; Emily Bloch, Esquire

I. 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 20

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. Smith and voted to dismiss as the complaint did not rise to a level which would warrant further Board action. Dr. Brewer, Case Reporter, did not vote.

B. CR2017 21

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

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

After additional discussion, the following amendment was proposed:

AMENDMENT TO MOTION: Made by Ms. McIntyre, accepted by Drs. deKay and Gaddis and voted unanimously to dismiss the complaint and to issue a Letter of Guidance regarding mandatory reporting. The Letter of Guidance will be on file for one (1) year. Ms. Michaud, Case Reporter, did not vote.

C. CR2017 26

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

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

D. CR2017 37

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

MOTION: Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to allow the complaint to be withdrawn, with no further action necessary. Dr. Gaddis, Case Reporter, did not vote.

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

At this time, the Board voted (Dr. deKay, Ms. McIntyre) to go into Executive Session pursuant to 24 M.R.S. § 2510. Once again in Public Session (Ms. McIntyre, Dr. Brewer), the Board took this action:

E. IN2017 25

Following a thorough review of the report submitted pursuant to 24 M.R.S. § 2505 as well as other materials gathered, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. Michaud and voted unanimously to mandate an evaluation by a forensic psychologist, including substance misuse, due to concerns (including but not limited to) regarding unprofessional conduct and self-prescribing. Ms. McIntyre, Case Reporter, did not vote.

After additional discussion, a second motion was made:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to issue a Board complaint regarding unprofessional conduct and violation of Board rule(s). Ms. McIntyre, Case Reporter, did not vote.

F. IN2017 30

Following their review of a report submitted pursuant to 24 M.R.S. § 2506, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to issue a complaint regarding unprofessional conduct and incompetence based on the report received. Dr. Smith, Case Reporter, did not vote.

G. IN2017 32

Following their review of materials received regarding possible fraud and deceit in practice or billing, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to close the investigation with no Board action necessary. Dr. Palman, Case Reporter, did not vote.

H. IN2017 33

Following their review of materials received regarding possible fraud and deceit in practice or billing, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. Michaud and voted unanimously to close the investigation with no Board action necessary. Dr. Palman, Case Reporter, did not vote.

I. IN2017 39

Following their review of a report submitted pursuant to 24 M.R.S. § 2506, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Ms. Michaud and voted unanimously to issue a complaint regarding possible violations of state and federal laws. Dr. deKay, Case Reporter, did not vote.

It was then noted that reviews of items J through Q on the agenda were tabled until the November 2017 meeting. The reference numbers are: IN2017-19, CR2013-39, CR2015-06, CR2015-33, CR2017-05, CR2014-51, CR2014-58 and CR2015-17.

II. 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.

Continued from Page 2 of 4 – October 2017 Osteopathic Board Meeting Minutes

B. Kevin Kenerson, DO

No clinical concerns were noted. 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 Board action was necessary.

C. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no issues of concern.

III. Minutes/Revenue & Expense Reports

A. June & July 2017 Meeting Minutes

Following review, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted to approve the minutes of the June & July 2017 meetings as written. Ms. McIntyre did not vote as she was unable to attend either meeting.

B. Revenue & Expense Reports

The August & September 2017 reports were reviewed and accepted.

IV. Miscellaneous

A. Review of Further Revisions to (Joint) Rule Chapter 2

Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. Michaud and voted to agree to the changes proposed by the Board of Licensure in Medicine and to move forward with the rulemaking process. Dr. Palman abstained from voting.

B. Federation of State Medical Boards

1. Board of Directors Meeting Highlights

Board members reviewed; no Board action necessary.

2. First Call for Committee Appointments

Board members reviewed; none able to make the commitment.

3. First Call for Nominations of Candidates for Elected Office

Board members reviewed; no nominations made.

4. First Call for Associate Members to Board of Directors

Board members reviewed; none able to make the commitment.

5. The Restoring Board Immunity Act (S. 1649/HR 3446)

Board members reviewed; no action taken.

C. Appointment to Interstate Medical Licensure Compact Commission

Following discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to appoint the Executive Secretary as its IMLC Commission representative. Mrs. Strout will travel to Phoenix AZ in November to attend the IMLCC annual meeting.

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

D. MMPHP New & Updated Policies

Board members reviewed the new and updated policies. No Board action is necessary.

E. Board Representative – American Association of Osteopathic Examiners Meeting

Following discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. deKay and voted to appoint Board member Ryan Smith, D.O. to represent the Board at the annual AAOE meeting in January 2018.

F. American Board of Radiology – Notice of New Certificate

Board members reviewed the notice. No Board action was necessary.

At this time, the Board voted (Dr. deKay, Dr. Thomas – 2nd) to go into Executive Session at the request of the licensee (pursuant to 32 M.R.S. § 2591-A(1)) for the upcoming Informal Conference. Once again in Public Session (Dr. Thomas, Dr. deKay – 2nd) the Board took this action:

V. Informal Conference – CR2017 11

MOTION: Made by Dr. deKay, seconded by Ms. Michaud and voted to request that the licensee write a letter of endorsement/advocacy on behalf of the patient regarding recommendations previously made. The matter is tabled pending receipt of a copy of the letter sent on behalf of the patient. Dr. Palman, Case Reporter, did not vote.

VI. Licensure Matters

A. Permanent License

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

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to approve the permanent license applications submitted by: Mina Assadollahzadeh, DO; Robert Baril, DO; Ryan Cantville, DO; Elisa Diaz, DO; Katherine Gassman, DO; Christina Bordeau, DO; Martha Gilman, DO; John Gunel, DO; Nathalie Paolino, DO; Benjamin Park, DO; Nichole Rausch, DO; Hugo Rivera, DO; Ryan Sault, DO; Melissa Robinson, DO.

Following a brief discussion, the Board took this action on one additional permanent licensure application:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to approve the application submitted by John Brenner, DO for issue pending receipt of one additional, favorable reference by the Board office.

B. Physician Assistant Applications

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

MOTION: Made by Dr. Brewer, seconded by Ms. Michaud and voted unanimously to approve the license application submitted by Molly Lindsey Nadeau, PA-C.

VI. Adjournment

A motion to adjourn was made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to adjourn the meeting at 3:15 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary