

**Minutes of August 9, 2018 Board Meeting – 9:30 a.m. – 12 noon**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Elizabeth Olivier, Esquire; Jennifer Rush, Esquire; Amanda Richards, Operations Manager, Maine Osteopathic Association; Michael Cunniff, Esquire.

**I. Complaints & Investigations**

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

Dr. Gillis joined the meeting during the reading of the script.

**A. CR2018 06**

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. Smith and voted unanimously to dismiss the complaint with a Letter of Guidance regarding anchor bias when an older patient presents with a difficult diagnosis i.e., head pain, lesions in the ear and pain distribution to cranial nerves because there could well be a totally different diagnosis. Ms. Michaud, Case Reporter, did not vote.

**B. CR2018 10**

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

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to further investigate and to invite the licensee and complainant to attend an Informal Conference at a future meeting. Dr. Gillis, Case Reporter, did not vote.

The Board requested that the licensee provide the Board with any written consent(s) associated with the care of the patient in advance of the informal conference.

**C. CR2018 11**

Following review of the licensee's response to the complaint filed by the Board on its own motion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gillis and voted unanimously to invite the licensee to attend an Informal Conference to discuss the management of records disposal. Ms. Michaud, Case Reporter, did not vote.

**D. CR2018 12**

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

**MOTION:** Made by Dr. Smith, seconded by Dr. Smith and voted unanimously to table for further

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investigation, including obtaining urine drug screen test results for the same time period. Dr. Gillis, Case Reporter, did not vote.

**E. CR2018 13**

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

**MOTION:** Made by Ms. Michaud, seconded by Dr. Gillis and voted unanimously to dismiss the complaint as it did not merit further investigation or review. Dr. Smith, Case Reporter, did not vote.

**F. CR2018 16**

Following review of the complaint and communications between the licensee and the Board's Executive Secretary, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to have Mrs. Strout make one final attempt at obtaining the licensee's response, letting her know that the Board looks forward to receipt of her response. Dr. Smith, Case Reporter, did not vote.

**G. CR2018 17**

Board members reviewed feedback regarding the dismissal of the noted complaint. No Board action was necessary.

At this time, the Board voted (Dr. Smith, Ms. Michaud) to go into Executive Session based on 1 MRS 405(6)(E) for consultation with its attorney concerning the legal rights and duties of the Board and/or pending or contemplated litigation.

Once again in Public Session, the Board declined to take any action requested by the licensee except that the Board took this action following discussion regarding the request to vacate a subpoena:

**H. CR2018 18**

**MOTION:** Made by Ms. Michaud, seconded by Dr. Gillis and voted unanimously to continue the Board's investigation into the above-noted complaint and to deny the request to vacate the subpoena. The Board determined that the evidence requested related with reasonable directness to a matter in question, was not unreasonable or oppressive, and was issued within a reasonable period in advance of when the evidence was requested. Dr. Thomas, Case Reporter, did not vote.

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

**A. Kevin Kenerson, DO**

In the absence of Dr. Gaddis (Case Reporter), the Executive Secretary noted having received no new information or concerns.

**B. Paul Gosselin, D.O.**

It was noted that Dr. Gosselin's license suspension ended on August 5, 2018. No Board action was necessary.

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

**A. July 2018 Meeting Minutes**

The July meeting minutes were not quite ready for review – no Board action was necessary.

**B. Revenue & Expense Reports**

The June 2018 reports, prepared and provided by DAFS<sup>1</sup>, were reviewed and accepted.

**IV. Miscellaneous**

**A. Discussion re: Annual Regulatory Agenda**

Board members did not add potential rulemaking endeavors for 2019; the agenda will be submitted on Friday, August 10<sup>th</sup>.

**B. FSMB Matters**

There were no matters specific to the Federation of State Medical Boards.

**V. Licensure Matters**

**A. Permanent Licensure Applications**

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

**MOTION:** Made by Dr. Gillis, seconded by Ms. Michaud and voted unanimously to approve the permanent licensure applications submitted by Mario Serafini, D.O.; Jennifer Horne, D.O.; William C. McDougall, D.O., Joseph Bell, D.O., Craig Benson, D.O. & Yrene Holmes, D.O.

**B. Physician Assistant Supervision – Citation and Fine**

Following review of information from the Board of Licensure in Medicine regarding a physician assistant to whom a citation was issued for late submission of paper work, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Gillis and voted to issue a citation (pursuant to Board rule) to a physician assistant's primary supervising physician due to late notification of supervision of a physician assistant. Dr. Thomas opposed the motion.

**C. Physician Assistant Applications**

No PA applications were ready for review.

**VI. Adjournment**

A motion was made by Dr. Gillis, seconded by Dr. Smith and voted unanimously to adjourn the meeting at 12 noon.

Respectfully submitted,



Susan E. Strout, Executive Secretary

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