

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 April 12, 2018 Board Meeting – 9:30 a.m. – 2:45 p.m.**

Members Present: Scott Thomas, DO, Chair; John Brewer, DO; Marty McIntyre, Public Member; John Gaddis, DO, Board Secretary; Brian Gillis, DO.; Melissa Michaud, PA-C, Vice-Chair; Ryan Smith, DO

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Detective James Gioia, Office of the Attorney General; Amanda Richards, Maine Osteopathic Association; Emily Bloch, Esquire; Carl Woock, Esquire; Chris Jackson; Paul Schneider, Michael Heniser, D.O.

**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 17**

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

**MOTION:** Made by Ms. McIntyre, seconded by Ms. Michaud and voted to further investigate and order a substance misuse evaluation, have Det. Gioia make further attempts to interview individuals noted in the complaint, review 5-10 patient charts chosen from a current Prescription Monitoring Profile, and further investigate the allegation regarding prescribing stimulants. Dr. Thomas, Case Reporter, did not vote.

**B. CR2017 25**

Because the Case Reporter had not yet had an opportunity to fully review certain documentation, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Thomas and voted to table review of this matter until the May 2018 meeting. Ms. McIntyre, Case Reporter, did not vote.

Before the review began, Dr. Gaddis disclosed that the licensee who is the subject of the next matter formerly worked in the area where he practices but that he did not know him and never worked with him.

**C. IN2017 29**

Following a lengthy discussion regarding the materials before them, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Smith and voted unanimously to issue a complaint regarding unprofessional conduct and a diagnosis which has or may result in the licensee performing services in a manner that endangers the health or safety of patients. Ms. McIntyre was opposed.

**D. CR2017 30**

Following their review of the licensee's response to the complaint issued by the Board, members took this action:

**MOTION:** Made by Ms. Michaud and seconded by Dr. Gillis to dismiss the complaint as the license is no longer practicing or licensed in Maine. Motion failed with only Ms. Michaud and Dr. Gillis in favor.

**Continued from Page 2 of 5 – April 2018 Board of Osteopathic Licensure Meeting Minutes**

Following discussion, this motion was made:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to offer the former licensee a Consent Agreement whereby she would agree, based on allegations of unprofessional conduct, never to again apply for a license to practice medicine in the State of Maine.

**E. CR2017 36**

Following their review of the licensee's response to the complaint issued on the Board's own motion as well as relevant medical records, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to dismiss the complaint as once everything was reviewed, it did not rise a level which would warrant action against the licensee's ability to practice in Maine. Dr. Gaddis, Case Reporter, did not vote.

**F. CR2017 46**

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

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

**G. CR2017 50**

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

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Gillis and voted to dismiss the complaint as it did not rise to a level which would warrant action against his license to practice medicine in Maine. Dr. Thomas was opposed to the motion. Dr. Brewer, Case Reporter, did not vote.

**H. CR2017 51**

Following review of the complaint, response and medical records, 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 merit further Board action. Ms. Michaud, Case Reporter, did not vote.

**J. IN2018 03**

Following their review of the materials received, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Ms. Michaud and voted unanimously to further investigate and request that the licensee respond to several questions.

**K. CR2018 04**

Following a brief review of the materials, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Thomas and voted unanimously to dismiss the matter as the licensee was not an applicant or licensed in Maine at the time of the alleged conduct. No Case Reporter had been assigned.

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

**A. Paul Gosselin, D.O.**

Board members reviewed a request from Dr. Gosselin, whose license remains suspended, to have the suspension lifted. Following discussion, the Board took this action:

**Continued from Page 3 of 5 – April 2018 Board of Osteopathic Licensure Meeting Minutes**

**MOTION:** Made by Ms. Michaud, seconded by Dr. Gaddis and voted unanimously to deny the request to lift the license suspension.

**B. Kevin Kenerson, DO**

Dr. Gaddis, having reviewed the records received, noted while most records were compliant, one was of concern and asked that the licensee provide evidence of a narcotics contract, a prescription monitoring profile, pill counts and urine screens etc. for that one patient for a period of one year. The Executive Secretary will reach out to the licensees' attorney.

**Item 1.C. Continued from Page 1**

**1.C. CR2017 29**

This matter was discussed and voted on earlier in the meeting. Meanwhile, the licensee submitted a request for reconsideration. This was presented to the Board and this action was taken:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to decline the licensee's request for reconsideration of the Board's vote to issue a complaint. Dr. Brewer, Case Reporter, did not vote.

**III. Minutes/Revenue & Expense Reports**

**A. December 2017 and January 2018 Meeting Minutes**

Following review, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Thomas and voted to approve the draft minutes of the December 2017 meeting with one change – note that following the meeting it was learned that December was the final meeting for Joseph deKay, D.O. whose seat was filled by Brian Gillis, D.O. Dr. deKay had served on the Board for approximately 20 years. The motion also included approval of the January 2018 minutes, as written.

