

Minutes of January 12, 2012 Board Meeting – 9:30 a.m. – 11:45 a.m.

Members Present: David J. Rydell, D.O., Chair; Gary Palman, D.O.; Joseph R. D. deKay, D.O.; Lonnie C. Lauer, D.O.; Scott Thomas, D.O., Board Secretary. Board Members Excused: John F. Gaddis, D.O., Kathy Walker, Public Member; Marty McIntyre, Vice-Chair/Public Member.

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. Peter Lizanecz, Office of the Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant.

It was noted that the scheduled Adjudicatory Hearing was postponed. The licensee will remain suspended from practice.

I. Introduction – New Board Investigator, Det. James Gioia

Det. James (Jim) Gioia was introduced to the Board. Det. Gioia will replace Det. Peter Lizanecz who is now doing other work within the Office of the Attorney General.

II. Miscellaneous

A. December 2011 Board Meeting Minutes

Review of the December 2011 meeting minutes was tabled until the February 2012 meeting.

B. Revenue & Expense Report

Review of the December 2011 revenue & expense report was tabled until the February 2012 meeting.

C. Hospice Network News

Board members reviewed and discussed several articles in the newsletters. No Board action was taken.

D. FSMB Matters

1. Annual Meeting Announcement

Dr. Rydell and AAG Carney will plan to represent the Board at the annual FSMB meeting in Texas.

2. Social Networking Draft Guidelines

Following a discussion, the Board asked that this matter be placed on a future meeting agenda for further discussion and took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to share the document with Angela Cole Westhoff, Executive Director, Maine Osteopathic Association, for informational purposes only.

3. Board of Directors Meeting Highlights

Board members reviewed the notes. Dr. Rydell noted the *Proposed Changes to the Common Program Requirements for ACGME-Accredited GME Training* (top of page 2) stating that the Board should follow this closely. Board members also discussed the *Maintenance of Licensure Article* and noted that progress toward this is slow but important.

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

In the absence of Dr. Gaddis, Case Reporter, an update was tabled until the February 2012 meeting.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted the receipt of Dr. Shaw's first monthly report with no issues of concern.

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C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, noted that the licensee and his attorney had not yet finalized plans for a course which would meet the requirements of the Interlocutory Board Order.

D. Inna LaBelle, DO

Dr. Palman, Case Reporter, noted no concerns other than the fact that, as usual, the quarterly report due from Paul Earley, M.D., was late. No Board action was necessary.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no recent concerns. No Board action was necessary.

F. Stanley Painter, DO

Dr. deKay, Case Reporter, noted that the licensee is now represented by an attorney and that he is hopeful a resolution will come soon.

G. Charles Perakis, DO

Dr. deKay, Case Reporter, noted that monthly reports due had been received and that the licensee remains unemployed. Board members reviewed a request from the licensee, supported by the Medical Professionals Health Program, to reduce urine random testing and took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted to approve a reduction in random urine testing to once every 30 days while the licensee is unemployed. Dr. deKay, Case Reporter, did not vote.

H. Natania Piper, DO

Dr. Rydell, Case Reporter, noted reports received with the exceptions of a report from Travis Hussey, LCSW. Dr. Rydell noted his disappointment that the provider had not worked with the licensee to re-schedule her missed appointment.

I. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted the receipt of monthly reports and no concerns. The Executive Secretary noted that reports are received only after a reminder is sent requesting them and that the licensee does call to check on the status of receipt as well as forwarding copies of e-mails he, too, sends to the counselor. Dr. Thomas offered to contact the counselor responsible for the reports. The licensee remains unemployed.

J. Lawrence P. Strohmeyer, DO

Dr. Lauer, Case Reporter, noted that the licensee remains suspended from practicing in Maine and that a hearing is tentatively scheduled for the February 2012 meeting.

K. Charles Sullivan, DO

Dr. Lauer, Case Reporter, noted no clinical care concerns. The licensee's October, November & December installment payments have been made (at \$25 each). No January payment had been received as of the meeting.

Unless otherwise noted, the review of all complaints is conducted in Public Session without the use of names.

IV. Complaints & Investigations

A. CR11-25 – Grover/Carter

Following review of the complaint, response, other information received and a discussion, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to invite the licensee to attend an Informal Conference.

B. CR11-28 – Cohen/Blake

Following review of the complaint (the complainant did not follow through so Board members reviewed the original complaint only), Board members took this action:

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MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to send the complaint to the licensee for response and because the complainant did not follow through, to issue a subpoena for the medical records.

C. CR11-30 – Blackman/Gilstorf

Dr. Palman recused himself from participation and left the meeting room. Following review of the complaint, response and other information received, the Board took this action:

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

Dr. Palman returned to the meeting.

D. CR11-33 – Perakis/Board Motion

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

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to authorize AAG Carney to draft a Consent Agreement which would include a censure, fine of \$1500 and participation in a boundaries course, to be pre-approved by Dr. deKay (Case Reporter). Dr. deKay, Case Reporter, did not vote.

E. CR11-38 – Kaplan/Grant

Following their review of the complaint filed against the licensee (which the complainant did not follow through with), the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to dismiss the complaint as it did not merit Board action against the licensee.

F. INV11-15 – Walter Keller, D.O.

Following review of a 3rd report from the Maine Medical Professionals Health Program, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Lauer and voted unanimously to send a Letter of Guidance suggesting that he comply with every aspect and requirement of his contract with the Medical Professionals Health Program and to be completely honest with all members of that staff.

At this time, the Board voted (Dr. deKay, 2nd by Dr. Palman) to go into Executive Session, based on 1 MRS 405 (6)(E). Once again in Public Session, the Board took this action:

G. INV11-25 – Walter Kilpatrick, D.O.

MOTION: Made by Dr. deKay to refer the materials received to the appropriate law enforcement officials. There being no second to the motion, a second motion was made, as follows:

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to close INV11-25 and to forward the information received to the appropriate agency to assist in whatever investigation is necessary. Dr. deKay abstained from voting.

V. Licensure Matters

A. Peter W. Elvin, PA

With no additional information received from Mr. Elvin, the Board took no action and will await the February 2012 meeting for a final update, if any.

B. Permanent Licensure Applications

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

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MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to approve the permanent licensure applications submitted by Larissa Calka, D.O., Elizabeth Caron, D.O., Kendra Emery, D.O., Robert Knapp, D.O., Shayna Lemke, D.O., Michael Moffatt, D.O. and Elizabeth Rudenberg, D.O.

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to approve the permanent licensure application submitted by Anthony-Osei Safo, D.O.

VI. Adjournment

The being no further business, the Board adjourned at 11:45 a.m.

Respectfully submitted,

Susan E. Strout, Executive Secretary

Minutes of February 9, 2012 Board Meeting – 9:30 a.m. – 11:45 a.m.

Members Present: David J. Rydell, D.O., Chair; Marty McIntyre, Vice-Chair/Public Member; Gary Palman, D.O.; Joseph R. D. deKay, D.O.; Lonnie C. Lauer, D.O.; Scott Thomas, D.O., Board Secretary; John F. Gaddis, D.O.; Kathy Walker, Public Member

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Diane Handler, PAC; Kristen Mitchell, DO; Norman Henthorn, PAC; Thomas Liscord, DO; Rachel Welch, PAC; Neil Robertson, PAC; Erika Pierce, PAC, President, Downeast Association of Physician Assistants; Gordon Smith, Esquire, Executive VP, Maine Medical Association; Carol I. Eisenberg, Esquire

I. Miscellaneous

A. December 2011 & January 2012 Board Meeting Minutes

Review of the December 2011 and January 2012 meeting minutes was tabled until the March 2012 meeting.

B. Revenue & Expense Report

Board members reviewed and accepted the January revenue & expense reports.

C. Hospice Network News

Board members briefly discussed several articles of interest in the newsletters. No Board action was taken.

D. FSMB Matters

1. License Portability Grant Support Letter

Board members reviewed a request from the Federation of State Medical Boards for a letter of support regarding its pursuit of a HRSA license portability grant. Following discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted to send a letter endorsing the FSMB request for the license portability grant.

Dr. deKay was not present for the discussion or vote.

III. Interviews for Registration

A. Rachel Welch, PAC

Following the interview, Board members took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to approve the applications submitted by Ms. Welch and her Primary Supervising Physician, Eric Caccamo, D.O. (previously approved as a PSP).

Board members discussed with Ms. Welch that should any secondary supervising physicians come on board, their names and license numbers should be added to the Plan of Supervision and a copy should be forwarded to the Board office. Dr. deKay was not present for the interview or vote.

Dr. deKay joined the meeting at this time.

B. Diane Handler, PAC & Kristen Mitchell, DO

Following the interview, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously to approve the applications submitted by Ms. Handler and her Primary Supervising Physician, Kristen Mitchell, D.O.

C. Neil Robertson, PAC

Following the interview, the Board took this action:

MOTION: Made by Dr. Palman to approve pending receipt of additional information. Following some discussion, that motion was withdrawn and a second motion made:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to extend Mr. Robertson's temporary license through May 11, 2012 pending the receipt of additional information.

D. Norman Henthorn, PAC & Thomas Liscord, DO

Following the interview, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the application submitted by Dr. Liscord to serve as Mr. Henthorn's Primary Supervising Physician, replacing Len Clow, D.O., who is no longer working at MaineGeneral.

IV. Erika Pierce, PAC, President, DEAPA & Gordon Smith, Esquire, Executive VP, MMA

Ms. Pierce and Atty Smith joined the meeting to discuss draft legislation to be introduced by DEAPA in 2013 which would amend the Board of Licensure in Medicine statute, creating a task force to govern physician assistants. Board members, who had not previously reviewed the document, noted that the document should have first been shared with the Board of Licensure in Medicine. Board members pointed out several discrepancies in the language of the draft. No Board action was taken.

V. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no current concerns in the most recent appointment logs and prescription pads reviewed and also that although he had submitted an appointment log, the most recent submission included no prescription pad.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted the receipt of Dr. Shaw's second monthly report with no issues of concern. Ms. McIntyre asked that the Executive Secretary request clarification of the numbers listed on the report beside the facility name and that the specific visit date be included on future reports.

C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, noted that the licensee should have completed the approved CME course and the confirmation should be available by the March meeting.

D. Inna LaBelle, DO

Dr. Palman, Case Reporter, noted no concerns. The Executive Secretary reported that the licensee had phoned the office to notify the Board that she has already begun reminding her treatment providers that quarterly reports will be due on March 1, 2012.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted Det. Gioia's report regarding the January 2012 visit to the licensee's practice. Det. Gioia noted that the licensee was cooperative and that he found no concerns. No Board action was necessary.

F. Stanley Painter, DO

It was reported that the licensee had signed a Consent Agreement regarding the voluntary surrender of his license to practice in the State of Maine. The surrender was effective February 8, 2012.

G. Charles Perakis, DO

Dr. deKay, Case Reporter, noted that monthly reports due had been received and that the licensee remains unemployed. It was reported that the licensee had signed the second Consent Agreement regarding unprofessional conduct and that he would be attending the ProBE course, which was approved by Dr. deKay.

H. Natania Piper, DO

Dr. Rydell, Case Reporter, noted that the reports due had been received and that he had no concerns.

I. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted the receipt of monthly reports and no concerns. The licensee remains unemployed.

At this time, Dr. Thomas (who previously recused himself from any participation in this matter) left the meeting room and the Board voted (Dr. deKay, Dr. Palman) to go into Executive Session based on MRS §405(1)(F). Once again in Public Session, the Board took this action:

J. Lawrence P. Strohmeyer, DO

Dr. Lauer, Case Reporter, noted that the licensee remains suspended from practicing in Maine.

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to authorize AAG to draft a Consent Agreement with the understanding that if the licensee does not accept the proposal, a hearing will be scheduled for March 8, 2012.

Dr. Thomas returned to the meeting.

K. Charles Sullivan, DO

Dr. Lauer, Case Reporter, noted no clinical care concerns but that once again the licensee is out of compliance in that he has not made payments as agreed (nothing received for January & February 2012). The Executive Secretary reported having received an e-mail from the licensee's attorney representing that he was unable to make payments until April 2012 and that the IRS had deemed his debt uncollectable, effective February 7, 2012. Board members asked that a copy of the letter from the IRS be provided before further consideration is given.

At this time, the Board began its review of Complaints and Investigations, out of order. Unless otherwise noted, the review of all complaints is conducted in Public Session without the use of names.

IV. Complaints & Investigations

A. CR11-31

Following review and discussion regarding the complaint, response, medical records and a rebuttal submitted by the complainant, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action.

B. CR11-26

Following review of the complaint (the complainant did not follow through so Board members reviewed the original complaint only), Board members took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. Palman and voted unanimously to close the complaint with no action.

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C. CR11-27

Board members reviewed the anonymous complaint submitted due to concerns that the licensee cannot see well enough to perform certain procedures. Following review of the complaint the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to require that the licensee have a proper eye exam and/or provide the Board with a copy of his most recent exam report from his own eye doctor.

D. CR11-29

Following review of the complaint (the complainant did not follow through so Board members reviewed the original complaint only), Board members took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. Palman and voted unanimously to close the complaint with no action.

E. CR11-32

Following review of the complaint, the licensee's response, medical records obtained and the rebuttal submitted by the complainant, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant action against the licensee.

At this time, the Board voted (Dr. deKay, Mrs. Walker) to go into Executive Session based on 1 MRS §405(6)(E). Once again in Public Session, the Board took this action:

F. CR11-42

Following review of the complaint, the licensee's response and the rebuttal submitted by the complainant, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to require that the licensee submit to a mental examination by a forensic psychologist with results to the Board for further consideration.

G. INV12-02

Following their review of the report submitted pursuant to 24 MRS §2505, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas to issue a complaint regarding unprofessional conduct, based on the above-mentioned report.

V. Licensure Matters

A. Permanent Licensure Applications

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

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to approve the permanent licensure applications submitted by Kendra Blount, D.O. and Christopher Todd Kitchens, D.O.

B. Peter Elvin, PA

Board members, having been notified that no additional information had been received from the applicant to complete his application to work under the supervision of Dustin Sulak, D.O., took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to notify the applicant that if no request to withdraw his application has been received by Friday, March 2, 2012, his application will be denied and that the denial is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards Disciplinary Databank.

VI. Adjournment

The being no further business, the Board adjourned at 1:15 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

Minutes of March 8, 2012 Board Meeting – 9:30 a.m. – 5:40 p.m.

Members Present: David J. Rydell, D.O., Chair; Gary Palman, D.O.; Joseph R. D. deKay, D.O.; Kathy Walker, Public Member; Lonnie C. Lauer, D.O.; John F. Gaddis, D.O. Members Not Present: Marty McIntyre, Vice-Chair/Public Member; Scott Thomas, D.O., Board Secretary

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Michael Duddy, Esquire; Lawrence P. Strohmeyer, D.O.; Carlyle Voss, M.D.; Arthur Dingley, D.O.; William Schaeffer, M.D.; James E. Smith, Esquire; Paul Perkins, M.D.(via telephone); Debbie Hebert.

I. 9:30 a.m. – Adjudicatory Hearing – Lawrence P Strohmeyer, D.O.

Following the hearing, the Board conducted a brief regular meeting beginning at approximately 5:00 p.m.

II. Miscellaneous

A. December 2011, January & February 2012 Board Meeting Minutes

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

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted unanimously to approve the minutes of the December 2011, January 2012 and February 2012 meetings as written.

B. Revenue & Expense Report

The February 2012 revenue & expense reports were not available and will be reviewed at the March meeting.

C. Hospice Network News

Board members discussed articles of interest briefly. No Board action was taken.

D. FSMB Matters

1. Report of Nominating Committee

Board members noted the committee report. No Board action was necessary.

2. Report of Bylaws Committee

Board members noted the committee report. No Board action was necessary.

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no current concerns after having reviewed the most recent appointment logs and prescription pads.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted the receipt of Dr. Shaw's monthly report which indicated no issues of concern. Board members also noted Dr. Shaw's thorough clarification of the numbers listed on her January & February reports. Board members noted that the reports are thorough and detail-oriented.

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C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, noted that the licensee should have completed the approved CME course. At this time, the Board took the following action:

MOTION: Made by Mrs. Walker, seconded by Dr. Palman and voted to assess a fine of \$100 due to the licensee's failure to keep the Board informed of his attendance at the required (and approved) CME course and not having the results forwarded to the Board in a timely manner.

D. Inna LaBelle, DO

Dr. Palman, Case Reporter, noted no concerns.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no concerns.

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted that monthly reports due had been received and that the licensee remains unemployed.

G. Natania Piper, DO

Dr. Rydell, Case Reporter, noted that the licensee had not seen her substance abuse counselor (due to scheduling conflicts) but that she had notified the Board office that the appointment had been rescheduled.

H. Craig Schiff, DO

In the absence of Dr. Thomas, Case Reporter, receipt of monthly reports was noted and there were no concerns. The licensee remains unemployed.

I. Lawrence P. Strohmeier, DO

Dr. Lauer, Case Reporter, noted that the licensee remains suspended from practicing in Maine. Due to the adjudicatory hearing on this date, no additional information was required/discussed.

J. Charles Sullivan, DO

Dr. Lauer, Case Reporter, noted no clinical care concerns. Additional updates regarding correspondence from the IRS will be discussed at the April meeting. Board members asked that Det. Gioia obtain a recent PMP report.

IV. Permanent Licensure Applications

Due to the time, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to delegate the authority to the Board Chair and Executive Secretary to review and issue permanent licenses to those applicants who have met the requirements.

V. Adjournment

The being no further business, the Board adjourned at 5:40 p.m.

Respectfully submitted,

Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
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Augusta, ME 04333-0142
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Minutes of April 12, 2012 Board Meeting – 9:30 a.m. – 1:45 p.m.

Members Present: David Rydell, D.O., Chair; Joseph R. D. deKay, D.O.; Kathy Walker, Public Member; Lonnie C. Lauer, D.O.; John Gaddis, D.O.; Marty McIntyre, Vice-Chair/Public Member; Scott Thomas, D.O., Board Secretary.
Member Not Present: Gary Palman, D.O.

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Isaac Ball, PAC; Megan Southwick, PAC; Carol Eisenberg, Esquire

For the duration of the Board's review and discussion regarding the following, AAG Carney and Dr. Thomas were excused and left the meeting room.

I. Review of Draft Interlocutory Decision re: Lawrence P Strohmeyer, D.O.

Following their review of the draft document, the Board took these actions:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to approve the order with minor changes. Dr. Lauer, Case Reporter, did not vote.

Following a brief discussion, the motion was amended:

AMENDMENT TO MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to approve the order with one additional grammar change. Dr. Lauer, Case Reporter, did not vote.

AAG Carney and Dr. Thomas returned to the meeting.

II. Minutes/Revenue & Expense Reports

A. March 2012 Board Meeting Minutes

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

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted unanimously to approve the minutes of the March 2012 meeting as written.

B. Revenue & Expense Report

The March 2012 revenue & expense reports were accepted.

III. Interviews for Registration

A. Isaac Ball, PAC

Following the interview, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to approve the applications submitted by Mr. Ball and his supervising physicians, Drs. Comis & Irving (both previously approved).

B. Oscar Falconer, PAC

Following the interview, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to approve the applications submitted by Mr. Falconer and his supervising physician, Stuart Damon, D.O.

C. Megan Southwick, PAC

Following the interview, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by deKay and voted unanimously to approve the applications submitted by Ms. Southwick and her supervising physician, Steve Weisberger, DO (previously approved).

IV. Miscellaneous

A. Hospice Network News

Board members briefly discussed articles of interest. No Board action was taken.

B. FSMB Matters

1. Board of Directors Meeting Highlights

Board members noted the committee report. No Board action was necessary.

2. Advocacy Efforts

Board members noted the e-mail from Lisa Robin, Chief Advocacy Officer, regarding FSMB efforts with the Federal Trade Commission issues and licensure/telemedicine. No action was necessary.

C. LD1501 Workgroup Report/Meeting Announcement

Board members reviewed portions of the report regarding Chapter 21 'Use of Controlled Substances...' and noted the meeting date. The Executive Secretary noted that notice of the meeting had been forwarded to Dr. Palman who represented the Board during the development stages of the rule-making process.

D. Discussion re Implementation of ALMS Licensing System

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

MOTION: Made by Ms. McIntyre, seconded by Mrs. Walker and voted unanimously to approve funding for the project, including the cost of having the conversion done.

E. Discussion re Category I CME for Hospitalists

The Executive Secretary explained that she had anticipated receipt of written requests on this subject. None having been received, the Board decided to wait until such time as written requests have been submitted as opposed to telephone calls.

F. Discussion re Payment for Board Meeting Lunches.

Board members began a 'lunch fund' and will bill an additional \$5 on their expense vouchers to help cover the cost of lunch. This amount will not begin to cover current costs but will defray a portion.

V. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no current concerns after having reviewed the most recent appointment logs and prescription pads.

B. Alfred Cichon, PA-C

In the absence of Dr. Palman, Case Reporter, Board members noted the receipt of Dr. Shaw's monthly report which indicated no issues of concern.

C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, noted that the licensee should have completed the approved CME course. At this time, the Board took the following action:

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MOTION: Made by Mrs. Walker, seconded by Ms. McIntyre and voted to issue a complaint regarding non-compliance with the terms of the Board Order. Dr. Lauer, Case Reporter, did not vote.

D. Inna LaBelle, DO

In the absence of Dr. Palman, Case Reporter, Board members noted no concerns.

E. Bradley Libenson, DO

In the absence of Dr. Palman, Case Reporter, Board members noted no concerns.

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted that monthly reports had been received and that the licensee remains unemployed.

G. Natania Piper, DO

Dr. Rydell, Case Reporter, noted that the licensee had requested an amendment to her Agreement. The Board then took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to notify the licensee that her request had been tabled because letters of support (from the MMPHP and treatment provider[s]) are required. Dr. Rydell, Case Reporter, did not vote.

H. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted that the licensee remains unemployed and has asked that his Consent Agreement be amended. The Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to notify the licensee that he needs to submit a formal request for an amendment outlining the specific changes he is requesting. Once received, the licensee will be invited to attend an upcoming meeting to discuss the request. Dr. Thomas, Case Reporter, did not vote.

I. Lawrence P. Strohmeier, DO

Dr. Lauer, Case Reporter, noted that the licensee remains suspended from practicing in Maine and that the Board's Order, based on the vote in Item 1, will be in place soon.

J. Charles Sullivan, DO

Dr. Lauer, Case Reporter, noted no clinical care concerns. Based on an e-mail from the licensee's attorney, Board members took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. deKay and voted unanimously to request information regarding the licensee such as: 1) how is his health, 2) what medication(s) is he currently taking, 3) if taking medications, do they affect his clarity and general ability to practice and when does he anticipate resuming MMPHP monitoring. Dr. Lauer, Case Reporter, did not vote.

VI. Complaints, Investigations & Updates

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

A. CR11-13

Following their review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to table any action on the complaint and invite the licensee to attend an Informal Conference at a future meeting.

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B. CR11-41

Following their review, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Mrs. Walker and voted unanimously to dismiss the complaint as it did not merit Board action.

C. CR12-02

Following their review, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not merit Board action.

D. CR12-05

Following their review, 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 Board action.

E. CR12-07

Following their review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not merit Board action.

F. INV11-06

Following their review, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to table any action on the complaint pending further investigation. Dr. Lauer agreed to serve as Case Reporter.

At this time, the Board voted (Dr. deKay & Dr. Gaddis) to go into Executive Session based on 10 MRS §8003-B (1). Once again in Public Session, the Board took this action:

G. INV12-01

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to table any action on the matter pending further investigation. Dr. Thomas agreed to serve as Case Reporter.

H. CR11-36

Following their review, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to invite the licensee to attend an Informal Conference at an upcoming meeting. Dr. Thomas, Case Reporter, did not vote.

VII. Licensure Matters

A. Permanent Licensure Applications

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

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to approve the permanent licensure applications submitted by: Whitney Latham, D.O.; Kristen Barbee, D.O.; Joanna Rulf, D.O.; Christina Seed, D.O.; Steven Ruda, D.O.; Myra Ross, D.O.; Steven Handler, D.O.; David Redding, D.O.; Nathan Jean, D.O.; John Kurucz, D.O.; Joseph Field, D.O.; Chelsea Swandal, D.O.; Scott Hamilton, D.O.

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At this time, the Board voted (Dr. deKay & Dr. Thomas) to go into Executive Session based on 1 MRS §405 (6) (E). Once again in Public Session, the Board took this action:

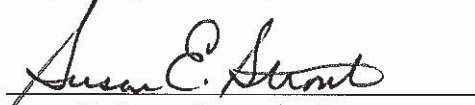
B. License Renewal Application – David McKelway, D.O.

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to approve the renewal application submitted by the licensee.

VIII. Adjournment

There being no further business, the Board adjourned at 1:45 p.m.

Respectfully submitted,

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

Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of May 9, 2012 Board Meeting – 9:30 a.m. – 1:45 p.m.

Members Present: David Rydell, D.O., Chair; Joseph R. D. deKay, D.O.; Gary Palman, D.O.; Lonnie C. Lauer, D.O.; John Gaddis, D.O.; Marty McIntyre, Vice-Chair/Public Member; Scott Thomas, D.O., Board Secretary. Member Not Present: Kathy Walker, Public Member

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Emily Bloch, Esquire

I. Minutes/Revenue & Expense Reports

A. Review of April 2012 Meeting Minutes

Review of the minutes was tabled until the June 2012 meeting.

B. Review of April 2012 Revenue/Expense Reports

The April reports were reviewed and accepted.

II. Miscellaneous

A. Hospice Network News

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

B. FSMB Annual Meeting Update – AAG Carney & Dr. Rydell

AAG Carney and Dr. Rydell reported on several of the meeting highlights including a brief discussion regarding the Board's potential implementation of online applications through the FSMB. No action was necessary.

C. Chapter 21 Resolve Response

Following review of the response drafted, on behalf of the 5 health-related licensing boards, the Board unanimously agreed to accept the response which will be submitted by Mark Cooper, M.D., Medical Director, Board of Licensure in Medicine on behalf of the 5 Boards.

D. Physician Assistant Interviews

Board members and staff discussed the difficulties in scheduling DO/PA interviews and took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to suspend the interview requirement.

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no current concerns after having reviewed the most recent appointment logs and prescription pads.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted that Dr. Shaw's monthly report had not been received as required. Following a brief discussion, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Gaddis and voted to issue a fine of \$100 as well as reminder of the licensee's obligation to ensure that reports on his behalf are submitted in a timely manner. Dr. Thomas was opposed; motion carried with 4 in favor. Dr. Palman, Case Reporter, did not vote.

C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, noted that the licensee had completed the required course. Board members reviewed the complaint which had been drafted regarding non-compliance and took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted to table sending the complaint and to ask the licensee to outline what he gained from the course. Dr. Lauer, Case Reporter, did not vote.

D. Inna LaBelle, DO

Dr. Palman, Case Reporter, noted no concerns.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no concerns. The Executive Secretary reminded the Board that final action CR11-08 was due and the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to dismiss the complaint as it did not require action against his license to practice in Maine. Dr. Palman, Case Reporter, did not vote.

A second motion was then made:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to issue the licensee's pending renewal. Dr. Palman, Case Reporter, did not vote.

F. Michael Patnaude, D.O.

AAG Carney reported that there has been no final decision as yet from the court and that she is submitting new briefs as required on two issues. No Board action was required.

G. Charles Perakis, DO

Dr. deKay, Case Reporter, noted that monthly reports had been received and that the licensee remains unemployed.

H. Natania Piper, DO

Dr. Rydell, Case Reporter, noted the required letters in support of the licensee's request for an amendment had been received and the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the licensee's request for an amendment to her Consent Agreement.

I. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no concerns and that the licensee will be present later in the meeting to discuss his request for an amendment.

J. Lawrence P. Strohmeier, DO

Dr. Lauer, Case Reporter, noted that he would be approving the licensee's proposal to attend a hospital-based program in Lewiston, effective immediately. The licensee remains suspended from practicing in Maine.

K. Charles Sullivan, DO

Dr. Lauer, Case Reporter, noted no clinical care concerns.

At this time, the Board voted (Dr. Gaddis, Dr. deKay, all in favor) to go into Executive Session pursuant to 1 MRS §405 (1)(F) for the following Informal Conference. Once again in Public Session, the Board took this action:

IV. Informal Conference – Craig Schiff, D.O.

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to authorize AAG Carney and Dr. Thomas to draft acceptable language for an amendment to the licensee's Agreement. Dr. Thomas, Case Reporter, did not vote.

V. Complaints, Investigations & Updates

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

At this time, the Board voted (Dr. Thomas, Dr. deKay, all in favor) to go into Executive Session pursuant to 1 MRS 405(6)(E). Once again in Public Session, the Board took this action:

A. INV11-11

MOTION: Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to obtain an updated PMP printout for review by a Case Reporter and to subpoena records based on that review. Dr. Thomas agreed to serve as Case Reporter and therefore did not vote on the motion.

B. INV11-04

Following their review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Lauer and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action.

C. CR12-11

Following their review, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action.

D. CR12-10

Following their review of the complaint with which the complainant did not follow through, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to send the complaint to the licensee requesting a response.

E. CR12-06

Following their review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action.

F. CR11-39

Following their review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action.

G. CR11-18

Following their review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted to dismiss the complaint as it did not rise to a level which would warrant Board action. Dr. deKay was opposed; motion carried with 5 in favor.

The Board tabled its review of CR11-37 until a later time in the meeting.

VI. Licensure Matters

A. Permanent Licensure Applications

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

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to approve the permanent licensure applications submitted by John Bleazard, DO, Jeremy Ginoza, DO, Mark Grohman, DO, Mark Jacobson, DO, Ann Magner, DO, Janet Kirk, DO, Timothy Kulikowski, DO, Annamarie Pond, DO, Kelly Sprawls, DO, Richard Wilkins, DO and Benjamin Wood, DO

B. License Renewal Applications

1. Douglas C McCullom, D.O.

Following review of the licensee's request for a waiver of the CME requirement, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to allow the licensee a 3 month extension to fulfill his 2010-2012 statutory requirements.

At this time, the Board interrupted its review of application matters to review **Item 5G – CR11-37**. The Board voted (Dr. Thomas/Dr. Palman, all in favor) to go into Executive Session pursuant to 1 MRS §405 (1)(F). Once again in Public Session, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Lauer and voted unanimously to table any action on the complaint pending additional investigation regarding certain allegations made in the complainant's rebuttal to the complaint. Dr. Gaddis, Case Reporter, did not vote.

The Board resumed its review of licensing matters.

2. Lecea Ketzler, D.O.

Following a review the licensee's letter regarding a CME shortage, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the licensee's request for an extension of time to obtain her statutorily required CME hours.

3. Jeffrey Cole, D.O.

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

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to table any action on the licensee's renewal pending receipt and review of additional information.

At this time, the Board voted (Dr. Thomas, Dr. Palman, all in favor) to go into Executive Session pursuant to 1 MRS §405 (1)(F). Once again in Public Session, the Board took this action:

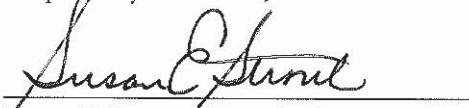
C. PA Request for Extension of Temporary Approval

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to table any action on the licensee's request for an extension of his temporary approval to work under the supervision of an osteopathic physician in Maine.

VIII. Adjournment

There being no further business, the Board adjourned at 1:45 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of June 14, 2012 Board Meeting – 9:30 a.m. – 1:15 p.m.

Members Present: David Rydell, D.O., Chair; Joseph R. D. deKay, D.O.; Kathy Walker, Public Member; Gary Palman, D.O.; John Gaddis, D.O.; Marty McIntyre, Vice-Chair/Public Member; Scott Thomas, D.O., Board Secretary. Member Not Present: Lonnie C. Lauer, D.O

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Emily Bloch, Esquire; Donald F. Yorkey, D.O.; Cynthia Charczenko; Sherrie Charczenko; Catherine Stratton, Systems Manager, Maine Medical Professionals Health Program; Lani Graham, M.D., Medical Director, Maine Medical Professionals Health Program; Amy Tardy, Case Manager, Maine Medical Professionals Health Program; Andrew McLean, JD, Deputy Executive Vice President, Maine Medical Association

I. Minutes/Revenue & Expense Reports

A. Review of April 12, 2012 Meeting Minutes

Following their review of the April 2012 minutes, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted unanimously to approve the minutes of the April 2012 meeting, as written.

Review of the May 2012 minutes was tabled.

B. Revenue & Expense Report

Following review, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to accept the reports.

II. Complaints & Investigations

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

A. CR12-04

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Palman, 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.

B. CR12-14

Following their review of the complaint, 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 rise to a level which would warrant action against the licensee.

III. Consent Agreement/Board Order Compliance, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no current concerns after having reviewed the most recent appointment logs and prescription pads. The Executive Secretary noted slightly late receipt of the materials.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted the receipt of Dr. Shaw's monthly reports for April & May 2012 as well as noting a letter from Mr. Cichon's primary supervising physician, Susan Shaw, D.O. indicating that she would be paying the fine assessed to him due to her late report and further that she did not understand why he was fined rather than her. The Board asked that she be reminded that it is Mr. Cichon's Agreement and that he is ultimately responsible for ensuring that all terms are met each month. The Executive Secretary was asked to inquire, via telephone, about the header on her monthly fax which indicates that she works at 'UNE Division of Aging' and will report back at the July 2012 meeting.

C. Paul G. Gosselin, DO

In the absence of Dr. Lauer, Case Reporter, Board members noted no current concerns and took notice of the confirmation of course completion submitted by the licensee.

D. Inna LaBelle, DO

Dr. Palman, Case Reporter, noted no concerns.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no concerns.

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted that monthly reports had been received and that the licensee remains unemployed.

G. Natania Piper, DO

Dr. Rydell, Case Reporter, noted no concerns.

H. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no concerns.

I. Lawrence P. Strohmeier, DO

In the absence of Dr. Lauer, Case Reporter, no current concerns were noted.

J. Charles Sullivan, DO

In the absence of Dr. Lauer, Case Reporter, no clinical care concerns were noted.

IV. Miscellaneous

A. Hospice Network News

Board members briefly discussed articles of interest. No Board action was necessary.

B. FSMB Matters

Board members noted the Board of Directors meeting highlights. No Board action was necessary.

C. Licensee Letter re PA Practice

Board members reviewed letters from Todd Stapley, D.O. and Michael Palumbo, D.O. regarding the ability of physician assistants to do cardiac stress testing after adequate training. Board members determined that this was acceptable and referenced Chapter 2, Section 7.A.3. which reads as follows: the performance of tasks that are not routinely within the scope of practice or regularly performed by the supervising physician so long as the supervising physician has adequate training, oversight skills and supervisory and referral arrangements in place to ensure competent provision of services by the physician assistant.

D. Licensee Letter re CME Hours

Board members reviewed a letter from a hospitalist (Justin Bussone, D.O.) regarding acceptance of CME hours he has obtained as a hospital-based internist. Board members determined that hospital-based internists would not be categorized as 'general internists' and therefore his hours would be considered acceptable in his specialty. Should he return to private practice as an internist, he would not be exempt and would be expected to obtain 40 AOA Category 1A or 1B hours.

E. Physician Assistant Committee Update – Ms. McIntyre (DO Board Representative)

Ms. McIntyre provided an update regarding the most recent meeting of the PA Committee which included some discussion regarding a separate ‘task force’ proposed by DEAPA (Downeast Association of Physician Assistants). Ms. McIntyre noted that she had reported the Osteopathic Board’s recent decision to suspend the requirement that each PA be interviewed prior to final approval.

V. Licensure Matters

A. Permanent Licensure Applications

Following circulation and review, Board members took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted unanimously to approve the permanent licensure applications submitted by Emily Soni, D.O., Andrea Abrell, D.O. and Jeffrey Groesbeck, D.O.

B. PA Applications

No PA applications were finalized and ready for Board review.

VI. Maine Medical Professionals Health Program – Annual Presentation & Update

Following a program update and brief presentations by Cathy Stratton, Systems Manager; Amy Tardy, Case Manager, Lani Graham, Medical Director and a brief discussion with Andrew McLean, Vice President of the Maine Medical Association, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to increase the annual contract amount to \$10,000 (\$2500 per quarter).

At this time, the Board voted (Dr. Thomas, Dr. deKay, all in favor) to move to Executive Session pursuant to 32 MRS §2591-A (1). Once again in Public Session, the Board took this action:

VI. Informal Conference – CR11-13

MOTION: Made by Ms. McIntyre, seconded by Mrs. Walker and voted unanimously to authorize AAG Carney and the Case Reporter to draft a Consent Agreement based on the terms discussed during Executive Session regarding unprofessional conduct and violation of a standard of practice of osteopathic medicine which will be forwarded to the licensee for review and signature.

VIII. Adjournment

There being no further business, the Board adjourned at 1:15 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary

Minutes of July 12, 2012 Board Meeting – 9:30 a.m. – 2:30 p.m.

Members Present: David Rydell, D.O., Chair; Joseph R. D. deKay, D.O.; Kathy Walker, Public Member; Gary Palman, D.O.; John Gaddis, D.O.; Marty McIntyre, Vice-Chair/Public Member; Scott Thomas, D.O., Board Secretary. Member Not Present: Lonnie C. Lauer, D.O.

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Paul Catsos, Esquire; Jonathan Brogan, Esquire; Robert Grover, D.O.; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association; David Shannon, Penobscot Valley Hospital; Joe Grant, Penobscot Valley Hospital

I. Minutes/Revenue & Expense Reports

A. Review of May & June 2012 Meeting Minutes

Review of the May & June 2012 minutes was tabled until the next meeting.

B. Revenue & Expense Report

Review was tabled until the next meeting as, with the change to the new fiscal year, the usual reports were not ready.

At this time, Ms. McIntyre read the complaint review script and the Board proceeded to complaint and investigative reviews. All complaint and investigative matters are discussed in Public Session, without the use of names, unless otherwise noted.

II. Complaints & Investigations

A. CR11-27

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

MOTION: Made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously to file a complaint against the licensee for failure to submit to a statutorily required test as ordered by the Board.

B. CR11-28

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. deKay and voted to table any action on the complaint pending further investigation. Motion carried with Mrs. Walker and Dr. Thomas opposed.

C. CR11-42

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

MOTION: Made by Mrs. Walker, seconded by Ms. McIntyre and voted unanimously to file a complaint against the licensee for failure to submit to a statutorily required test as ordered by the Board.

D. CR12-09

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. deKay and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action.

Continued from Page 1 of 5 – July 12, 2012 Minutes of the Board of Osteopathic Licensure Meeting

E. CR12-10

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Mrs. Walker and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action. Ms. McIntyre was opposed.

F. CR12-16

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant further Board action.

G. CR12-17

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Mrs. Walker and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action.

H. CR12-17A

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action.

I. CR12-21

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted to table action on the complaint pending further investigation.

At this time, the Board suspended its review of complaints to hold the first of two scheduled Informal Conferences. At the licensee's request, the Informal Conference was held in Executive Session. Once again in Public Session, the Board took this action:

III. Informal Conference re: CR11-25

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant further Board action.

The second scheduled Informal Conference will be held at a later time in the meeting.

IV. Angela Cole Westhoff, Executive Director, Maine Osteopathic Association

Ms. Westhoff, who had requested a moment of the Board's time, reported that the MOA will be sponsoring a scholarship in memory of Louis A Hanson, D.O. (past member and Chair of this Board) who was killed when his plane crashed in Cape Elizabeth in June. She will forward details as they become available. Ms. Westhoff gave a brief overview of the June conference and some initiatives the MOA is working on. No Board action was necessary.

Item II. Complaints and Investigations continued...

J. CR12-22

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Rydell, seconded by Dr. deKay and voted to table action on the complaint pending further investigation.

K. CR12-23

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action.

L. CR12-26

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action.

M. CR12-28

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action.

V. Consent Agreement/Board Order Compliance, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no current concerns, having reviewed the most recent appointment logs and prescription pads. The Executive Secretary noted late receipt of the materials.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted no concerns based on his review of the monthly report submitted by his primary supervising physician.

C. Paul G. Gosselin, DO

In the absence of Dr. Lauer, Case Reporter, the Board reviewed the draft Final Decision & Order. Following their review, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Palman and voted unanimously to finalize the draft with costs due by no later than September 30, 2012.

Following a brief discussion, the Board took this action as well:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted to recommend that the licensee contact the Maine Medical Professionals Health Program for information regarding their efforts in assisting those with mental health issues.

D. Inna LaBelle, DO

Dr. Palman, Case Reporter, noted no concerns.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no concerns.

F. Michael Patnaude, DO

AAG Carney provided the Board with a brief update on the court case. No Board action was necessary.

G. Charles Perakis, DO

Dr. deKay, Case Reporter, noted that monthly reports had been received and that the licensee remains unemployed.

H. Natania Piper, DO

Dr. Rydell, Case Reporter, noted no concerns. Board members reviewed the licensee's request for an amendment or termination of her agreement. Following discussion, the Board took this action:

MOTION: Made by Dr. Palman and seconded by Dr. Thomas to approve the request but withdrew his motion (accepted by Dr. Thomas who had seconded it) and the following motion made:

MOTION: Made by Dr. Gaddis, seconded by Dr. deKay and voted unanimously to table the licensee's request. Dr. Rydell, Case Reporter, did not vote.

I. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no concerns.

J. Lawrence P. Strohmeier, DO

In the absence of Dr. Lauer, Case Reporter, no current concerns were noted. The licensee remains suspended.

K. Charles Sullivan, DO

In the absence of Dr. Lauer, Case Reporter, no clinical care concerns were noted. It was noted that no installment payments had been received.

VI. Miscellaneous

A. Hospice Network News

Board members briefly discussed articles of interest. No Board action was necessary.

B. Federation of State Medical Boards

Board members reviewed materials from the FSMB. No Board action was necessary.

VII. Licensure Matters

A. Permanent Licensure Applications

Following circulation and review, Board members took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to approve the permanent licensure applications submitted by Robert Leatherman, D.O., Michelle Mosher, D.O., Jacob Shannon, D.O., Sarah Shepherd, D.O., Elizabeth Sweeney, D.O. and Martin Forrest, D.O.

Following further review of an application and a discussion with representatives David Shannon, D.O. and Joe Grant from Penobscot Valley Hospital, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the permanent licensure application submitted by Phillip Scaglione, D.O.

B. PA Applications

No PA applications were finalized and ready for Board review.

At this time, the Board voted to go into Executive Session at the request of the licensee, for an Informal Conference. Once again in Public Session, the Board took this action:

VIII. Informal Conference – CR11-36

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

IX. Adjournment

There being no further business, the Board adjourned at 2:30 p.m.

Respectfully submitted,

Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of August 9, 2012 Board Meeting – 9:30 a.m. – 11:45 a.m.

Members Present: David Rydell, D.O., Chair; Joseph R.D. deKay, D.O.; Kathy Walker, Public Member; John Gaddis, D.O.; Scott Thomas, D.O., Board Secretary. Members Not Present: Lonnie C. Lauer, D.O., Marty W. McIntyre, Vice Chair/Public Member; Gary Palman, D.O.

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Emily Bloch, Esquire; John E Kazilionis, D.O.; Mrs. Kazilionis; Judy Shedd, D.O.; Holly Russell, Esquire; John Doyle, Esquire; Michael Duddy, Esquire; Lawrence Strohmeier, D.O.

I. Minutes/Revenue & Expense Reports

A. Review of May & June 2012 Meeting Minutes

Following their review, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. Thomas and voted unanimously to approve the May & June 2012 minutes as written.

Dr. deKay was not present for the above review and/or vote.

B. Revenue & Expense Report

Board members reviewed and accepted the July expense report which was current with new fiscal year data.

At this time, Dr. Rydell read the complaint review script and the Board proceeded to complaint and investigative reviews. All complaint and investigative matters are discussed in Public Session, without the use of names, unless otherwise noted.

II. Complaints & Investigations

A. CR11-27

Following their review of the materials presented, 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 rise to a level which would warrant Board action against his license to practice.

Dr. deKay joined the meeting following the above discussion and vote.

B. CR11-37

Following their review of the complaint, the Board took these actions:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas to dismiss the complaint but to issue a Letter of Guidance regarding professional boundaries.

Following discussion, that motion was withdrawn and the next made:

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted unanimously to issue a Letter of Guidance regarding professional boundaries, encouraging the licensee to continue to take courses and get counseling regarding professional boundaries and to always be aware of the potential for crossing the lines.

Regarding the complaint itself, the Board took this action:

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MOTION: Made by Dr. deKay, seconded by Mrs. Walker and voted to table action on the complaint pending further investigation. Motion carried with Dr. Thomas opposed.

Regarding CR11-37, Det. Gioia was asked to obtain a PMP for review by the Case Reporter who will chose a sampling of patient charts for review. The Case Reporter (Dr. Gaddis) will report back to the Board at the next scheduled meeting following completion of his review.

C. CR11-42

Following their review and discussion, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. Thomas and voted unanimously to add consideration of CR12-34 to the agenda.

The Board then took this action regarding CR11-42:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint but to issue a Letter of Guidance regarding personal and professional behaviors and their individual and combined impact on the osteopathic profession.

Regarding CR12-34 (issued by the Board on its own motion due to lack of licensee response), the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted unanimously to dismiss CR12-34 as it did not warrant further Board action.

D. CR12-15

Following their review of the complaint, the Board took this action:

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

E. CR12-27

Following their review of the complaint, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action.

F. INV11-01

Because the Case Reporter (Dr. Palman) was unable to attend the meeting, this matter was tabled until the next meeting.

G. INV12-11

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

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted to mirror the discipline handed by the Oregon Board of Medical Examiners and as such authorized AAG Carney to draft a Consent Agreement for review by the licensee and his attorney.

III. Consent Agreement/Board Order Compliance, Updates, etc.

At this time, the Board voted (Dr. Thomas, Dr. Gaddis) to go into Executive Session based on 10 MRS 8003(B)(2-A). Once again in Public Session, the Board took this following action:

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted his receipt and review of the most recent appointment log and prescription pad. Detective Gioia presented a brief report.

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MOTION: Made by Dr. deKay, seconded by Mrs. Walker and voted unanimously to have further investigation and to have the Case Reporter contact the licensee to see if he might be considering retirement and if not, voluntary surrender of his license. Dr. Gaddis, Case Reporter, did not vote.

B. Alfred Cichon, PA-C

In the absence of Dr. Palman, Case Reporter, no concerns were noted. The monthly report was submitted in a timely manner and was complete.

C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, was unable to be present. Board members noted no current concerns for discussion.

D. Inna LaBelle, DO

In the absence of Dr. Palman, Case Reporter, the Executive Secretary noted no new concerns. The next due date for reports is September 2012.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, was unable to be present. Board members noted no concerns for discussion.

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted that monthly reports had been received. The licensee remains unemployed.

G. Natania Piper, DO

Dr. Rydell, Case Reporter, noted no concerns.

H. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no concerns.

I. Lawrence P. Strohmeyer, DO

In the absence of Dr. Lauer, Case Reporter, it was noted that the licensee remains suspended.

At this time, further review of Consent Agreement/Board Order Compliance & Updates was suspended. Dr. Dr. Thomas left the meeting room (recused from participation in matters related to this licensee) and Atty Michael Duddy and his client, Dr. Strohmeyer, joined the meeting. In the absence of the Hearing Officer, Board members took no action but noted specific information required prior to further discussion or consideration. AAG Carney, Atty Duddy, Dr. Lauer (Case Reporter) and Atty James E Smith (Hearing Officer) will work on the logistics of obtaining information for the Board's future consideration.

Dr. Thomas rejoined the meeting and the Board voted (Drs. deKay & Gaddis) to go into Executive Session, based on 1 MRS §405 (6)(E). Once again in public session, the Board noted the following:

J. Charles Sullivan, DO

Because Dr. Lauer, Case Reporter, was not present, the Board discussed the continued absence of installments payments and asked the Executive Secretary to have the balance due ready for discussion at the next meeting.

IV. Miscellaneous

A. Hospice Network News

Board members briefly discussed articles of interest. No Board action was necessary.

B. Federation of State Medical Boards

Board members reviewed materials from the FSMB. No Board action was necessary.

C. NBOME Meeting Invitation

Board members noted the invitation and discussed that with no portion of the costs included, it would be impossible for a Board member to obtain approval to travel to the meeting.

D. AAOE Meeting Announcement

Board members noted the announcement and again discussed the financial constraints of attending such a meeting.

E. Osteopathic Examiner Newsletter

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

V. Licensure Matters

A. Permanent Licensure Applications

Following circulation and review, Board members took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to approve the permanent licensure applications submitted by Aaron Weiss, D.O., Julia M Redding, D.O., Tracey Durkovich, D.O., Christopher Kempe, D.O., and Joanna Gratton, D.O.

B. PA Applications

No PA applications were finalized and ready for Board review.

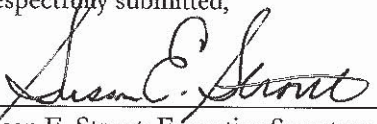
VI. Cancellation of September 2012 Meeting

Board members voted collectively to cancel the September 2012 meeting and resume meeting on Thursday, October 11, 2012.

VII. Adjournment

There being no further business, motions were made and seconded by Mrs. Walker and Dr. Thomas and voted unanimously to adjourn the meeting at 11:45 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of October 11, 2012 Board Meeting – 9:30 a.m. – 2:00 p.m.

Members Present: David J. Rydell, D.O., Chair; Marty W. McIntyre, Vice-Chair; Gary Palman, D.O.; Lonnie C. Lauer, D.O.; Joseph R. D. deKay, D.O.; Kathy Walker, Public Member. Board Members Excused: Scott Thomas, D.O., Board Secretary & John F. Gaddis, D.O.

Others Present: Susan E. Strout, Executive Secretary; Carrie L. Carney, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; James E. Smith, Esquire; Lawrence P. Strohmeyer, D.O.; Michael Duddy, Esquire

I. Lawrence P Strohmeyer, D.O.

Following review and deliberations, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to reinstate the license based on these conditions: 1) licensee must work in a group practice, pre-approved by the Board, for a minimum of one year; 2) comply with all conditions of the 2007 Consent Agreement (which remains in effect) as applicable and until conditions have been met indicating a new Agreement will be applicable. The new Agreement will need to address (but not be limited to) the licensee's new Board-approved practice setting. At this time, although the Board has reinstated the license, the licensee may not practice until such time as the Board has authorized him to do so.

II. Miscellaneous

A. July & August 2012 Board Meeting Minutes

Following review, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. Palman and voted unanimously to approve the minutes of the July & August 2012 meetings as written. It was noted that there was no meeting in September 2012 and therefore no minutes for review.

B. Revenue & Expense Report

Board members reviewed and accepted the revenue & expense reports for the months of July & August 2012.

C. FSMB Matters

1. Board of Directors Meeting Highlights

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

E. Hospice News Network

Board members reviewed and briefly discussed the newsletter. No Board action was required.

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

In the absence of Dr. Gaddis (Case Reporter) Board members received a review from Det. Gioia and Mrs. Strout regarding records reviewed. Based on the review, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to require that the licensee have a neuropsychological evaluation and to invite him in for an Informal Conference.

B. Alfred Cichon, PA-C

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

C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, noted no new issues of concern. No Board action was necessary.

D. Inna LaBelle, DO

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

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no recent concerns. No Board action was necessary.

F. Michael Patnaude, DO

AAG Carney provided an update of the continuing court case regarding the licensee's request for the deletion of certain documents in his file. Ms. McIntyre, Case Reporter, noted no new concerns. No Board action was necessary.

G. Charles Perakis, DO

Dr. deKay, Case Reporter, noted having received a call from the licensee stating that he is considering submitting a request for a reduction in testing. No Board action was necessary.

H. Natania Piper, DO

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

I. Craig Schiff, DO

In the absence of Dr. Thomas (Case Reporter), Board members noted no concerns. No Board action was necessary.

J. Lawrence P. Strohmeier, DO

Dr. Lauer, Case Reporter, noted that based on the hearing at the beginning of the meeting, no reviews were necessary.

K. Charles Sullivan, DO

Dr. Lauer, Case Reporter, noted no practice concerns. Board members noted that once again, no installments payments have been received for several months. Dr. Lauer noted that the current balance due to the Board is \$890.55.

L. Donald Yorkey, DO

Dr. deKay, Case Reporter, noted the receipt of documented CME in compliance with the terms of the licensee's agreement with the Board.

The following complaints were reviewed and discussed in Public Session, without the use of names, unless otherwise noted.

IV. Miscellaneous

A. Schedule II Prescribing Privileges

Board members discussed the subject and asked the Executive Secretary to gather some materials and put the matter back on the agenda for review and discussion at the November meeting.

B. Board Representation at Pain Management Meetings

Board members discussed the importance of the meetings but that their practice schedules would not accommodate the commitment.

C. Hospice Network News

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

D. Federation of State Medical Boards

1. Notice of Grant Funds

The Executive Secretary noted having applied for grant money toward the new ALMS project and that the Board had received a check in the amount of \$10,000.

2. Board of Directors Meeting Highlights

Board members reviewed the highlights. No action was necessary.

3. First Call for Nominations/First Call for Resolutions

Board members noted and briefly discussed the memos. No action was taken.

E. AAOA Meeting Notice

Board members noted the invitation to the annual meeting of the American Association of Osteopathic Examiners and while there was interest in attendance, it comes at a difficult travel time weather-wise.

V. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names.

A. INV12-01

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

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to table further review and any action on the matter until such time as the licensee applies for renewal of his Maine license in April 2013.

B. INV12-03

Following review of the application presented as well as a copy of the disciplinary action taken against the applicant by another state Board, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Ms. McIntyre and voted unanimously to preliminarily deny the application for approval to work under the supervision of an osteopathic physician in Maine.

C. INV12-06

Following review and discussion regarding the investigative materials obtained, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to close the investigation as no further action was warranted.

At this time, the Board voted (Dr. deKay, 2nd by Dr. Lauer) to go into Executive Session pursuant to 10 MRS 8003(B)(1). Once again in Public Session, the Board took this action:

D. CR11-34

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to table action on this matter for a period of six (6) months.

AAG Carney will research rules and regulations relative to the subject matter of the complaint.

E. CR12-12

Following review of the complaint, response, other information received and a discussion, Board members took this action:

MOTION: Made by Dr. Palman, seconded by Dr. deKay and voted to dismiss the complaint as it did not warrant further Board action. Motion carried with Ms. McIntyre and Dr. Rydell opposed.

F. CR12-13

Following review of the complaint, response, other information received and a discussion, Board members took this action:

MOTION: Made by Dr. Lauer, seconded by Mrs. Walker and voted unanimously to dismiss the complaint as it did not warrant further Board action.

G. CR12-21

AAG Carney noted that new information had been received and that this matter would need to be tabled. The Board took this action:

MOTION: Made by Mrs. Walker, seconded by Ms. McIntyre and voted unanimously to table the matter with no review or discussion.

H. CR12-29

Following review of the complaint, response, other information received and a discussion, Board members took this action:

MOTION: Made by Dr. Lauer, seconded by Mrs. Walker and voted unanimously to dismiss the complaint as it did not warrant further Board action.

I. CR12-33

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

MOTION: Made by Mrs. Walker, seconded by Dr. Lauer and voted unanimously to dismiss the complaint as it did not warrant further Board action.

At this time, the Board voted (Dr. deKay, 2nd by Dr. Palman) to go into Executive Session based on 10 MRS 8003(B)(1). Once again in Public Session, the Board took this action:

J. INV12-15

Following their review of information received, including a prescriber profile from the Prescription Monitoring Program (PMP), the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to subpoena five (5) patient records, including the two on the profile for review. Dr. Lauer offered to serve as Case Reporter.

At this time, Dr. Lauer was excused from the meeting room and recused from any participation in the review of/vote regarding the following investigative material.

K. INV11-01

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

MOTION: Made by Dr. deKay, seconded by Mrs. Walker and voted unanimously to close the investigation with no disciplinary action but to issue a Letter of Guidance regarding 1) the prescribing of narcotics for long-distance patients, 2) being clear with patients that if they do have other treatment providers, they need to be involved, 3) maintain good medical records, documenting any communication with the patient to ensure continuity of care, avoid duplication of treatment and to avoid developing poor prescribing habits.

L. INV12-13

Following their review of a licensee's rebuttal to a Board request that he enter into a proposed Consent Agreement, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to table any action pending an Informal Conference during which the licensee will provide an overview of a course he took as a result of disciplinary action in another state (prior to Maine licensure), explain what he learned from the course and what he may do differently in the future.

VI. Licensure Matters

Following circulation and review, the Board took these actions on permanent licensure applications:

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to approve the applications submitted by: Carl Suchar, D.O., Beverly Roberts, D.O., Melissa Woythaler, D.O., Elizabeth Hinman, D.O. and Tonya Hanke, D.O.

MOTION: Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to approve the application submitted by Charles Hugelmeyer, D.O. with the understanding that he update his application regarding a malpractice case noted on his original Locum Tenens application but omitted on the permanent licensure application.

Following circulation and review, the Board took this action on licensure applications submitted by physician assistants:

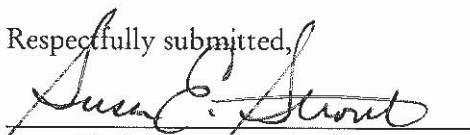
MOTION: Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to approve the applications submitted by Tshona Corbin, PAC, Bronna Eckelman, PAC and Marie Mason, PAC.

VII. Adjournment

The being no further business, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to adjourn at 1:45 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of November 8, 2012 Board Meeting – 9:30 a.m. – 2:00 p.m.

Members Present: David J. Rydell, DO, Chair; Marty W. McIntyre, Vice-Chair; Lonnie C. Lauer, DO; Joseph R. D. deKay, DO; Scott Thomas, DO, Board Secretary. Board Members Excused: John F. Gaddis, DO; Gary Palman, DO & Kathy Walker, Public Member.

Others Present: Susan E Strout, Executive Secretary; Carrie L Carney, Assistant Attorney General; Det James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Angela Cole-Westhoff, Executive Director, Maine Osteopathic Association; Kenneth Lehman, Esquire.; James Kirsh, DO & Spouse; Glen Gianini, DO

I. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names.

At this time, Dr. Rydell noted that he was recusing himself from any participation in the following complaint, turned the meeting over to Ms. McIntyre, Vice Chair and left the meeting room. Dr. Thomas recited the Complaint Review script.

A. CR12-01

Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to dismiss the complaint but to issue a Letter of Guidance regarding trying to make better judgments when scheduling appointments for patients who must travel long distances.

Dr. Rydell returned to the meeting room and resumed Chairmanship of the meeting.

B. CR12-18

Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to invite the licensee to attend an Informal Conference at an upcoming meeting to help the Board understand the licensee's reasons for prescribing certain medications and to determine whether further action is warranted. Dr. Lauer, Case Reporter, did not vote.

C. CR12-22

Following review and discussion, the Board took this action:

MOTION: made by Dr. Thomas, seconded by Ms McIntyre and voted unanimously to invite the licensee to attend an Informal Conference to assist the Board in determining whether further Board action is necessary. Dr. Rydell, Case Reporter, did not vote.

D. CR12-24

Following review and discussion, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to authorize AAG Carney to draft a Consent Agreement including, but not limited to, a 30-day suspension, fine, reprimand, attendance at ProBE, monthly reports from a counselor and future lectures on boundaries issues. Ms. McIntyre will serve as Case Reporter.

E. CR12-31

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

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not merit further Board consideration or action against the licensee.

Dr. Thomas, who recused himself from participation in all matters related to complaints and investigations involving this licensee, left the meeting room.

F CR12-32

Following review of the complaint, response, other information received and a discussion, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted to invite the licensee to attend an Informal Conference at an upcoming meeting to assist the Board in determining whether further Board action is warranted. Dr. Lauer, Case Reporter, did not vote.

Dr. Thomas returned to the meeting room.

G. CR12-21

Dr. Rydell, Case Reporter, presented an overview of this review of the complaint, response, complainant rebuttal and all medical records. The Board then took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to draft a Consent Agreement including but not limited to the following: a warning, proof of increased competency for surgical procedures including specialized CME and a proctor to observe and critique surgical cases. Dr. Rydell did not vote.

G. CR12-36

Following review of the complaint and a brief discussion at which time the Board noted that the complainant was not cooperative in responding to requests for releases and such, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Board action.

H. CR12-37

Following review of the complaint and a brief discussion at which time the Board noted that the complainant was not cooperative in responding to requests for releases and such, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Board action.

J. CR12-38

Following review of the complaint and a brief discussion at which time the Board noted that the complainant was not cooperative in responding to requests for releases and such, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Board action.

K. CR12-39

Following review of the complaint and a brief discussion at which time the Board noted that the complainant was not cooperative in responding to requests for releases and such, Board members took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Lauer and voted unanimously to dismiss the complaint as it did not merit Board action.

L. CR12-40

Following review of the complaint and a brief discussion at which time the Board noted that the complainant was not cooperative in responding to requests for releases and such, Board members took this action:

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

M. INV12-18

Following review of the letters received from the Maine Medical Professionals Health Program and the licensee, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to invite the licensee to attend an Informal Conference to discuss the matter further and to assist the Board in determining whether further Board action is necessary.

The Executive Secretary was asked to run a National Practitioner's Data Bank/HIPDB check just prior to the next meeting.

II. Minutes/Revenue & Expense Reports

A. October 11, 2012 Board Meeting Minutes

Following review, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to approve the minutes of the October 2012 meetings as written.

B. Revenue & Expense Report

Board members reviewed and accepted the revenue & expense reports for October 2012.

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

In the absence of Dr. Gaddis (Case Reporter), Board members noted no new concerns. No Board action was necessary.

B. Alfred Cichon, PA-C

In the absence of Dr. Palman, Case Reporter, no concerns were noted. No Board action was necessary.

C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, noted no new issues of concern. Board members asked for a reminder (in December) of the balance, which was due on September 30, 2012 pursuant to the Final Decision & Order, signed on July 12, 2012. No Board action was necessary.

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D. Inna LaBelle, DO

In the absence of Dr. Palman, Case Reporter, no concerns were noted. No Board action was necessary.

E. Bradley Libenson, DO

In the absence of Dr. Palman, Case Reporter, no recent concerns were noted. No Board action was necessary.

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted no concerns and that the licensee remains unemployed. The Board took the following action regarding the licensee's request for decreased testing:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to approve the licensee's request for a decrease in the frequency of his urine testing (due to no employment) with the understanding that when/if he returns to the active practice of medicine, the frequency will be increased. Dr. deKay, Case Reporter, did not vote.

G. Natania Piper, DO

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

H. Craig Schiff, DO

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

Dr. Thomas was recused and left the meeting room at this time.

I. Lawrence P. Strohmeier, DO

Dr. Lauer, Case Reporter, noted no current issues and that the licensee remains unemployed. The Board took the following vote regarding the draft decision:

MOTION: Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to approve the final decision and order as written.

Dr. Thomas returned to the meeting following the above matter.

J. Charles Sullivan, DO

Dr. Lauer, Case Reporter, noted no practice concerns. Board members noted receipt of a \$25 installment payment bringing the total balance due to \$865.55.

K. Donald Yorkey, DO

Dr. deKay, Case Reporter, noted no practice concerns and asked the Executive Secretary to be sure and communicate a reminder to the licensee that he must complete the CME requirement by no later than December 31, 2012.

IV. Miscellaneous

A. Review of Materials re: PA Prescribing Privileges

Board members discussed the subject and potential rules and asked the Executive Secretary to look into the costs involved in rule-making, whether or not approval from the Commissioner of Professional & Financial Regulation is necessary to begin the process.

B. Hospice Network News

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

C. MedScape Articles

Board members reviewed the articles regarding restrictions on physicians using marijuana and the effect that frequent use of marijuana can have on those under 18 years of age.

D. UNE College of Osteopathic Medicine – New Dean

Board members noted the announcement of Douglas Wood, D.O., Ph.D. as the new Dean of the University of New England, College of Osteopathic Medicine.

E. Federation of State Medical Boards

The Executive Secretary noted that the FSMB's Universal Application would be available to applicants to this Board as of Friday, November 9.

V. Licensure Matters

Following circulation and review, the Board took these actions on permanent licensure applications:

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to approve the applications submitted by: Gerald LaChance, DO, Aaron Gavett, DO and Jerome Frazier, DO.

MOTION: Made by Ms. Dr. Lauer, seconded by Ms. McIntyre and voted unanimously to invite Erin Mansmann, DO to attend the next meeting to discuss her future plans for education and why she did not continue with the residency offered to her.

MOTION: Made by Dr. Lauer, seconded by Ms. McIntyre and voted to issue the applicant a Locum Tenens license through December 15th. Dr. deKay abstained from the vote and asked that the statutory reference to licensure be provided for review.

VI. Adjournment

The being no further business, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to adjourn at 2 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Minutes of December 13, 2012 Board Meeting – 9:30 a.m. – 2:25 p.m.

Members Present: David J. Rydell, DO, Chair; Marty W. McIntyre, Vice-Chair; Lonnie C. Lauer, DO; Joseph R. D. deKay, DO; John F. Gaddis, DO; Gary Palman, DO & Kathy Walker, Public Member. Board Member Excused: Scott Thomas, DO, Board Secretary.

Others Present: Susan E Strout, Executive Secretary; Carrie L Carney, Assistant Attorney General; Timothy Terranova, Consumer Assistant; Emily Bloch, Esquire; James Kirsh, DO & Spouse; Bertrand Audette, DO; Lawrence Strohmeyer, DO; Michael Duddy, Esquire; Constance Tibbetts & Daughter; Erin Mansmann, DO; James Bowie, Esquire; Benjamin Branch, DO

I. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. In the absence of Dr. Rydell, Board Chair, Ms. McIntyre, Vice Chair called the meeting to order and recited the Complaint Review script. Because Dr. Rydell serves as Case Reporter for the first agenda item, Ms. McIntyre tabled discussion regarding CR12-21 pending Dr. Rydell's arrival. Dr. Rydell arrived at the beginning of the following discussion.

A. CR12-24

Following review of and a lengthy discussion regarding correspondence from both the licensee and his attorney requesting reconsideration of the decision to impose a 30 day license suspension as one of the terms of a proposed Consent Agreement, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Mrs. Walker and voted to uphold the decision made at the November 2012 meeting. Dr. Gaddis, who was not present at the November meeting, abstained from voting. Drs. deKay & Palman were opposed. Motion carried with Mrs. Walker, Dr. Lauer and Dr. Rydell in favor. Ms. McIntyre, Case Reporter, did not vote.

Dr. deKay joined the meeting at 10 a.m., during the above discussion.

B. CR12-42

Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to dismiss the complaint and to issue a letter of guidance stating that it is incumbent upon the primary care provider to give the best possible care and to suggest that a question regarding immunizations be added to the questionnaire presented to new patients.

C. CR12-46

Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant further Board action.

D. CR12-52

Following review and discussion, Board members took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to invite the licensee to attend an Informal Conference and to provide Board members with the results of the licensee's former ProBE course.

Following discussion an amendment was proposed, as follows:

AMENDMENT: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to make the licensee aware that the Board will be looking for a formal, structured description of how ongoing supervision may take place considering the type of patient he may be dealing with in a solo practice.

E. CR12-21

Following review of the complaint, response, medical records and a request for re-consideration of the Board's November vote to issue a Consent Agreement, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to table further action on this complaint for four (4) months to allow another physician (Locum Tenens or more senior) to directly observe 10 surgical procedures (such as bowel and gall bladder surgeries, etc) and to submit a report to the Board for consideration. Dr. Rydell, Case Reporter, did not vote.

F. CR12-54

Following review of an e-mail from a licensee encouraging the Board to serve its role in protecting the patients from dangerous medical behavior by addressing outdated practice policies not based on current science and dangerous to patients who might benefit from the use of cannabis, Board members took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to dismiss the complaint* as the literature attached in support of it involved less than 25 patients, studies were done on mice only which do not represent mainstream medicine. The licensee will be invited to provide long term studies he is/has been a part of, involving humans, should he wish the Board to give further consideration to the matter.

*The matter was assigned a complaint number for tracking purposes – a formal complaint was not submitted.

G. INV11-06

Dr. Lauer, Case Reporter, presented an overview of his chart reviews and the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted to invite the licensee to attend an Informal Conference at an upcoming meeting to discuss the potential for drug diversion when prescribing narcotics. Dr. Palman was opposed to the motion; Dr. Lauer, Case Reporter, did not vote.

At this time, the Board voted (motion, Dr. deKay, 2nd, Dr. Gaddis) to go into Executive Session, as requested by the licensee pursuant to 32 MRS 2591-A(1). Once again in Public Session, the Board took this action:

II. Informal Conferences

A. CR12-22

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted to dismiss the complaint filed against the licensee but to issue a Letter of Guidance suggesting better documentation of how symptoms are dealt with and that there be a discussion with patients regarding the difference between screening exams and those done for diagnostic purposes. The Board also suggested that should a patient present with rectal bleeding, the licensee consider ordering a colonoscopy.

At this time, the Board voted (motion, Dr. Palman, 2nd, Dr. Gaddis) to go into Executive Session, as requested by the licensee pursuant to 32 MRS 2591-A(1). Once again in Public Session, the Board took this action:

B. CR12-32

MOTION: Made by Dr. Gaddis, seconded by Mrs. Walker and voted to dismiss the complaint as it did not warrant further Board consideration. Dr. deKay was opposed to the motion. Dr. Lauer, Case Reporter, did not vote.

C. INV12-18

The licensee involved in this matter opted not to attend the Informal Conference and the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Palman and voted unanimously to order the licensee to undergo a psychological examination with the results sent to the Board.

At this time, the Board voted (motion, Ms. McIntyre, 2nd, Dr. Palman) to go into Executive Session, as requested by the licensee and his attorney, pursuant to 32 MRS 2591-A(1). Once again in Public Session, the Board took this action:

D. INV12-13

MOTION: Made by Dr. deKay, seconded by Dr. Lauer and voted unanimously to close the investigation with no Board action.

III. Meeting

A. Erin Mansmann, D.O. – Applicant for Permanent Licensure

The Board invited Dr. Mansmann to the meeting to discuss her training and the fact that she had not taken advantage of residency offers. Following their meeting with her, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to approve the application for permanent licensure submitted by Erin Mansmann, D.O.

IV. Minutes/Revenue & Expense Reports

A. November 2012 Board Meeting Minutes

Following review, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously to approve the minutes of the November 2012 meeting as written.

B. Revenue & Expense Report

Board members reviewed and accepted the revenue & expense reports for November 2012.

V. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no new concerns and that the licensee will have the testing ordered by the Board sometime in January or early February 2013. No Board action was necessary.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted no new concerns except that the report for November had not yet been received and that the report covering October had been more than 5 days late. Board members asked that a letter be sent with a cc to Susan Shaw, D.O. (primary supervising physician) reminding the licensee that it is his responsibility to see that future reports are submitted in a timely manner and that future late reports may result in additional fines.

C. Paul G. Gosselin, DO

Dr. Lauer, Case Reporter, noted no new issues of concern. Board members were presented with the balance due from the licensee as well as notification of bankruptcy filing. No Board action was taken.

D. Inna LaBelle, DO

Dr. Palman, Case Reporter, noted no concerns and reminded the Board of her request, as allowed per the terms of her Consent Agreement, that the Board review her Agreement and consider termination or at least amendments. Following discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to terminate the licensee's Consent Agreement effective December 31, 2012 with the understanding that she will remain an active participant in the Maine Professionals Health Program or one in another state should she re-locate. Dr. Palman, Case Reporter, did not vote.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted the recent Board action taken in New Hampshire. The Executive Secretary was asked to notify the licensee that he will be expected to sign a release allowing the program he attends to disclose the results to the Maine Board of Osteopathic Licensure.

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted no concerns and that the licensee remains unemployed.

G. Natania Piper, DO

Dr. Rydell, Case Reporter, noted no new concerns but did note that the report due from the licensee's Primary Care Physician had not been received and asked that the Executive Secretary request that it be submitted.

H. Craig Schiff, DO

In the absence of Dr. Thomas (Case Reporter), no concerns were noted or presented by the Executive Secretary. No Board action was necessary.

I. Lawrence P. Strohmeyer, DO

Dr. Lauer, Case Reporter, noted no current issues and that the licensee remains unemployed. No Board action was necessary.

J. Charles Sullivan, DO

Dr. Lauer, Case Reporter, noted no clinical concerns. Board members noted no additional installment payment and that the total balance due remains at \$865.55.

K. Donald Yorkey, DO

Dr. deKay, Case Reporter, noted no practice concerns and noted the receipt of licensee's final certificate of CME. The Executive Secretary was asked to send a letter to the licensee confirming his completion of the CME requirement.

VI. Miscellaneous

A. Hospice Network News

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

B. Federation of State Medical Boards

1. Bylaws Committee Report

Board members took note of the report. No action was necessary.

2. Draft Addiction Treatment Policy

Board members reviewed and discussed the draft policy. AAG Carney and Mrs. Strout will discuss possible rule updates with Commissioner Head in the near future.

C. Election of Officers

The nominating committee proposed the following slate of officers: Marty W. McIntyre – Chair, Joseph R. D. deKay, D.O. – Vice Chair and Scott Thomas, D.O. – Board Secretary. Following discussion, this motion was made:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted to elect the officers as nominated for the positions of Chair, Vice Chair and Board Secretary. Mrs. Walker abstained from voting.

VII. Licensure Matters

A. DO Permanent Licensure Applications

Following circulation and review, the Board took these actions on permanent licensure applications:

MOTION: Made by Mrs. Walker, seconded by Dr. Palman and voted unanimously to approve the application submitted by Paul Ufberg, D.O.

MOTION: Made by Ms. Dr. deKay, seconded by Dr. Palman and voted unanimously to invite Carleen Messina, DO to attend the next meeting to discuss her application and the references received.

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted unanimously to approve the application for permanent licensure submitted by Erik Johnson, D.O.

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to request that Samuel Kushner, D.O. provide proof of ongoing competency due to no direct patient care for several years.

B. PA Applications

1. Neil Robertson, PAC

Board members reviewed and accepted a letter from the attorney representing the applicant indicating that the applicant would not appeal the Board's denial of his application to work under the supervision of an osteopathic physician. No Board action was necessary.

VIII. Adjournment

The being no further business, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to adjourn at 2:25 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary