

Maine Board of Osteopathic Licensure
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Minutes of March 14, 2019 Board Meeting – 9:30 a.m. – 1 p.m.

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Lisa Wilson, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Emily Bloch, Esquire; Sandra Rothera, Esquire; Cathy Demerchant; Aline Poulin; Amanda Richards, Maine Osteopathic Association.

I. Introduction of AAG Lisa Wilson

AAG Wilson, new to the Office of the Attorney General, will be the Board's new legal counsel and was introduced to the Board at this time. There will be a transition period during which both attorneys will be present at meetings.

The Complaint Script was read by Dr. Thomas.

II. Complaints & Investigations

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

A. CR2017 17

Following review of the complaint, response and all other information gathered, the Board took this action:

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

B. IN2017 19

Following review of the investigative information, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Brewer and voted unanimously to issue a complaint based on record-keeping, documentation and prescribing issues and to subpoena the billing records for the patient. Dr. Thomas, Case Reporter, abstained.

C. CR2018 36

Following review of the complaint, response and all other information gathered, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Gillis and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action against the licensee. Dr. Brewer, Case Reporter, abstained.

D. CR2018 40

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

MOTION: Made by Dr. Gillis, seconded by Dr. Gaddis and voted to dismiss the complaint but to issue a Letter of Guidance which will remain in the licensee's file for a period of two (2) years. Dr. Thomas, Case Reporter, abstained.

E. CR2018 42

Following review and consideration of the complaint, response, medical records and any other information gathered, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gillis and voted to dismiss the complaint as it did not rise to a level which would warrant Board action against the licensee. Dr. Gaddis, Case Reporter, abstained.

F. IN2017 14

Following review of the materials presented, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Ms. Michaud and voted unanimously to table any action on this matter pending further investigation. Dr. Gillis, Case Reporter abstained.

G. IN2019 02

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

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted to initiate a complaint on the Board's own motion, subpoena the necessary medical records and then to obtain an outside reviewer. Dr. Pisini, Case Reporter, abstained.

H. IN2019 08

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

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted to issue an Order of Immediate Suspension of the license based on 5 M.R.S. § 10004(3), issue a complaint, authorize the AAG to seek an interim consent agreement to continue the suspension until the matter is fully resolved, and order psychological and substance abuse examinations, based on the issues brought before the Board. Dr. Gaddis, Case Reporter, abstained.

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

A. Kevin Kenerson, DO

Dr. Gaddis, Case Reporter, noted no new concerns. No Board action was necessary.

IV. Minutes/Revenue & Expense Reports

A. Review of February 2019 Meeting Minutes

Following review of the draft minutes, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Pisini and voted unanimously to approve the February 2019 minutes.

B. Revenue & Expense Reports

The February 2019 revenue and expense reports, generated by DAFS¹, were not yet available.

IV. Other Business

A. Federation of State Medical Boards – Sexual Boundaries Panel Discussion at Annual Meeting

Board members reviewed the notice; those representing the Board will attend the presentation.

¹ Division of Administrative & Financial Services

B. Review of License Application Questions

Following review of the proposed changes, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to table action on this matter because Dr. Smith, who is particularly interested in ensuring that the questions are as up-to-date and appropriate as possible, was unable to attend.

This matter will be on added to the April 2019 agenda.

C. American Osteopathic Association – Board Member CME Update

The Executive Secretary updated the Board that licensee participation on a state licensing Board no longer counts as AOA Category 1B continuing medical education – no credit is given at all.

D. Legislative & Rulemaking Matters

The Board reviewed several proposed legislative documents, a couple of which could affect its governing statute:

- LD1025 – An Act to Prohibit the Provision of Conversion Therapy to Minors by Certain Licensed Professionals;
- LD1072 – An Act to Promote Workforce Education on Alzheimer’s Disease & Dementia;
- LD1082 – An Act to Provide for Alternative Pain Treatment before Treatment with Opioids

Regarding rulemaking matters, it was noted that Governor Mills’ recent Executive Order (#4 – An Order Regarding Administrative Rulemaking) authorizes licensing boards to exercise their delegated rulemaking consistent with the comprehensive standards of the Maine Administrative Procedures Act superseding EO 20 FY 11/12 & EO 02 FY13/14. Essentially, this Executive Order allows state agencies and licensing boards to proceed pursuant to statutory language with no additional pre-approvals.

E. AAG Miller – Updates & Information

AAG Miller updated the Board on issues regarding board member recusals and abstentions, and the potential effect on quorum requirements that have arisen as a result of litigation involving another licensing board.

V. Informal Conference – CR2018-08

Per 32 MRS 2591-A(1), the Informal Conference was held in Executive Session (motion by Ms. McIntyre, 2nd by Dr. Brewer). Once again in Public Session, the Board took this action:

MOTION: Made by Dr. Thomas and seconded by Dr. Gillis to dismiss the complaint as it did not rise to a level which would warrant Board action against the licensee. Motion defeated with Drs. Thomas and Gillis in favor; Ms. Michaud, Ms. McIntyre and Drs. Pisini and Brewer opposed. Dr. Gaddis, Case Reporter, abstained.

Following additional discussion, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Brewer and voted unanimously to dismiss the complaint but to issue a Letter of Guidance regarding professionalism and the importance of effective communication with all patients; the letter is to remain in the licensee’s file for 10 years. Dr. Gaddis, Case Reporter, abstained.

VI. Licensure Matters

A. Permanent Licensure Applications

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to approve the licensure applications submitted by: Tasha Duval, D.O.; Emily Jacobs, D.O.; Annamarie Pond, D.O.; Thomas Hendrix, D.O. and Michael Voisine, D.O.

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MOTION: Made by Dr. Pisini, seconded by Dr. Brewer and voted unanimously to table action on the application submitted by Siyuan Wang, D.O. pending the receipt of additional information.

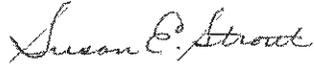
B. Physician Assistant Applications

No PA applications were presented for review.

VII. Adjournment

A motion was made by Dr. Gillis, seconded by Ms. McIntyre and voted unanimously to adjourn the meeting at 1 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary