

Minutes of October 11, 2018 Board Meeting – 9:30 a.m. – 2:30 p.m.

Members Present: Scott Thomas, D.O., Board Chair; Melissa Michaud, PA-C, Vice Chair; Brian Gillis, D.O.; Ryan Smith, D.O.; John Brewer, D.O., Marty McIntyre, Public Member. Member Excused: 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; Guy Cousins, Director, Maine Medical Professionals Health Program¹ (hereafter 'MPHP'); Heidi LaMonica, BS, Operations Manager, MPHP; Amy Tardy, PhD, MPHP; Robert Turner; UNE Students and/or Faculty: Jessica Smith, Leah Pearl, James Komex, Travis Mann, Samuel Stratton, Valerie Pendleton, Ben Thomas, Masilabaraz Ahmed, Kevin Jalil, Daniel O'Connell, Kerm Lee, Kristin Merome, Jennifer Masaridi, Matt Smoot, Keating Pepper, Maria Jones, Emily Silverstein, Paul Imbriano

In the absence of the Complaint Script which is generally read at the start of a meeting, Dr. Thomas spoke to the audience regarding the importance of understanding that there is a licensing process and real people behind the title 'Board'. He then explained the process of complaint reviews, no audience participation and the options available to the Board following their initial review of a complaint. Dr. Thomas also spoke about the Federation of State Medical Board and their involvement with this and other state licensing Boards across the country.

I. Complaints & Investigations

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

A. CR2018 14

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

MOTION: Made by Ms. Michaud, seconded by Ms. McIntyre and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant action against the licensee. Dr. Gillis recused himself from participation in the review or vote. Dr. Thomas, Case Reporter, did not vote.

B. CR2017 25

Following an overview and discussion regarding this matter by the Case Reporter including the recommendations made by the psychologist who performed the evaluation ordered by the Board, this action was taken:

MOTION: Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to set the matter for an Adjudicatory Hearing and to offer a Consent Agreement. Ms. McIntyre, Case Reporter, did not vote.

C. CR2018 06

Following an overview of this matter by AAG Miller and review of and a discussion regarding a request to reconsider their August 2018 vote to dismiss this complaint and issue a Letter of Guidance, the Board took this action:

¹ MPHP – Medical Professionals Health Program

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MOTION: Made by Dr. Gillis, seconded by Ms. McIntyre and voted unanimously to rescind the Letter of Guidance and to dismiss the complaint based on additional information brought to their attention. Ms. Michaud, Case Reporter, did not vote.

D. CR2018 07

Following a lengthy review of the complaint and the licensee's response as well as a discussion of all the information received to date, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Brewer and voted unanimously to invite the licensee to attend an Informal Conference at a future meeting and to require the licensee to provide in advance all documentation previously requested but not provided. Dr. Smith, Case Reporter, did not vote.

E. CR2018 08

This matter was tabled.

F. CR2018 12

Following review of additional records requested regarding this complaint which was first reviewed in August, the Board took this action:

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

G. IN2018 19

Dr. Smith, Case Reporter, provided an overview of the investigative material received, to date. Following review and discussion, Board members took this action:

MOTION: Made by Ms. Michaud, seconded by Ms. McIntyre and voted to continue the investigation, and request counseling reports. In addition, the licensee shall provide either a recently completed psychological evaluation or shall undergo a psychological evaluation required by the Board. Dr. Smith, Case Reporter, did not vote.

H. CR2018 21

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

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant action against the licensee. Dr. Gillis recused himself from participation in both the review and vote. Dr. Brewer, Case Reporter, did not vote.

I. CR2018 28

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

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

J. CR2018 31

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

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

K. IN2018 33

Following thorough review and discussion of the report received, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to further investigate and to obtain additional information from the reporting agency. Dr. Brewer, Case Reporter, did not vote.

II. Annual MPHP² Presentation – Guy Cousins, LCSW, LADC, CCS

Mr. Cousins, accompanied by MPHP staff Heidi LaMonica and Amy Tardy, provided an overview of his background, the program itself and the complex work done with licensees of multiple health-related licensing boards in Maine. Dr. Tardy and Ms. LaMonica noted the different forms utilized by the MPHP and related participant success stories and that several have offered to provide their testimony to others regarding the help they received through the program. Dr. Thomas extended his appreciation for the work done by the program and for the time taken to drive to UNE for the presentation.

III. 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 updated information or concerns.

B. Paul Gosselin, D.O.

Board members reviewed and discussed a request from the licensee for approval of a job offer from an out of state addiction treatment provider acting as practice monitor. Following discussion and review of the materials submitted, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Brewer and voted to deny the licensee's request, as the proposed monitor is both out of state and not a Maine licensed physician. Additionally, clinical competency is of concern because the licensee has not practiced medicine in two or more years. The Board will need to see a clinical competency assessment done by an entity such as CPEP³, successful completion of the SPEX⁴ exam and a written reentry to practice plan that specifies professional oversight by a physician currently practicing in the same specialty.

IV. Minutes/Revenue & Expense Reports

A. July & August 2018 Meeting Minutes

Following review, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted to approve the minutes of the July and August 2018 meetings, as written. Dr. Brewer voted but noted he was not present for the July minutes so his vote would only be for August.

B. Revenue & Expense Reports

Board members reviewed and accepted the July 2018 revenue and expense reports generated by DAFS⁵. The August 2018 reports were not yet available; they will be provided at the November 2018 meeting.

² Medical Professionals Health Program

³ Center for Personalized Education for Professionals

⁴ Specialized Purpose Examination

⁵ Division of Administrative & Financial Services

IV. Miscellaneous

A. Rulemaking Matters

1. Chapter 10 – Update re: Revisions to Sexual Misconduct Rule

The Executive Secretary circulated a copy of Governor LePage's note on the proposed rule indicating that he is unwilling to sign off on revisions to the rule and would prefer that the Boards wait for review by the next governor.

2. Review of Chapter 12 – Office-Based Opioid Treatment

Following review of the draft rule and discussion with the Board members who participated in the workgroup (Ms. McIntyre & Dr. Brewer), the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to proceed to the full rule-making process.

B. FSMB Matters

1. Board of Directors Meeting Highlights

Board members reviewed and briefly discussed the meeting highlights. No Board action was necessary.

2. First Call for Bylaws Amendments

Board members reviewed and briefly discussed potential amendments to the bylaws. No action was taken.

3. First Call for Nominations

Board members reviewed and discussed whether any member(s) would have the time to participate on the various committees. No action was taken.

C. Licensee Information Currently Provided on Board Website

The Executive Secretary relayed a consumer inquiry regarding why full addresses (as opposed to city, state and zip) are not provided for licensees of this Board. It was noted that most licensing boards do not provide this information. Following discussion amongst the Board members, it was determined that the information provided on the website is sufficient. The Board is not required to provide this information on its website.

D. Requested Revisions to Reference Requirements

The Executive Secretary explained to Board members that references were starting to come in via third parties, often difficult to read and not necessarily current. Board members approved changes in requirements as requested to ensure that references received are current, legible and received directly from the writer.

V. Licensure Matters

A. Permanent Licensure Applications

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

MOTION: Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to approve the permanent licensure applications submitted by Sophia Adams, D.O.; Crystal Alvarez, D.O.; Jaret Copeman, D.O., Cody Davis, D.O., Katie Dejong, D.O., Staci Hartman, D.O.; Christina Mimikos, D.O.; Kristina McElhinney, D.O., Kasey Moss, D.O.; Andrea Pham, D.O.; Mary Richmond, D.O.; Jason Rosen, D.O.; Monica Sharma, D.O. and Gary Shintani, D.O.

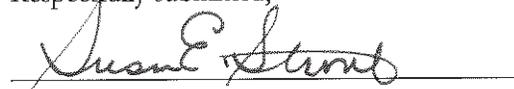
C. Physician Assistant Applications

No PA applications were ready for review.

VI. Adjournment

A motion was made by Dr. Gillis, seconded by Ms. Michaud and voted unanimously to adjourn the meeting at 2:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Susan E. Strout", is written over a horizontal line.

Susan E. Strout, Executive Secretary