**B. Revenue & Expense Reports**

The December 2017, January and February 2018 reports, provided by DAFS<sup>1</sup>, were reviewed and accepted.

**IV. Miscellaneous**

**A. Review of Revised MPHP<sup>2</sup> Protocols and Contract Rider A**

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to approve the Medical Professionals Health Program protocols and Rider A.

**B. Letter from Guy Cousins, LCSW – New Clinical Director of MPHP**

Board members reviewed and noted the letter. No Board action was necessary; Board members look forward to meeting him at the annual MPHP presentation during the summer months.

**C. Review of Draft Revisions to Rule Chapter 10 – Sexual Misconduct Rule**

Board members reviewed the proposed changes to the draft rules and asked that the matter be placed on the May agenda for review along with a marked copy so that differences could be noted. Board members discussed the preference that the Board's return to the practice of a committee of members of the Boards working together on potential changes to be presented to both Boards for review as opposed to changes being made by one and passed along for review and comment after the fact.

---

<sup>1</sup> Division of Administrative & Financial Services

<sup>2</sup> Medical Professionals Health Program

**D. Draft Revisions to Rule Chapter 2 – Physician Assistants**

Board members, having previously reviewed and commenting, reviewed the final draft and took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Gillis and voted unanimously to accept the revised language of the proposed rule and to proceed with initiating the rulemaking process.

**E. Request for Board Opinion re: Anesthesiologist Assistants**

Board members, having reviewed this same request at their December 2017 meeting, again declined, based on legal advice, to render an advisory opinion on the matter of licensing anesthesiologists' assistants.

**F. NBOME Invitation to Spring 2018 Visitation Day**

Board members reviewed the invitation. No action was taken.

**G. Request for Consideration of Laptops/Online Meeting Materials**

Board members reviewed the request from the Executive Secretary and following discussion, took this action:

**MOTION:** Made by Dr. Brewer, seconded by Dr. Thomas and voted to proceed to 'Move It' for the secure transmission of meeting materials and future rental of laptops to take the place of paper. Dr. Gaddis was opposed.

The Executive Secretary noted that this will all take some time to put in place.

**H. Proposed Revisions to Board Policies re: Applications for Licensure – Handout**

Board members reviewed and discussed the Executive Secretary's suggested updates to the current policies regarding applications and took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Ms. Michaud and voted unanimously to approve the policy updates as drafted. The Boards website will be updated as will the Uniform Application instructions.

**I. Board Member Educational Seminar**

Board members noted the seminar notice with several stating they would be unable to attend due to practice schedules and surgical commitments.

**J. Federation of State Medical Boards**

Board members reviewed and discussed the following materials. No Board action was necessary. Dr. Thomas, who will be the Board's voting delegate at the Annual FSMB meeting in Charlotte, NC later this month noted several matters of particular interest.

1. Resolutions to the 2018 House of Delegates
2. Board Reports
3. Report of the Bylaws Committee
4. Revised Report of the Nominating Committee
6. Board of Directors Meeting Highlights

**K. Legislation**

Board members noted updates to the following LDs:

1. LD565 – this bill was vetoed;
2. LD1267 – this bill was signed into law;
3. LD1278 – this bill was vetoed;
4. LD1735 – this bill was vetoed;
5. LD1819 – this bill is dead;
6. LD1822 – this bill is dead.

**V. Licensure Matters**

**A. Permanent Licensure Applications**

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

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Brewer and voted unanimously to approve the permanent licensure applications submitted by Scott Drummond, D.O.; Michael Burla, D.O.; Marisa Burla, D.O.; Jillian Gregory, D.O.; Jocelyn Langevin, D.O.; Thayanne Delima-Tokarsz, D.O.; Denise Anderson, D.O.; Gail Fancher, D.O.; Laura Marlowe-Flanagan, D.O.; Joelle Gagnon, D.O.; Julie McDonald, D.O.; Michael McElhinney, D.O.; Patrick Mailloux, D.O. and, Jacques Reynolds, D.O.

Following a brief discussion regarding the following applications, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Gillis and voted unanimously to approve the applications submitted by Emilynne Buchanan, D.O. and Joseph Vigue, D.O.

**B. Physician Assistant Applications**

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Gillis and voted unanimously to approve the application submitted by Jeanne Stewart, PA-C who will work with David McDermott, M.D.

**VI. Adjournment**

A motion to adjourn was made by Dr. Gillis, seconded by Dr. Brewer and voted unanimously to adjourn the meeting at 2:15 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary