

Minutes of January 10, 2013 Board Meeting – 9:30 a.m. – 11:30 a.m.

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

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; Carleen Messina, DO

I. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. Ms. McIntyre, Board Chair, called the meeting to order and recited the Complaint Review script.

A. CR12-21

Following review of correspondence from the attorney representing the licensee as well as a letter from the CEO at the hospital employing him, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted to table any action on the complaint pending further information within the next few months.

B. CR12-46

The Consumer Assistant, who was not able to be present during the December 2012 review of this matter, asked that the Board clarify one particular part of the complaint. Board members re-reviewed materials related to the complaint and explained that the complainant did have the right to request an amendment to his medical record, that his request should have been acknowledged by the licensee, and that a copy of that request should have been included in the medical record submitted by the licensee with is written response. Board members also asked that the complainant be advised that he could report his concerns to the US Department of Justice.

C. INV11-11

Due to the absence of Dr. Thomas (Case Reporter), the Board took this action:

MOTION: Made by Dr. deKay, seconded by Mrs. Walker and voted unanimously to table review until the February 2013 meeting.

D. INV11-20

Due to the absence of Dr. Thomas (Case Reporter), the Board took this action:

MOTION: Made by Dr. deKay, seconded by Mrs. Walker and voted unanimously to table review until the February 2013 meeting.

II. Minutes/Revenue & Expense Reports

A. December 2012 Board Meeting Minutes

Following review, the Board took this action:

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

B. Revenue & Expense Report

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

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no new concerns and reminded the Board that the exam ordered by the Board should be done by mid-late February. No Board action was necessary.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted no new concerns and also that the PA is now working at only one correctional facility (Knox) as new company is now managing Knox County and has hired a nurse practitioner.

C. Paul G. Gosselin, DO

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

D. Inna LaBelle, DO

Dr. Palman, Case Reporter, noted the December vote to terminate her Consent Agreement. No action was necessary.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no new concerns. The Executive Secretary noted that the letter voted by the Board at the December meeting would be sent soon.

F. Michael Patnaude, DO

Board members noted AAG Carney's responses to the plaintiff's request for Discovery, Admissions and Interrogatories. This was only notice to the Board that the responses had been submitted. No Board action was necessary.

G. Charles Perakis, DO

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

H. Natania Piper, DO

Dr. Rydell, Case Reporter, noted no new concerns. The Executive Secretary noted e-mails from the licensee indicating that there would be no report covering December 2012 due to a surgical emergency with one of her patients and no available openings for the remainder of that month. The licensee also reported that she would contact her Primary Care Physician regarding the semi-annual report, which is now overdue. No Board action was taken.

I. Craig Schiff, DO

In the absence of Dr. Thomas (Case Reporter), it was noted that no reports had been submitted by the licensees substance abuse treatment provider (due 1st day of each month) or from his primary care provider (due quarterly [March, June, December & September] on the 1st day of the month). The Executive Secretary was asked to send a letter to the licensee (cc's to treatment providers) reminding him of his obligations and possible fines in the future.

J. Lawrence P. Strohmeyer, DO

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

K. 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.

L. Donald Yorkey, DO

Dr. deKay, Case Reporter, noted no practice concerns and reported having received a request from the licensee that a letter be sent to a specific insurance company attesting to his competency. AAG Carney asked Dr. deKay to forward what he had received to the Executive Secretary so that a response could be drafted on his behalf.

IV. Miscellaneous

A. Hospice Network News

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

B. Federation of State Medical Boards

1. Maintenance of Licensure Update

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

2. Announcement of 'Responsible Opioid Prescribing' eBook

Board members noted having a hard copy but that none had purchased an eBook, to date.

3. Newslite

Dr. deKay indicated that he may be able to represent the Board at the Federation's annual meeting which will be held in Boston.

C. NBOME Press Release

Board members took note of the press release regarding a historic summit in response to the changes and challenges ahead in health care in America.

V. 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. deKay and voted unanimously to approve the applications submitted by Richard Nguyen, D.O. & Stephen Anthony, D.O.

MOTION: Made by Dr. Gaddis, seconded by Dr. Rydell and voted unanimously to invite Isabella Askari, D.O. to attend the next meeting to discuss her application as well as her future practice plans.

B. PA Applications

No applications were ready for review at this meeting.

A motion was then made regarding the agenda:

MOTION: Made by Mrs. Walker, seconded by Dr. Rydell and voted unanimously to add the following matter to the meeting agenda for discussion.

VI. PA Draft Legislation

Dr. Palman noted having received a copy of proposed legislation from Erica Rice, PAC, President of the Down East Association of Physician Assistants. Some specifics noted by Dr. Palman were: 1) mandated joint rulemaking with the Board of Licensure in Medicine, 2) an amendment deleting that portion of the Board rule which prevents a PA from owning his or her own business and hiring his or her own Primary Supervising Physician, 3) the addition of a PA member on the Board, and 4) PA delegation of duties to medical assistants. No Board action was taken. Dr. Palman also briefly discussed draft legislation regarding nurse practitioners.

VII. Carleen Messina, D.O.

Dr. Messina was invited to meet with the Board to discuss her application, the references received (one of which was negative in nature) and her general practice plans. Following the meeting, Board members took this action:

MOTION: Made by Dr. Palman, seconded by Mrs. Walker and voted unanimously to approve the application for permanent licensure submitted by Carleen Messina, D.O.

VIII. Ms. McIntyre – Recognition of Lonnie C. Lauer, D.O.

This being his final meeting, Board members acknowledged Dr. Lauer's many years of service to the Board and the citizens of Maine. Dr. Lauer agreed to return to a future meeting for lunch and a small celebration of his time on the Board.

Board members then discussed appointments and re-appointments. The Executive Secretary noted that all members except Ms. McIntyre needed to be re-appointed or replaced and gave each Board member a packet for completion as soon as possible. Dr. Palman noted a physician from Southern Maine who indicated an interest in membership on the Board and that he will direct him to contact the Board office.

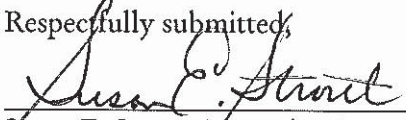
It was noted briefly that the Informal Conference scheduled for 11:15 a.m. was postponed due to a fire at the home of the licensee. The Conference will be re-scheduled.

IX. Adjournment

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

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to adjourn at 11:30 a.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 February 14, 2013 Board Meeting – 9:30 a.m. – 1:15 p.m.

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

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; Pamela Wansker, DO; Christopher Taintor, Esquire; Earl R. Freeman, Jr., D.O.; Debbie Freeman; Stephen Donnelly, DO; Linda Grigel, PAC

I. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. Ms. McIntyre, Board Chair, called the meeting to order and Dr. Thomas recited the Complaint Review script.

A. CR12-03

Following review of the complaint and the licensee's written response¹, the Board took this action:

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

B. CR12-20

Following review of the complaint and the licensee's written response², the Board took this action:

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

C. CR12-24

Following their review of additional correspondence from the spouse of the licensee, the Board took these actions:

MOTION: Made by Dr. Thomas and seconded by Dr. Gaddis to amend the previously drafted Consent Agreement removing the suspension language and leaving the remainder intact. That motion failed with only two (2) in favor (Drs. Thomas and Gaddis). Ms. McIntyre, Case Reporter, did not vote.

After additional discussion, this motion was made:

MOTION: Made by Dr. Rydell, seconded by Dr. Gaddis and voted to amend the previously drafted Consent Agreement removing the suspension language, increase the fine to \$15,000, leaving the remainder of the document as drafted. That motion passed with three (3) in favor (Drs. Rydell, Gaddis and Palman). Ms. McIntyre, Case Reporter, did not vote.

Further discussion brought an additional motion, as follows:

MOTION: Made by Dr. Gaddis, seconded by Dr. Rydell and voted to amend the previously drafted Consent Agreement by adding a requirement that the licensee provide education in a public setting to medical students in addition to the requirement that he speak before the Board. Dr. Thomas was opposed. Ms. McIntyre, Case Reporter, did not vote.

¹ There were no medical records or rebuttal as the complaint was filed by another provider as opposed to the patient.

² There were no medical records or rebuttal as the complaint was filed by a family member of the patient.

D. CR12-41

Following review of the complaint, response, medical records and the complainant's rebuttal, 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 against the licensee. Mrs. Walker and Ms. McIntyre were opposed.

After discussion, another motion was made:

MOTION: Made by Ms. McIntyre, seconded by Dr. Rydell and voted to issue a Letter of Guidance regarding honoring the request of a woman who has miscarried to test the products of conception whenever possible and to the best of his ability. Dr. Thomas was opposed.

At this time, Ms. McIntyre noted that the remainder of the complaints would be reviewed at a later time in the meeting in order that the Board not keep those with specific appointments waiting longer than necessary. The Board then voted (Dr. Rydell, 2nd by Dr. Gaddis, based on 32 MRS §2591-A(1)) to go into Executive Session at the request of the licensee in the upcoming Informal Conference. Once again in Public Session, the Board took this action:

II. Informal Conference – INV12-07/CR12-52

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

Ms. McIntyre was excused from the meeting at this time; Dr. Thomas chaired the remainder of the meeting.

III. Stephen Donnelly, DO & Linda Grigel, PAC

Due to the original nature of the supervisory relationship, the parties were invited to attend the meeting. During the time between the issue of the invitation to discuss the working relationship and the Board meeting, Dr. Donnelly changed his practice set up so that Ms. Grigel's practice would be a part of his practice (Maine Center for Integrative Health) rather than a practice of her own with him simply reviewing charts. Following discussion, the Board took this action:

MOTION: Made by Dr. Rydell, seconded by Dr. Gaddis and voted unanimously to approve both applications, effective immediately.

Resumption of Complaint and Investigation Reviews...

I. Complaints and Reviews

E. CR12-43

Following review of the complaint and other correspondence sent to the licensee regarding the complaint, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Rydell and voted to table any action on the complaint at this time, to conduct further investigation and to notify the licensee that if he does not submit a response by the close of business on Wednesday, March 13, 2013, the Board will file a complaint on its own motion. Dr. Rydell will serve as Case Reporter.

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Board members asked that the American College of Gynecology standards of care be accessed for review by the Case Reporter and at the next meeting.

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

F. INV11-11

Following review of the investigative materials obtained as well as reviews from Dr. Thomas, Case Reporter, the Board took this action:

MOTION: Made by Dr. Rydell, seconded by Dr. Gaddis and voted to issue a complaint on the Board's own motion regarding prescribing issues and alleged noncompliance with Chapter 21 (pain rule). Dr. Thomas, Case Reporter, did not vote.

At this time, the Board voted (Drs. Rydell & Palman) to go into Executive Session based on 10 MRS §8003-B(2)(A). Once again in Public Session, the Board took this action:

G. INV11-20

Following review of the investigative materials obtained as well as reviews from Dr. Thomas, Case Reporter, the Board took this action:

MOTION: Made by Dr. Rydell, seconded by Mrs. Walker and voted to close the investigation as the medical records reviewed supported appropriate care and prescribing. Dr. Thomas, Case Reporter, did not vote.

IV. Minutes/Revenue & Expense Reports

A. January 2013 Board Meeting Minutes

Following review, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. Gaddis and voted unanimously to approve the minutes of the January 2013 meeting with two corrections noted (change time from 11:30 pm to 11:30 am and A Cichon PAC works only at Knox County Jail).

B. Revenue & Expense Report

Board members reviewed and accepted the revenue & expense reports for January 2013.

V. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no new concerns and reminded the Board that the exam ordered by the Board will be conducted on February 19, 2013. No Board action was necessary.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted no new concerns. The Executive Secretary noted that the monthly report was late once again.

C. Paul G. Gosselin, DO

Dr. Thomas, Case Reporter, noted no new issues of concern. No Board action was taken.

D. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no new concerns.

E. Charles Perakis, DO

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

F. Natania Piper, DO

Dr. Rydell, Case Reporter, noted no concerns. The Executive Secretary noted the licensee's request that her Agreement be terminated, as supported by the Maine Medical Professionals Health Program. Following discussion, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. Thomas and voted unanimously to terminate the Consent Agreement, effective immediately. No further testing will be required. Dr. Rydell, Case Reporter, did not vote.

G. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no issues of concern and that the licensee remains unemployed.

H. Lawrence P. Strohmeyer, DO

Dr. Rydell, Case Reporter, noted no current issues and that the licensee remains unemployed.

I. Charles Sullivan, DO

Dr. Thomas, Case Reporter, noted no clinical concerns. Board members noted no additional installment payment and that the total balance due remains at \$865.55. The Board then took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted unanimously to remind the licensee of his obligation to pay costs and to notify him that the Board may file a complaint on its own motion if payment has not been made by March 13th. Dr. Thomas, Case Reporter, did not vote.

J. Donald Yorkey, DO

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

VI. Miscellaneous

A. Hospice Network News

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

B. Federation of State Medical Boards

There were no documents for review.

C. Maine Medical Professionals Health Program – Conference Notice/Reminder

Board members noted the date of the MMPHP upcoming conference. No action was necessary.

D. Proposed Legislation

Board members reviewed and discussed several LDs and were reminded that any testimony to be given on behalf of the Board must be shared with/approved by Commissioner Head and that if testifying on their own, it must be made clear that they are not speaking for/on behalf of the Board of Osteopathic Licensure.

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. Gaddis and voted unanimously to approve the applications submitted by Jacob Brooks, D.O.; Peter Tilney, D.O., Stephanie Nani, D.O., Jerry Lin, D.O., Kelly Gilliland, D.O., Simeon Hain, D.O., Patrick Parker, D.O., Jeremy Lindahl, D.O., and Samuel Kushner, D.O.

B. PA Applications

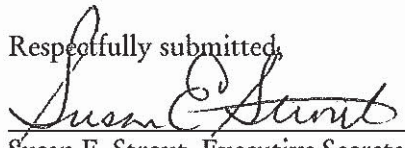
MOTION: Made by Dr. Palman, seconded by Dr. Rydell and voted unanimously to approve the application submitted by Amanda Byrne, PAC.

IX. Adjournment

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

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to adjourn at 1:15 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Minutes of March 14, 2013 Board Meeting – 9:30 a.m. – 12:00 p.m.

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

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; Paul Gosselin, D.O.; Kim Gosselin; Eric Mehnert, Esquire

I. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. Dr. deKay, Vice-Chair, called the meeting to order; Dr. Thomas recited the Complaint Review script.

A. CR12-21

Following review of the complaint and a course proposal from the licensee and his attorney, the Board decided to again table the request as well as any action on the complaint.

B. CR12-43

It was noted that there were no materials in the meeting book and the matter was again tabled.

C. CR12-51

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

MOTION: Made by Mrs. Walker, 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.

Following additional discussion regarding whether doctors whose practices are part of a hospital can refuse to take a patient, AAG Carney noted that she would do some research and report back at the next meeting.

D. INV11-26

Following review of the materials presented by AAG Carney and Det. Gioia, the Board voted to table the matter for further investigation.

At this time, the licensee involved in the upcoming Informal Conference and his attorney joined the meeting and based on the licensee's request, the Board voted (Dr. Rydell, 2nd by Dr. Gaddis, based on 32 MRS §2591-A(1)) to go into Executive Session. Dr. deKay recited the Informal Conference script.

Once again in Public Session, the Board took this action:

II. Informal Conference – CR12-18

MOTION: Made by Dr. Palman, seconded by Mrs. Walker and voted unanimously to dismiss the complaint as the Board determined that appropriate care was provided. Dr. Thomas, Case Reporter, did not vote.

III. Minutes/Revenue & Expense Reports

A. February 2013 Board Meeting Minutes

Following review, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. Thomas and voted unanimously to approve the minutes of the February 2013 meeting.

B. Revenue & Expense Report

Board members reviewed and accepted the revenue & expense reports for February 2013.

IV. Isabella Askari, DO – Discussion re Application for Permanent Licensure

The applicant was not present for the discussion. Further review of her application is tabled until she is able to attend. The matter will be re-scheduled.

V. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no new concerns. The Board will hopefully receive a report of the exam for review at the April meeting. No Board action was necessary.

B. Alfred Cichon, PA-C

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

C. Paul G. Gosselin, DO

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

D. Bradley Libenson, DO

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

E. Charles Perakis, DO

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

F. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no issues of concern and that the licensee remains unemployed.

G. Lawrence P. Strohmeyer, DO

Dr. Rydell, Case Reporter, noted no new issues, that the licensee remains unemployed and now, to our knowledge, lives in New Jersey. The licensee has not, to date, submitted his application for license renewal which was due on February 28, 2013. No Board action was taken at this time.

H. Charles Sullivan, DO

Dr. Thomas, Case Reporter, noted that no clinical concerns have been brought to the Board's attention. Board members noted no additional installment payment and that the total balance due remains at \$845.55. The Board then took this action:

MOTION: Made by Dr. Rydell, seconded by Mrs. Walker and voted unanimously to contact the licensee with specific questions, as outlined. The Board also noted that the licensee is up for renewal at the end of March 2013. Dr. Thomas, Case Reporter, did not vote.

I. Donald Yorkey, DO

Dr. deKay, Case Reporter, noted no concerns.

VI. Miscellaneous

A. Hospice Network News

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

B. Federation of State Medical Boards

Board members noted the FSMB Letter on Licensure Portability for Telehealth as well as the Highlights of the February 7 – 9 Board of Directors Meeting. No Board action was necessary.

C. New England Journal of Medicine Article re Medicinal Use of Marijuana

Board members reviewed the article which discusses the pros and cons of medicinal marijuana. No Board action was necessary.

D. DocFinder – Discussion

With the new ALMS system anticipated start date (April 8, 2013) approaching, the Executive Secretary asked the Board whether it wants to continue to send a feed to the DocFinder site for license verifications. Board members determined that if the data feed will continue only if those in charge of the DocFinder site wish to pay the conversion and maintenance fees. Otherwise, the Board authorizes the ALMS feed only.

VII. Licensure Matters

A. Permanent Licensure Applications

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

MOTION: Made by Dr. Gaddis, seconded by Dr. Rydell and voted unanimously to approve the applications submitted by Andrew Kaplan, D.O.; Christopher Johnstone, D.O., John Wang, D.O. and Elias Lemoine, D.O.

Following discussion regarding another application, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to request further information from Jill Weber, D.O. The Board would like additional information regarding the type of practice her telemedicine will entail.

VIII. Adjournment

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

MOTION: Made by Dr. Gaddis, seconded by Dr. Rydell and voted unanimously to adjourn at noon.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Minutes of April 11, 2013 Board Meeting – 9:30 a.m. – 2:15 p.m.

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

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; Judy Peters, Assistant Attorney General; Jonathan Bolton, Assistant Attorney General; Isabella Askari, DO; James Kirsh, DO; Pamela Wansker DO; Kris Sornberger, DO; Lori Dwyer, Esquire

I. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. Ms. McIntyre called the meeting to order and Dr. Thomas recited the Complaint Review script.

A. CR12-43

Following their review of the materials, the Board took this motion:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to again table the matter due to the absence of Dr. Rydell who was looking into standard of care issues but was unable to be present at this meeting.

B. CR12-45

Following their review of the complaint and response, 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.

C. CR12-46

Board members reviewed a letter from the complainant regarding the Board's decision to dismiss the above-mentioned complaint. Since no new information was provided for consideration, no Board action was required.

D. CR12-51

Board members reviewed a letter from the complainant regarding the Board's decision to dismiss the above-mentioned complaint. Since no new information was provided for consideration, no Board action was required.

E. CR12-56

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

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted unanimously to dismiss the complaint (which the complainant did not follow through on).

F. CR12-57

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

G. CR12-58

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

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

H. CR13-04

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

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

AAG Carney reported that the research she had done following the last complaint of this nature (March 2013 meeting) showed no evidence that a licensee is required to accept a patient in private practice.

At this time, the licensee involved in the upcoming Informal Conference and his attorney joined the meeting and based on the licensee's request, the Board voted (Dr. DeKay, 2nd by Mrs. Walker, based on 32 MRS §2591-A(1)) to go into Executive Session. Dr. deKay recited the Informal Conference script.

Once again in Public Session, the Board took this action:

II. Informal Conference – INV11-06

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to table any action on the investigation for 6 months, obtaining a PMP at that time for review and gathering any necessary material based on the Case Reporter's review of that PMP. The licensee will be invited back for a review at that time. Dr. Thomas, Case Reporter, did not vote.

III. Minutes/Revenue & Expense Reports

A. March 2013 Board Meeting Minutes

The March minutes were not finalized and ready for review.

B. Revenue & Expense Report

Board members reviewed and accepted the revenue & expense reports for March 2013.

IV. Isabella Askari, DO – Discussion re Application for Permanent Licensure

The applicant met with the Board to discuss questions related to work scheduling and how she would handle issues that might arise in the future surrounding her sleep problems. Following the interview, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted unanimously to approve the application for permanent licensure presented by Isabella Askari, DO.

V. James Kirsh, D.O. – Presentation Pursuant to Consent Agreement

Following his presentation to the Board (as required pursuant to his Consent Agreement), the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to accept the presentation as having satisfied the requirement that the licensee share with the Board what he learned from the Vanderbilt University course regarding sexual boundaries and how he will use what he learned to avoid sexual boundary violations in the future. Ms. McIntyre, Case Reporter, did not vote.

VI. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted receipt of the report of the required evaluation and voted (motion by Dr. deKay, 2nd by Mrs. Walker) to go into Executive Session pursuant to 1 MRS 405(1)(F). Based on their review, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted to invite the licensee to attend an Informal Conference at an upcoming meeting to discuss the evaluation and his plans for the future. Dr. Gaddis, Case Reporter, did not vote.

B. Alfred Cichon, PA-C

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

C. Paul G. Gosselin, DO

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

D. James Kirsh, DO

Ms. McIntyre, Case Reporter, noted no new issues of concern. No Board action was necessary.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, noted no new concerns. The Board then reviewed a request from the licensee that he be relieved of further obligations. The Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to table any action on the licensee's request at this time and to review it again in the future. Dr. Palman, Case Reporter, did not vote.

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted no new concerns. The Board then reviewed the licensee's request for an amendment to his Consent Agreement which would allow him to work with/for Dustin Sulak, DO at Dr. Sulak's Falmouth practice. The Board tabled any action on the request asking that the licensee solicit commentary from his treatment providers for consideration at an upcoming meeting.

G. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no issues of concern and that the licensee remains unemployed.

H. Lawrence P. Strohmeyer, DO

In the absence of Dr. Rydell, Case Reporter, no new issues were brought to the attention but it was noted that the licensee remains unemployed and now appears to live in New Jersey. The licensee has not, to date, submitted his application for license renewal which was due on February 28, 2013 (second notice was sent following the March Board meeting). No action was taken at this time.

I. Charles Sullivan, DO

Dr. Thomas, Case Reporter, noted that no clinical concerns have been brought to the Board's attention. Board members noted no additional installment payments (balance is \$845.55) but that the licensee did submit his license renewal application and fee (on March 18, 2013). The Board then took this action:

MOTION: Made by Dr. Palman, seconded by Dr. deKay and voted to deny the licensee's application for renewal based on non-compliance with the terms of his Board Order. Dr. Thomas, Case Reporter, did not vote.

J. Donald Yorkey, DO

Dr. deKay, Case Reporter, noted no concerns.

VII. Miscellaneous

A. Federation of State Medical Boards

Board members reviewed this Board's Annual Summary of Board Actions prepared for the annual meeting of the FSMB to be held later this month. No action was necessary.

VIII. Licensure Matters

A. DO Permanent Licensure Applications

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

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to approve the applications for permanent licensure submitted by André Couture, D.O.; Khanh Nguyen, D.O., Lauren Desmarais, D.O., Ronny Greenberg, D.O. and Michael Leins, D.O.

Following discussion regarding an application from a physician assistant, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the application submitted by Mayra Brink, PAC

IX. New Legal Representation

AAG Carney announced that she will be taking a new position within the AG's office and will no longer represent the Board. She will plan to accompany the new AAG to the May 2013 meeting. Board members expressed their disappointment that she would no longer represent the Board but were also pleased for her to have this new opportunity.

X. Adjournment

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

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to adjourn at 2:15 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Minutes of May 9, 2013 Board Meeting – 9:30 a.m. – 12:00 p.m.

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

Others Present: Susan E Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Andrew Black, Assistant Attorney General; Lonnie Lauer, DO; Emily Bloch, Esquire

I. Introductions

AAG Andrew Black, Chief of the Professional and Financial Regulation Division, Attorney General's Office, joined the meeting to introduce the Board's new attorney, AAG Michael Miller. AAG Miller has worked at the AG's office for several years, most recently as Director of the Healthcare Crimes Unit. Board members and staff look forward to working with AAG Miller.

II. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. Ms. McIntyre recited the Complaint Review script.

A. INV11-03

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

MOTION: Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to take the steps necessary to revoke the licensee's Maine license. AAG Miller will present a document for review and signature at the June 2013 meeting.

At this time, the Board voted (Dr. Thomas, Dr. Palman) to go into Executive Session based on 1 MRS 405(6)(E) and 10 MRS 8003(B)(1). Once again in Public Session, the Board took this action:

B. INV13-16

MOTION: Made by Dr. Rydell, seconded by Mrs. Walker and voted unanimously to continue the investigation and to suspend the license. Motion failed with Dr. Rydell and Mrs. Walker in favor and Drs. deKay, Palman and Gaddis opposed.

Following discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to subpoena records and continue the investigation to determine, among other things, if the patients listed on the PMP are legitimate. Dr. Thomas, who agreed to serve as Case Reporter, did not vote.

After additional discussion, this amendment was made to the motion:

AMENDMENT TO MOTION: Made by Dr. Gaddis, seconded by Mrs. Walker and voted unanimously to order the licensee to undergo an evaluation, as allowed by statute, as soon as possible. Dr. Thomas, Case Reporter, did not vote.

C. CR12-42

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

MOTION: Made by Dr. Gaddis, seconded by Mrs. Walker and voted unanimously to table further review of/any action regarding the complaint until such time as the Case Reporter has had an opportunity to review the operative note.

D. CR12-43

Review of this complaint was tabled; Board members asked that the ACOG (American College of Obstetricians & Gynecologists) be contacted to obtain any written policy documents or opinions regarding obstetricians performing breast surgery.

E. CR12-46

Because the licensee is not currently licensed to practice in Maine, the Board took this action after reviewing the complaint, response and rebuttal:

MOTION: Made by Dr. deKay, seconded by Dr. Gaddis and voted to table any review of/action regarding CR12-46 until such time as the licensee is again licensed. Dr. Thomas, who has recused himself from participation in matters related to this licensee, did not vote. Dr. Rydell, Case Reporter, did not vote.

F. CR13-02

Following their review of the complaint and response, 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 further Board action.

G. CR13-07

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

II. Minutes/Revenue & Expense Reports

A. March & April 2013 Board Meeting Minutes

Neither the March nor April 2013 minutes were finalized and ready for review.

B. Revenue & Expense Report

Board members reviewed and accepted the revenue & expense reports for April 2013.

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

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

B. Alfred Cichon, PA-C

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

C. Paul G. Gosselin, DO

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

D. James Kirsh, DO

Ms. McIntyre, Case Reporter, noted that the licensee paid his fine, in full. No issues of concern were noted.

E. Bradley Libenson, DO

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

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted the licensee's request for approval to work with Dustin Sulak, DO at his Interg8 practice in Falmouth. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to decline approval of the licensee's request. Dr. deKay, Case Reporter, did not vote.

G. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no issues of concern and that the licensee remains unemployed.

H. Lawrence P. Strohmeyer, DO

Dr. Rydell, Case Reporter, noted no new issues. No Board action was necessary at this time.

I. Charles Sullivan, DO

Dr. Thomas, Case Reporter, noted that no clinical concerns have been brought to the Board's attention. Following some discussion, the Board took this action:

MOTION: Made by Dr. Gaddis to ask the licensee about CME but withdrawn due to no second.

Following additional discussion, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to leave the license in pending status until such time as AAG Miller has had an opportunity to review the matter and report back to the Board. Dr. Thomas, Case Reporter, did not vote.

J. Donald Yorkey, DO

Dr. deKay, Case Reporter, noted no concerns.

IV. Miscellaneous

A. Federation of State Medical Boards

Dr. Rydell, who represented the Board at the Federation's annual meeting in Boston, reported on several topics of interest such as Maintenance of Licensure/Maintenance of Certification, Demographics and future needs and post-graduate training, specifically the number of years. No Board action was necessary.

B. MedScape Article

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

V. Licensure Matters

A. Permanent Licensure Applications

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

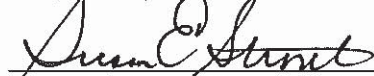
MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the applications submitted by Darlena Darla Leins, D.O.; Erin Reardon, D.O., Christina Zimmerman, D.O., Carrie Janinski, D.O., Jason Frost, D.O. and Emily Denney, D.O.

VIII. Adjournment

There being no further business except a visit and lunch with former Board member Lonnie C. Lauer, D.O., the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Rydell and voted unanimously to adjourn at noon.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan E. Strout", 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 July 11, 2013 Board Meeting – 9:30 a.m. – 11:45 a.m.

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

Others Present: Susan E Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Albert Amalfitano, D.O.; Laurie Thornberg, RNC

I. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. Dr. Thomas recited the Complaint Review script.

A. CR2013-08

Following review of and discussion regarding the complaint, 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 Board action.

B. INV2012-01

Following review of the proposed complaint and based on the Board's review of the information presented, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to initiate the complaint, as drafted. Dr. Rydell, Case Reporter, did not vote.

At this time, the Board voted (motion by Dr. deKay, 2nd by Dr. Rydell) to go into Executive Session based on 10 MRS 8003-B(1) and 1 MRS 405(6)(E). Once again in Public Session (motion by Dr. deKay, 2nd by Dr. Gaddis), the Board took this action:

C. INV2013-28

MOTION: Made by Dr. Gaddis, seconded by Dr. deKay and voted unanimously to issue a complaint based on the licensee's failure to report his arrest for OUI. Dr. Thomas, Case Reporter, did not vote.

II. Minutes/Revenue & Expense Reports

A. June 2013 Board Meeting Minutes

Following their review of the June 2013 meeting minutes, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to approve the meeting minutes for June 2013 as written.

B. Revenue & Expense Report

Board members reviewed and accepted the revenue & expense report for June 2013.

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

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

B. Alfred Cichon, PA-C

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

C. Paul G. Gosselin, DO

Dr. Thomas, Case Reporter, noted no issues except that which was noted at an earlier time in the meeting.

D. James Kirsh, DO

Ms. McIntyre, Case Reporter, noted that the licensee paid his fine, in full. No issues of concern were noted.

E. Bradley Libenson, DO

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

F. Charles Perakis, DO

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

Dr. deKay mentioned that it might be a good idea for those serving as Case Reporters to check in with the licensees periodically to see how things are going.

G. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no issues of concern. AAG Miller noted that she would double check on the term of the licensee's Consent Agreement and Dr. Thomas will reach out to the licensee for an update regarding his plans if/when the Consent Agreement is terminated. The Board will look for his participation in the Medical Professionals Health Program to continue.

H. Lawrence P. Strohmeyer, DO

Dr. Rydell, Case Reporter, noted no new issues. The Executive Secretary noted at least 6 patients who have contacted the Board office over the past several weeks hoping for assistance with getting their medical records since their personal attempts had been unsuccessful. The Board asked that Det. Gioia attempt to locate the licensee as well as traceable mail to be sent from the Board office.

I. Charles Sullivan, DO

Dr. Thomas, Case Reporter, noted that no clinical concerns have been brought to the Board's attention. AAG Miller noted having spoken with the licensee and that he will be contacting the Board with a request regarding additional time to reply to the Board's recent correspondence.

J. Donald Yorkey, DO

Dr. deKay, Case Reporter, noted no concerns.

IV. Miscellaneous

A. Medical Professionals Health Program Annual Contract

AAG Miller noted that the Office of the Attorney General is still reviewing the proposed revised protocols (proposal from the MMPHP). The Executive Secretary noted that the other licensing Boards are renewing their contracts still using the 2011 protocol currently in place.

MOTION: Made by Dr. deKay, seconded by Dr. Palman to renew the contract for one (1) year using the (2011) protocol currently in place.

At the request of the licensee (pursuant to 32 MRS 2591-A(1)), the following Informal Conference was held in Executive Session. Ms. McIntyre recited the Informal Conference script. Once again in Public Session, the Board took these actions:

V. Informal Conference – INV2012-09

MOTION: Made by Dr. Rydell, seconded by Dr. deKay and voted unanimously to approve the licensee's application for renewal (through October 31, 2014).

MOTION: Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to amend the licensee's Consent Agreement requiring 1) an annual neuropsychological examination with a full report to the Board (directly from the examiner), 2) the name of the licensee's medical malpractice insurance carrier and a copy of the face sheet or summary of his policy, 3) a list of his employees including their credentials and duties, and 4) to state the expectation that the medical offices will be properly maintained, that appropriate hygiene practice will be followed, that appropriate security measures will be in place, that access to medical records will be provided in accordance with the law, and that the licensee will develop a plan for the transition of his practice.

The above is a summary only of the terms of the amendment – the full text of the amendment should be reviewed once it has been signed by all parties.

VI. Licensure Matters

A. Permanent Licensure Applications

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

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the applications submitted by Amanda Iantosca, D.O.; John Weston, D.O., Elizabeth Robinson, D.O., Maureen Sauvage, D.O., Michael Sands, D.O., Christine Kleinman, D.O., Jessika Hinz, D.O., Kathryn Barus, D.O., Catherine Boucher, D.O., Terrance Gray, D.O.

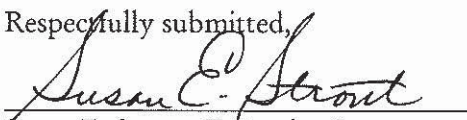
VII. New Laws

AAG Miller provided a brief overview of newly enacted laws that will/may affect the Board and/or licensees' practices. Copies of those noted will be sent to the Executive Secretary and forwarded to Board members.

VIII. Adjournment

There being no further business, the meeting was adjourned at 11:45 a.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 8, 2013 Board Meeting – 9:30 a.m. – 11:50 a.m.

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

Others Present: Susan E Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant

I. Complaints & Investigations

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

A. INV11-03

AAG Miller noted that the former licensee had sent the Board a request for reconsideration of the Board's order revoking his Maine license. She advised the Board that because he had appealed that decision to the Superior Court and because it was a final agency order, the Board did not have jurisdiction to consider the request for reconsideration.

B. CR2012-30

Following review of the complaint, this motion was made:

MOTION: Made by Dr. deKay to invite both the complainant (a licensee of this Board) and the licensee of this Board against whom the complaint was filed, to attend an Informal Conference in 2-3 months and to read 'Responsible Opioid Prescribing' by Scott M Fishman, M.D. in the meantime to be prepared for a discussion about the pros and cons of prescribing large amounts of opioid medications.

Receiving no second to that motion, it was withdrawn and after additional discussion, the Board took this action:

MOTION: Made by Dr. Rydell, seconded by Dr. deKay and voted unanimously to subpoena charts of 30 patients who receive high amounts of prescriptions.

Dr. Rydell, will serve as Case Reporter for the above matter (CR2012-30).

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

C. CR2012-53

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.

D. CR2013-03

Following a brief discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to table any action on this complaint pending the receipt of additional, relevant medical records.

E. CR2013-22

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

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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 Board action. Drs. Thomas and Rydell did not vote.

F. CR2013-26

Following review of the complaint, response and a request to withdraw from the complainant, 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 Board action.

G. CR2013-27

Following review of the licensee's request for additional time to respond to the Board's correspondence, the Board took this action:

MOTION: Made by Mrs. Walker, seconded by Dr. deKay and voted to table any action on the matter at this time. Dr. Thomas, Case Reporter, did not vote.

H. INV2013-7

Following their review of the investigative materials presented, Board members 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 discuss his practice/patient care. Dr. Palman, Case Reporter, did not vote.

I. INV2013-33

Board members reviewed materials received from the New Hampshire Board and took this action:

MOTION: Made by Dr. deKay, seconded by Mrs. Walker and voted unanimously to table any action pending additional information/medical records from the NH Board.

At this time, the Board voted to go into Executive Session (Mrs. Walker, Dr. Thomas) pursuant to 1 MRS §405(6)(E) in order to receive an update regarding pending litigation. Once again in Public Session (Ms. McIntyre, Dr. Palman), it was noted that the Board had received an update from AAG Jonathan Bolton regarding a pending court matter.

II. Minutes/Revenue & Expense Reports

A. July 2013 Board Meeting Minutes

Following their review of the July 2013 meeting minutes, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Palman and voted to approve the meeting minutes for July 2013 as written. Mrs. Walker, who was not present at the July 2013 meeting, did not vote.

B. Revenue & Expense Report

The Executive Secretary noted that with the meeting being so early in the month, the report was not yet available.

III. Consent Agreement Compliance Issues, Updates, etc.

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted no patient care concerns but that there were multiple discrepancies between his patient appointment chart and the prescriptions written. The Executive Secretary will send the licensee a letter outlining the discrepancies and requesting an explanation.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, noted no patient care concerns. The Executive Secretary reported that the licensee's supervising physician did not renew her license in a timely manner and is now expired. The Board took this action:

MOTION: Made by Dr. deKay, seconded by Mrs. Walker and voted unanimously to notify the licensee that his Primary Supervising Physician is not licensed to practice and that he needs to find another supervising physician immediately. In the meantime, he is not authorized to practice. Dr. Palman, Case Reporter, did not vote.

C. Paul G. Gosselin, DO

Dr. Thomas, Case Reporter, noted no new issues.

D. James Kirsh, DO

Ms. McIntyre, Case Reporter, noted no issues of concern. No Board action was necessary.

E. Bradley Libenson, DO

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

F. Charles Perakis, DO

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

G. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted no issues of concern. AAG Miller noted that the Board is due to review the terms of the licensee's Consent Agreement in January 2014.

H. Lawrence P. Strohmeyer, DO

Dr. Rydell, Case Reporter, noted no new issues. The Executive Secretary noted that the licensee did provide information for patients to obtain their medical records. Det. Gioia noted that he had also been in touch with the licensee's probation officer regarding his whereabouts.

I. Charles Sullivan, DO

Dr. Thomas, Case Reporter, noted that no clinical concerns have been brought to the Board's attention. The Executive Secretary noted that the licensee reported a \$25 payment toward the monies due to the Board should be received soon.

J. Donald Yorkey, DO

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

IV. Miscellaneous

A. Hospice News Network

Board members reviewed the newsletters. No Board action was necessary.

B. FSMB Matters

1. e-News

Board members reviewed the newsletter. No Board action was necessary.

2. Maintenance of Licensure Update

Board members noted and briefly discussed the updated information. No Board action was necessary.

3. Board of Directors Meeting Highlights

Board members reviewed and noted the highlights. No Board action was necessary.

V. Licensure Matters

A. Permanent Licensure Applications

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

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to approve the applications submitted by Robert Stevens, D.O.; Jacob Stinson, D.O., Karl Saba, D.O. and John Lowery, D.O.

MOTION: Made by Mrs. Walker, seconded by Dr. Gaddis and voted unanimously to table action on the permanent licensure application submitted by John Caramagna, D.O. pending the receipt of a complete application and additional, up to date, reference(s).

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the applications submitted Karis Gale, PA-C and her primary supervising physician, David J. Rydell, D.O. Dr. Rydell did not participate in the discussion and did not vote.

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the application for permanent licensure submitted by Yoon Kim Cohen, D.O.

VII. Adjournment

There being no further business, the meeting was adjourned at 11:50 a.m.

It was noted that the Board will not meet in September 2013 and will again meet on Thursday, October 10th.

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 10, 2013 Board Meeting – 9:30 a.m. – 12:45 p.m.

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

Others Present: Susan E Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Christopher Taintor, Esquire; Michael Duddy, Esquire; Ramona Titus

I. New Board Members Welcomed

Ms. McIntyre introduced and welcomed new Board members, Katherine Norfleet, Public Member and Natania Piper, D.O. to their new roles and offered each an opportunity to share a bit about their background and interests, etc.

II. AAG Miller Advice re: Dual Licensee Responses to a Complaint

AAG Miller advised the Board that a policy should be in place for review when a licensee has been advised (by his or her own legal counsel) to submit dual responses to a complaint. This is generally done when the licensee feels there may be imminent danger to him or herself or, in fact, to the complainant (in some cases, a spouse or significant other will have filed a complaint, having coerced the patient into signing the necessary forms) or a complainant may not have the ability to comprehend the terms used. Section 2591-A requires that the Board share the licensee response with the complainant unless it determines that it would be detrimental to the health of the complainant to receive the response. AAG Miller recommended that a determination in accordance with the statute be made for any matter which a licensee submits dual responses. Materials should be reviewed by a Case Reporter, the Executive Secretary, the Consumer Assistant and counsel and a determination made whether a dual response will be accepted by the Board.

III. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. Dr. Thomas recited the complaint script.

A. CR2013-21

Following their review of the complaint, this motion was made:

MOTION: Made by Dr. Rydell to subpoena, for investigation, the medical records of any of this licensee's patients who passed away in the last year. This motion was not seconded and failed.

Following additional discussion, this motion was made:

MOTION: Made by Ms. Walker, seconded by Dr. Rydell and voted to dismiss the complaint with a letter reminding the licensee that as the primary care physician, he is responsible for maintaining a broad perspective overlooking the entire health circumstances of his patients, including circumstances involving complex situations with several health care specialists providing treatment. Motion carried; Dr. Piper was opposed.

B. CR2012-43

Following review of the complaint, this motion was made:

MOTION: Made by Dr. Rydell, seconded by Dr. Piper and voted to schedule an Adjudicatory hearing on this matter and to offer a Consent Agreement in lieu thereof. The terms of the Agreement would be a reprimand, and a restriction that he not perform breast surgeries or biopsies until he establishes to the satisfaction of the Board that he is competent to perform such procedures and a requirement that he present the Consent Agreements to the medical staff of any hospital with which he is affiliated or associated with. Motion carried; Dr. Thomas was opposed.

Dr. Rydell, will serve as Case Reporter for the above matter (CR2012-43).

C. CR2013-03

Following review and discussion, the Board took this action:

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

D. CR2013-04

Following review and discussion, the Board took this action:

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

E. CR2013-05

Following review and discussion, the Board took this action:

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

F. CR2013-06

Following review and discussion, the Board took this action:

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

G. CR2013-08

Following review and discussion, the Board took this action:

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

H. CR2013-14

Following review and discussion, the Board took this action:

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

Dr. Rydell questioned why the Board was reviewing complaints which the complainant did not follow through on. Staff explained that this has been the practice for years as it allows the Board to review what has been received and to determine itself if the matter is of concern enough to initiate a complaint on its own motion. Following

discussion, it was determined that a Case Reporter will be assigned to every complaint upon receipt and that in cases where the complainant does not follow through, the Case Reporter will determine, prior to review by the full Board, whether or not the matter rises to a level which would require investigation such as subpoenaing medical records.

I. CR2013-15

MOTION: Made by Dr. Thomas, seconded by Dr. Piper and voted unanimously to invite the parties to attend an Informal Conference at an upcoming meeting.

J. CR2013-24

Following review and discussion, the Board took this action:

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

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

K. CR2013-29

MOTION: Made by Dr. Thomas, seconded by Ms. Norfleet and voted unanimously to invite the licensee to attend an Informal Conference at an upcoming scheduled meeting. Dr. Rydell asked that AAG Miller subpoena a list of the licensee's privileges at the hospital where he is currently employed.

L. CR2013-30

Following review, the Board took this action:

MOTION: Made by Dr. Rydell, seconded by Ms. Norfleet and voted unanimously to hold an Adjudicatory Hearing and to offer a Consent Agreement in lieu thereof. The terms of that Agreement would include a censure, the requirement that a substance abuse evaluation be done followed by five years probation in the event that treatment and testing is recommended as a result, along with regular reports to be determined by the Board. Dr. Thomas, Case Reporter, did not vote.

M. CR2013-31

Prior to review and at the request of the Executive Secretary, the Board took this action:

MOTION: Made by Ms. Walker, seconded by Ms. Norfleet and voted unanimously to table review and action on this complaint.

IV. Minutes/Revenue & Expense Reports

A. August 2013 Board Meeting Minutes

Following their review, the Board took this action:

MOTION: Made by Ms. Walker, seconded by Dr. Rydell and voted to approve the meeting minutes for August 2013 as written. It was noted that the new Board members did not vote as they had not yet been appointed to the Board when the meeting was held.

B. Revenue & Expense Report

Board members reviewed and accepted the reports.

V. Adjudicatory Hearing

It was noted that the hearing was cancelled. Dr. Gaddis serves as Case Reporter on the matter.

VI. Consent Agreement/Board Order Compliance & Updates

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, was not present. The Executive Secretary noted that the Consent Agreement offered by the Board following the prior Informal Conference had not yet been received. The Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to schedule an adjudicatory hearing if the signed document has not been received by October 31, 2013.

B. Alfred Cichon, PA-C

Dr. Palman, Case Reporter, was not present. The Executive Secretary noted the request for approval of Mary Ashmore, D.O. to serve as Primary Supervising Physician (replacing Susan Shaw, D.O.). Board members reviewed a draft amendment (written by Mr. Cichon) to his current Consent Agreement and took this action:

MOTION: Made by Ms. Walker, seconded by Dr. Thomas and voted unanimously to 1) approve Mary Ashmore, D.O. to serve as Mr. Cichon's primary supervising physician (temporary approval had been granted several weeks ago and, 2) to approve an amendment to the current Consent Agreement stating that the (PA) licensee must be supervised by a (DO) licensee approved by this Board.

B.1. Susan S. Shaw, D.O.

This matter was brought to the Board's attention due to the fact that that Mr. Cichon's previously approved Primary Supervising Physician, Susan S Shaw, D.O. was not licensed due to late renewal and lack of statutorily required Continuing Medical Education. In the meantime, Dr. Shaw had completed her renewal paperwork, paid the fee in full and provided documentation of all required CME. The Board took this action:

MOTION: Made by Dr. Rydell, seconded by Ms. Norfleet and voted unanimously to renew Dr. Shaw's license to practice in Maine.

C. Paul G. Gosselin, DO

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

D. James Kirsh, DO

Ms. McIntyre, Case Reporter, noted no new issues. No Board action was necessary.

E. Bradley Libenson, DO

Dr. Palman, Case Reporter, was not present. No new concerns were noted. No Board action was necessary.

F. Charles Perakis, DO

Dr. deKay, Case Reporter, was not present. No new concerns were noted. No Board action was necessary.

G. Craig Schiff, DO

Dr. Thomas, Case Reporter, noted continued compliance with no issues of concern having been brought to the Board's attention. Noting his progress and that his Consent Agreement is scheduled for review in January 2014, this motion was made:

MOTION: Made by Ms. Walker, seconded by Dr. Rydell and voted unanimously to terminate the Consent Agreement entered into between the Board and Craig Schiff D.O., effective immediately.

H. Lawrence P. Strohmeier, DO

Dr. Rydell, Case Reporter, noted no new issues. The Executive Secretary noted that the licensee holds no current licenses to practice in the United States.

I. Charles Sullivan, DO

Dr. Thomas, Case Reporter, noted that no clinical concerns have been brought to the Board's attention.

J. Donald Yorkey, DO

Dr. deKay, Case Reporter, was not present. No concerns were noted by others. No Board action was necessary.

VII. Miscellaneous

A. Det. Gioia – New Information re: Drug Diversion

Det. Gioia reported having attended a recent forum regarding drug diversion and distributed a pamphlet *Diversion Alert* to Board members and staff. The goal of the program is to improve legitimate access to prescription medication by better informing prescribers and pharmacists about illegal prescription drug activities. Copies of the pamphlet are available upon request and will be shared with the Maine Osteopathic Association.

B. Discussion re: PA Rule Changes/Revision(s)

Ms. McIntyre updated the Board regarding conference calls/discussions and work regarding the new PA rule. It is hopeful that a draft version will be ready for Board review within the next few months.

C. Hospice News Network

Board members reviewed the newsletters. No Board action was necessary.

D. Federation of State Medical Boards Matters

1. First Call for Nominations

Board members reviewed and briefly discussed the request.

2. First Call for Appointments

Board members reviewed and briefly discussed the request.

3. First Call for Resolutions

Board members reviewed and briefly discussed the request.

4. Call for Proposed Amendments to Bylaws

Board members reviewed and noted the request for proposed amendments.

E. FDA Letter re Hyperbaric Oxygen Therapy Treatment Centers

Board members reviewed the letter and asked that a copy be forwarded to the Maine Osteopathic Association.

VIII. Licensure Matters

A. Casey F Onik, D.O.

Board members reviewed a request from this licensee for a deferred payment of his renewal fee. The Executive Secretary noted that since submitting the letter, the licensee had paid his fee and everything was in order. The Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Rydell and voted unanimously to authorize the renewal of Dr. Onik's license to practice in Maine.

B. SMMC Proposed Changes to PA Plan of Supervision

Board members reviewed and agreed to approve the plan which had been revised to account for the electronic medical records system.

C. DO Applications

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

MOTION: Made by Dr. Rydell, seconded by Dr. Thomas and voted unanimously to approve the applications submitted by Matthew Stevens, D.O., Amy Dudley, D.O., Patricia Hunt Waffenschmidt, D.O., Michael McCarten, D.O., David TK Nguyen, D.O., Jennifer Salisbury, D.O., Jill Weber, D.O., Amir Emami, D.O.

MOTION: Made by Ms. Walker, seconded by Dr. Rydell and voted unanimously to table action on the permanent licensure applications submitted by Olaseni Shoroye, D.O. and Stephen Williams, D.O. pending receipt of information regarding their failure to answer one question each on their respective applications. The Board authorized Ms. McIntyre to approve the applications for issue upon receipt of satisfactory information. Det. Gioia will assist with any investigation required.

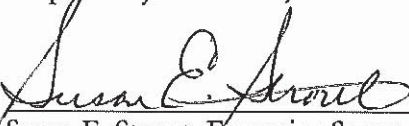
PA Applications

There were no new PA applications ready for review.

IX. Adjournment

There being no further business, the meeting was adjourned at 12:45 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 14, 2013 Board Meeting – 9:30 a.m. – 11:45 p.m.

Members Present: Marty W. McIntyre, Chair; Scott Thomas, DO; Board Secretary; Joseph R. D. deKay, DO, Vice-Chair, David J. Rydell, DO; Kathy Walker, Public Member; Natania Piper, DO; Katherine Norfleet, Public Member; John F. Gaddis, DO; Gary Palman, DO

Others Present: Susan E Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant

I. Complaints & Investigations

Complaints and investigations are reviewed in Public Session without the use of names. Dr. Thomas recited the complaint script.

A. CR2013-17

Following their review of the complaint, this motion was made:

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

B. CR2013-18

Following their review of the complaint, this motion was made:

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

C. CR2013-19

Following their review of the complaint, this motion was made:

MOTION: Made by Dr. deKay, seconded by Ms. Norfleet and voted to dismiss the complaint as it did not rise to a level which would warrant Board action. Dr. Rydell was opposed.

D. CR2013-25

Following review and discussion, the Board took this action:

MOTION: Made by Ms. Walker seconded by Dr. deKay 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.

II. Minutes/Revenue & Expense Reports

A. October 2013 Board Meeting Minutes

This was tabled as the minutes were not ready for review.

B. Revenue & Expense Report

Board members reviewed and accepted the reports.

III. Consent Agreement/Board Order Compliance & Updates

A. Albert Amalfitano, DO

Dr. Gaddis, Case Reporter, noted that although the licensee did sign the proposed amendment to his Consent Agreement, he did not do so in a timely manner nor did he respond to the Board's request for information regarding multiple patient visits/prescriptions. The licensee also stopped utilizing triplicate, numeric prescription pads. Following discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to schedule an Adjudicatory Hearing due to non-compliance with multiple terms of his Consent Agreement. Dr. Gaddis, Case Reporter, did not vote.

The Board interrupted its review of Consent Agreement/Board Order Compliance & Updates for this scheduled meeting.

IV. Interview/Meeting – Julie Wise, PA-C & Matija Burtis, D.O

Ms. Wise and Dr. Burtis were asked to join the meeting to discuss their PA/DO supervisory relationship. Following the interview, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. Walker and voted unanimously to approve the applications submitted by Ms. Wise and Dr. Burtis.

III. Continued...

The Board resumed its review of Consent Agreement/Board Order Compliance Issues/Updates

B. Alfred B Cichon, PAC

Dr. Palman, Case Reporter, noted that the licensee had not signed the amendment to his Consent Agreement as approved at the October meeting and that he has not heard from him. The Board asked that a letter be sent to the licensee to determine if there was a reason why the document had not yet been signed. The Executive Secretary also noted having spoken with Mary Ashmore, D.O. (Mr. Cichon's Primary Supervising Physician) because the monthly report submitted by Dr. Ashmore appeared to indicate that no patients had been seen in October. Dr. Ashmore confirmed that, in fact, 8 patients had been seen. It was determined that 'No patients seen' was apparently Mr. Cichon's abbreviation for 'Number of patients seen'. Mrs. Strout provided Dr. Ashmore with an appropriate reporting form for future use though Dr. Ashmore noted that it was possible the contract with the jail would not be renewed in January 2014 as it was her understanding that a different company was awarded the contract to provide health care at the jail.

C. Paul G. Gosselin, DO

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

D. James Kirsh, DO

Ms. McIntyre, Case Reporter, noted no new issues. The Board reviewed a letter from Dr. Kirsh indicating that he had completed the final requirement of his Board Order, having done a presentation at the University of New England, College of Osteopathic Medicine on October 16, 2013. The Board asked that the Executive Secretary confirm the presentation.

E. Bradley Libenson, DO

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

F. Charles Perakis, DO

Dr. deKay, Case Reporter, noted no issues/new concerns. No Board action was necessary.

G. Lawrence P. Strohmeier, DO

Dr. Rydell, Case Reporter, noted no new issues. The Executive Secretary reminded the Board that the former licensee is no longer in Maine and has no license in this country. The Board agreed that there is no further need to include a status report on the meeting agenda.

H. Charles Sullivan, DO

Dr. Thomas, Case Reporter, noted that no clinical concerns have been brought to the Board's attention and that a hearing is scheduled for the December meeting.

I. Donald Yorkey, DO

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

V. Miscellaneous

A. Federation of State Medical Boards Matters

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

B. Professional Boundaries, Inc. – Notice of Prescribing Course

Board members reviewed the notice of the new course. No action was necessary.

C. AAG Miller – Power Point Presentation re Body Modifications

Board members viewed the power point presentation and discussed at length whether or not some of the procedures would be considered the practice of medicine and if so, whether steps should be taken to pass legislation. The Board took no action.

D. Joint PA Rule Update – Ms. McIntyre

The Board was notified that work on the joint rule continues and that the major difference will be the issue of Schedule II prescribing. Once a final draft has been prepared, it will be presented for review and discussion.

E. Model Policy for the Appropriate Use of Telemedicine Technologies in Medicine (FSMB¹)

Dr. deKay noted the working draft received by all members; this matter will be placed on the December agenda.

VI. Licensure Matters

A. DO Applications

There were no applications ready for final review.

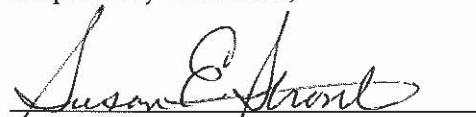
B. PA Applications

There were no applications ready for final review.

VII. Adjournment

There being no further business, the meeting was adjourned at 11:45 p .m.

Respectfully submitted,


Susan E. Strout, Executive Secretary

¹ Federation of State Medical Boards