

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 January 9, 2014 Board Meeting – 9:30 a.m. – 11:30 a.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; Emily Bloch, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association

**I. Complaints & Investigations**

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

**A. CR2013-34**

Following their review of the materials presented regarding this complaint matter and upon advice of AAG Miller regarding the issue of dual responses, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Walker and voted not to send the second response to complainant due to the potential for harm (to the complainant). Dr. Rydell was opposed.

The Board then 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.

**B. CR2013-36**

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

**MOTION:** Made by Dr. Gaddis and seconded by Dr. Piper to table action on this complaint pending further investigation. Drs. Gaddis and Piper withdrew their motion/second.

Following additional discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted to table any action pending further investigation (as instructed by the Board during discussion). Drs. Thomas and Piper were opposed; Dr. Rydell did not vote.

**C. CR2013-37**

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

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

**D. CR2013-27**

Following review of the draft Decision & Order, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to accept the decision but to check with the hearing officer to see if costs can be added as is customary in such matters. If costs

can be assessed, the order should be brought back to the Board at the February meeting; if not, it will be signed as soon as possible by the Board Chair.

## **II Consent Agreement/Board Order Compliance & Updates**

### **A. Albert Amalfitano, DO**

Dr. Gaddis, Case Reporter, and AAG Miller presented the Consent Agreement and Board Order which was signed by the licensee on January 7, 2014. Following thorough review, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to accept the document as written and signed.

**MOTION:** Made by Dr. Rydell, seconded by Dr. deKay and voted to remind the licensee that the Board expects compliance with all terms of his Agreement as well as those outlined in the most recent 5<sup>th</sup> Amendment to Consent Agreement including triplicate pads. Information from the American Osteopathic Association regarding practice closure should also be provided. Drs. Palman and Thomas were opposed. Dr. Gaddis, Case Reporter, did not vote.

### **B. Alfred B Cichon, PAC**

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

### **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 Executive Secretary reported having trouble obtaining any response from UNE regarding the course the licensee reported having presented in October to complete the final requirement of his Consent Agreement. The Board suggested asking the licensee to assist in getting the information needed.

### **E. Bradley Libenson, DO**

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

### **F. Charles Perakis, DO**

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

### **G. Charles Sullivan, DO**

No discussion; please refer to Item 1D.

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

### **A. December 2013 Board Meeting Minutes**

**MOTION:** Made by Ms. Walker, seconded by Dr. deKay and voted unanimously to approve the December 2013 meeting minutes, as written.

### **B. Revenue & Expense Report**

Board members reviewed and accepted the report.

**IV. Miscellaneous**

**A. PA Rule Revision(s) – Discussion – Ms. McIntyre**

Ms. McIntyre presented an overview of the changes made to date and then, having received a document with multiple comments/suggestions, the following action was taken:

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to form a committee to work on the draft together. Dr. Rydell, Ms. McIntyre and Ms. Walker will work with AAG Miller and Mrs. Strout toward a draft for review at the February Board meeting.

**B. FSMB (Federation of State Medical Boards) Matters**

**1. Draft Model Policy for the Appropriate Use of Telemedicine Technologies**

Board members reviewed the materials; no action was necessary.

**2. Draft Interstate Medical Licensure Compact**

Board members reviewed the materials; no action was necessary.

**C. Hospice Network News**

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

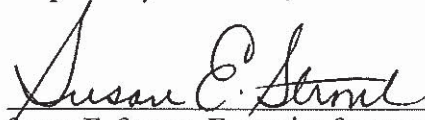
**V. Licensure Matters**

No applications were ready for final review.

**VI. Adjournment**

There being no further business, the meeting was adjourned at 11:30 a.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure  
142 Sate House Station, 161 Capitol Street  
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**Minutes of February 13, 2014 Board Meeting – 9:30 a.m. – 12:30 p.m.**

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

One complaint was reviewed in Public Session without the use of names. Because no members of the public were present, the complaint script was not recited.

**A. CR2013-16**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to table any action on the complaint pending further investigation as discussed. Dr. Thomas, Case Reporter, did not vote.

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

**A. Albert Amalfitano, DO**

Dr. Gaddis, Case Reporter, noted continued non-compliance with multiple requirements of the licensee's Agreement. Following discussion, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Dr. deKay and voted unanimously to notify the licensee that the Board wants a specific timeline for announcing his June 30, 2014 retirement/practice closure and his plans for notifying patients how to set up their continuing care and obtaining their medical records, etc. This will be required by no later than April 2<sup>nd</sup> for review at the April 10, 2014 meeting.

**B. Alfred B Cichon, PAC**

Dr. Palman, Case Reporter, noted no new issues; no Board action was necessary.

**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 the receipt of documentation of the seminar the licensee presented to medical students, as required by his Consent Agreement. Following review, Board members accepted this as having met the requirement.

**E. Bradley Libenson, DO**

Dr. Palman, Case Reporter, noted no new issues; no Board action was necessary.

**F. Michael Patnaude, DO**

Ms. McIntyre and AAG Miller noted the document in the meeting books indicating that the Board had prevailed in the court case.



**G. Charles Perakis, DO**

Dr. deKay, Case Reporter, noted no new issues; no Board action was necessary.

**H. Charles Sullivan, DO**

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

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

**A. January 2014 Board Meeting Minutes**

The January minutes were not yet ready for review.

**B. Revenue & Expense Report**

Board members reviewed and accepted the report.

**IV. Miscellaneous**

**A. Review/Discussion – Draft PA Rule – Ms. McIntyre & Dr. Rydell**

Ms. McIntyre noted that the document to be reviewed was based on a joint meeting held on January 28, 2014 with representatives of the Board of Licensure in Medicine and legal counsel to both Boards. Specific points to be addressed by this Board were noted by Ms. McIntyre. Following a lengthy discussion, it was noted that the suggestions/changes/decisions made will be shared with the MD Board. AAG Miller will continue her work on those points and others with MD Board legal counsel, Dennis Smith, AAG with the hope that another draft will be ready for review at the March 13<sup>th</sup> meeting.

**B. Federation of State Medical Boards**

**1. FCVS<sup>1</sup> Identification Changes**

Board members noted the change being made to requirements for identification. No action was necessary.

**C. Hospice Network News**

Board members reviewed the newsletters; no action was necessary.

**V. Licensure Matters**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the applications submitted by Edward Silco, D.O., Michaela Silco, D.O., Diane Kidric, D.O., Catherine Krouse, D.O., Josephine Conte, D.O., Peter Abdalla, D.O.; Christine Edwards, D.O.; Jamie Nemeth, D.O. and Michael Ross, D.O.

**VI. Adjournment**

There being no further business, the meeting was adjourned at 12:30 .m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

<sup>1</sup> Federation Credentials Verification Service

**Minutes of April 10, 2014 Board Meeting – 9:30 a.m. – 2:00 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; Norman Belanger, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association

**I. Complaints & Investigations**

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

**A. INV2011-03**

AAG Miller provided an overview of the court decision remanding the matter of the summary revocation of his license based upon criminal conviction back to the Board and that there was a pending renewal application upon which the Board should take action. The Board took these following actions:

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman to table review and discussion regarding the renewal application pending receipt of evidence of continuing medical education. That motion was then withdrawn.

Following additional discussion:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Piper and voted to deny the renewal application based upon an incomplete renewal application. Drs. Piper, Rydell and Palman were in favor of the motion; all others opposed.

Yet another motion was then made, as follows:

**MOTION:** Made by Dr. deKay, seconded by Ms. Norfleet and voted unanimously to preliminarily deny the renewal application based on the physician's lack of evidence of obtaining the required continuing medical education, his conviction, and the underlying conduct associated with his conviction. It was noted that the hearing regarding the issue for determination by the Board in the remand from District Court will also address the bases for the Board's preliminary denial of the renewal application.

**B. INV2011-06**

Following a summary from the Case Reporter, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to close the investigation. Dr. Thomas, Case Reporter, did not vote.

**C. CR2013-16**

Following an overview from the Case Reporter, the Board took this action:

**MOTION:** Made by Dr. Rydell, seconded by Ms. Walker and voted to schedule an adjudicatory hearing based on the information gathered. Drs. deKay and Palman were opposed. Dr. Thomas, Case Reporter, did not vote.

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At this time, the Board voted (Dr. deKay, 2<sup>nd</sup> by Dr. Rydell) to go into Executive Session based on 10 MRS §8003-B (2-A). Once again in Public Session (Dr. deKay, 2<sup>nd</sup> by Dr. Palman), the Board took this action:

**D. CR2013-30**

**MOTION:** Made by Dr. Rydell, seconded by Dr. deKay and voted unanimously to schedule an adjudicatory hearing on the matter. Dr. Thomas, Case Reporter, did not vote.

**E. CR2014-02**

Following review of the complaint, 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 any action against the licensee. Dr. Palman, Case Reporter, did not vote.

**F. CR2014-04**

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

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

**G. CR2014-12**

Following their review of the draft complaint, based on investigative information, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Dr. deKay and voted unanimously to send the complaint, as written, to the licensee, including a recently submitted patient complaint. Dr. Gaddis, Case Reporter, did not vote.

**H. CR2012-43**

Following review of the materials presented and AAG Miller's overview of the opinion provided by the expert reviewer in this matter, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to dismiss the complaint with a Letter of Guidance regarding referrals to specialists. Dr. Rydell, Case Reporter, did not vote.

**II. INV2012-15 – Informal Conference**

At this time, the Board voted (Dr. deKay, 2<sup>nd</sup> by Ms. Walker) to go into Executive Session based on 32 MRS §2591-A (1). Once again in Public Session (Dr. deKay, 2<sup>nd</sup> by Ms. Walker), the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. deKay and voted to close the investigation. Dr. Piper was opposed; Dr. Palman, Case Reporter, did not vote.

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

**A. Albert Amalfitano, D.O.**

Dr. Gaddis, Case Reporter, noted the licensee's continued non-compliance with multiple requirements of his Agreement. Following a discussion, it was determined that AAG Miller would contact the licensee regarding his non-compliance.

**B. Alfred B. Cichon, PA-C**

Dr. Palman, Case Reporter, reviewed the documentation in the meeting book and the Board took this action:

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**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to terminate the licensee's Consent Agreement with the Board, effective immediately and to renew his license to practice as a physician's assistant.

**C. Paul G. Gosselin, D.O.**

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

**D. James Kirsh, D.O.**

Following their review, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to terminate the licensee's Consent Agreement. Ms. McIntyre, Case Reporter, did not vote.

**E. Bradley Libenson, DO**

Dr. Palman, Case Reporter, noted no new issues. The Board reviewed a new request from the licensee to terminate his Agreement with the Board. Following discussion, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. deKay and voted unanimously to table any action on the request pending the receipt of additional information from the New Hampshire Board of Medicine regarding the outcome of pending matters in that state. Dr. Palman, Case Reporter, did not vote.

**F. Charles Perakis, DO**

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

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

**A. January & February 2014 Board Meeting Minutes**

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve both sets of minutes, as written.

**B. Revenue & Expense Report**

Board members reviewed and accepted the February & March 2014 reports.

**IV. Miscellaneous**

**A. PA Rule Revision(s) – Discussion – Ms. McIntyre**

Following their review of the draft document presented and noting several changes they were concerned had not been made as previously voted, the Board asked that a red line/strike out version be provided (from the Board of Licensure in Medicine) for review at the May meeting. AAG Miller offered to work on that document.

**B. FSMB (Federation of State Medical Boards) Matters**

It was noted that Dr. Rydell and Mr. Terranova would represent the Board at the annual meeting in Denver, CO.

**C. Hospice Network News**

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

**V. Licensure Matters**

**A. David C. McKelway, D.O.**

The Board approved the licensee's request to allow his license to expire as he will no longer be practicing medicine.

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**B. Permanent Licensure Applications**

Following circulation and review, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Walker and voted unanimously to approve these applicants for permanent licensure: Megan Johnson, D.O.; Katie Stokem, D.O.; Sarah Chamberlain, D.O.; Sarah Smith, D.O.; Matthew Perkowski, D.O.

**C. Physician Assistant Applications**

No PA applications were ready for review.

**VI. Adjournment**

There being no further business, the meeting was adjourned at 2 p.m.

Respectfully submitted,

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Susan E. Strout, Executive Secretary



**Minutes of May 8, 2014 Board Meeting – 9:30 a.m. – 11:15 a.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; John F. Gaddis, DO; Gary Palman, DO. Board Member Excused: 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; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association

**I. Complaints & Investigations**

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

**A. CR2013-38**

Following a thorough review and discussion regarding the complaint, response and other documentation, the Board took this action:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Piper to dismiss the complaint with a Letter of Guidance that reminds the licensee that timely notification to patients when leaving a practice and assisting in the transition of care for those with complicated health concerns are shared responsibilities. In addition, the letter of guidance will emphasize the importance of following his own treatment protocols; *e.g.*, if your protocol is to have INR repeated every twelve weeks, you should ensure that it is in fact followed. . Dr. Thomas was opposed; Ms. Norfleet, Case Reporter, did not vote.

**B. CR2013-41**

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

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

**C. CR2014-06**

Following a thorough review and discussion regarding the complaint, response and other documentation, the Board took this action:

**MOTION:** Made by Ms. Walker, seconded by Dr. Piper and voted to dismiss the complaint as it did not rise to a level which would warrant action against the licensee. Dr. Gaddis, Case Reporter, did not vote.

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

**A. Albert Amalfitano, D.O.**

Dr. Gaddis, Case Reporter, noted repeated non-compliance with multiple requirements of his Agreement. Following a discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to notify the licensee that the Board recognizes his non-compliance and has considered enforcement action due to the blatant lack of compliance with the terms of his Consent Agreement; that the Board expects him to continue patient transition plans including notice to all patients and a reminder that he is obligated to close his practice and surrender his license by Monday, June 30, 2014. Dr. Gaddis, Case Reporter, did not vote.

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

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

**C. Bradley Libenson, DO**

Dr. Palman, Case Reporter, noted no new issues of concern.

**D. Charles Perakis, DO**

In the absence of Dr. deKay, Case Reporter, the Executive Secretary noted no new issues.

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

**A. April 2014 Board Meeting Minutes**

The minutes were not completed and therefore not reviewed.

**B. Revenue & Expense Report**

Board members reviewed and accepted the April 2014 report.

**IV. Miscellaneous**

**A. Anesthesia Assistants – Dr. Palman**

Dr. Palman noted that anesthesia assistants always work under the direct supervision of an anesthesiologist and that there are currently 10 programs/schools in the United States.

**B. Final Review of Draft PA Rule**

Board members reviewed the document, suggested a few minor changes and took this action:

**MOTION:** Made by Dr. Palman, seconded by Dr. Rydell and voted unanimously to accept the language with the changes noted during discussion.

**C. Federation of State Medical Boards Matters**

Dr. Rydell and Mr. Terranova gave a brief overview of the annual meeting in Denver. Dr. Rydell noted that Donald Polk, D.O. was elected to serve as Chair of the FSMB Board of Directors.

**D. Hospice Network News**

Board members reviewed and briefly discussed the newsletters.

**V. Licensure Matters**

**A. Permanent Licensure Applications**

Following circulation and review, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Rydell and voted unanimously to approve these applicants for permanent licensure: Elizabeth Jasolosky, D.O.; Lisa Stout, D.O.; Emily Bryant, D.O.; Foster Goss, D.O.; David Saquet, D.O.; Michael Posch, D.O.; Peter Bertolozzi, D.O.; Nicole Warren, D.O.; Danae Kershner, D.O.; Allison Hetland, D.O.; Alicia Brown, D.O.

**B. Physician Assistant Applications**

Following circulation and review, the Board took this action:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Thomas and voted unanimously to approve these applicants for licensure: Jon Halterman, PA-C (D Mazza DO); Crystal MacClintock, PA-C (E Dennis DO).

**VI. Adjournment**

There being no further business, the meeting was adjourned at 11:15 a.m.

Respectfully submitted,

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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 12, 2014 Board Meeting – 9:30 a.m. – 12 noon**

Members Present: Marty W. McIntyre, Chair; Scott Thomas, DO; Board Secretary; David J. Rydell, DO; Kathy Walker, Public Member; Joseph R. D. deKay, DO, Vice-Chair; Natania Piper, DO; John F. Gaddis, DO; Gary Palman, DO. Board Member Excused: Katherine Norfleet, 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; Owen Pickus, Esquire; Sandra Rothera, Esquire; Emily Bloch, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association

**I. Complaints & Investigations**

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

**A. CR2013-40 & CR2014-07**

The Board discussed and considered the complaints jointly. Following thorough review and discussion regarding the complaint, response, rebuttals and other documentation, the Board took this action:

**MOTION:** Made by Dr. Rydell and seconded by Dr. Palman to dismiss the complaint with a Letter of Guidance. Motion failed with Drs. Gaddis, Piper, Thomas and Ms. McIntyre opposed. Ms. Walker, Case Reporter, did not vote.

After additional discussion, this motion was made:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted to table the matter and to invite the parties to attend an Informal Conference. Motion carried with Drs. Rydell, deKay and Palman opposed. Ms. Walker, Case Reporter, did not vote.

Ms. Walker recused herself from participation in the following complaint review and left the room prior to any discussion.

**B. CR2014-05**

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

**MOTION:** Made by Dr. Thomas and seconded by Dr. Gaddis to dismiss the complaint. Motion failed with Drs. Palman, Piper and Rydell and Ms. McIntyre opposed. Dr. deKay, Case Reporter, did not vote.

After additional discussion, these motions were made:

**MOTION:** Made by Dr. Gaddis and seconded by Dr. Palman to dismiss the complaint with a letter of guidance suggesting that the licensee review the FSMB guidelines regarding responsible opioid prescribing. Motion failed with Drs. Rydell, Thomas, Piper and Palman and Ms. McIntyre opposed. Dr. deKay, Case Reporter, did not vote.

**MOTION:** Made by Dr. Rydell and seconded by Dr. Piper to invite the licensee to attend an Informal Conference. Motion failed with Drs. Gaddis, Palman, Thomas and Ms. McIntyre opposed.

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**MOTION:** Made by Dr. Palman and seconded by Dr. Thomas to dismiss the complaint as it did not rise to a level which would warrant Board action. Motion was tied with Drs. Piper, Rydell and Ms. McIntyre opposed; Drs. Gaddis, Palman and Thomas were in favor. Dr. deKay, Case Reporter, did not vote.

**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 Board action. Motion passed with Drs. Rydell and Piper opposed. Dr. deKay, Case Reporter, did not vote.

**C. CR2014-18 & CR2014-19**

The Board considered and discussed the complaints jointly. Following thorough review and discussion regarding the complaint, response, rebuttals and other documentation, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted to proceed promptly to an Adjudicatory Hearing. Dr. Piper and Ms. McIntyre were opposed. Ms. Walker, Case Reporter, did not vote.

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

**A. Albert Amalfitano, D.O.**

Dr. Gaddis, Case Reporter, noted continued non-compliance with multiple requirements of his Agreement and reminded the Board that the licensee can no longer practice as of midnight, June 30, 2014.

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

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

**C. Bradley Libenson, DO**

Dr. Palman, Case Reporter, noted no new issues of concern. Det. Gioia will contact the NH Board investigator before the next meeting to inquire as to whether any decisions have been made regarding outstanding matters with that Board.

**D. Charles Perakis, DO**

Dr. deKay, Case Reporter, noted no new issues and reminded the Board that the licensee is not employed.

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

**A. April & May 2014 Board Meeting Minutes**

Following review, the Board took this action:

**MOTION:** Made by Ms. Walker, seconded by Dr. Thomas and voted unanimously to approve the minutes of the April and May 2014 meetings, as written.

**B. Revenue & Expense Report**

The report was not available for review. The Executive Secretary noted that the financial order requested to pay the Board's bills for the hearing officer, court reporter and other bills had been approved and that the bills had been paid.

**IV. Miscellaneous**

**A. Report on Status to Draft PA Rule**

Ms. McIntyre reported that due to issues at a recent PA Committee meeting, work on the draft PA rule is now on hold and nothing further will be done until the next legislative session.

**B. Federation of State Medical Boards Matters**

Board members reviewed the Board of Directors meeting highlights.

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**C. Hospice Network News**

Board members reviewed and briefly discussed the newsletters.

**D. Maine Osteopathic Association Spring/Summer Conference**

Ms. Westhoff noted that the conference was a success and that of particular note, Dr. deKay was presented with the Louis A. Hanson, DO Physician of the Year award.

**V. Licensure Matters**

**A. Permanent Licensure Applications**

Following circulation and review, the Board took this action:

**MOTION:** Made by Ms. Walker, seconded by Dr. Thomas and voted unanimously to approve these applicants for permanent licensure: Peter Kang, D.O.; Aaron Burg, D.O.; Monica Daigle, D.O.; Julie McDonald, D.O.; Justin Crivelli, D.O.; Rebecca Kowaloff, D.O.; Jeanette Andrews, D.O.; Jonathan Bayuk, D.O.

**B. Physician Assistant Applications**

No PA applications were presented for review.

**VI. Adjournment**

There being no further business, the meeting was adjourned at 12 noon.

Respectfully submitted,



Susan E. Strout, Executive Secretary

**Minutes of July 10, 2014 Board Meeting – 9:30 a.m. – 6:15 p.m.**

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

Others Present: Susan E Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Timothy Terranova, Consumer Assistant; Emily Bloch, Esquire; Holly Golden-Bouchard, Intern, Office of the Attorney General; Rebekah Smith, Esquire (Hearing Officer); Eric Mehnert, Esquire; Paul Gosselin, DO; Dana Clifford; Albert Languet; Wendy Languet; John Gosselin, Officer Michael Ross; Det. Steven Beaulieu; Charles Roy, R.Ph. (via teleconference).

**I. Complaints & Investigations**

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

**A. CR2014-08**

Following a thorough review and discussion regarding the complaint, response and other documentation, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Ms. Norfleet and voted unanimously to dismiss the complaint as it did not warrant further Board action. Dr. deKay, Case Reporter, did not vote.

**B. CR2014-10**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Piper and voted unanimously to dismiss the complaint and issue a Letter of Guidance reminding the licensee of the importance of being sensitive to patients and reminding him that he should consider refraining from making inappropriate comments/references. Dr. Rydell, Case Reporter, did not vote.

**C. CR2014-18 & CR2014-19**

Following a review of the Consent Agreement signed by the licensee, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Norfleet and voted unanimously to accept the Consent Agreement as drafted and signed, in advance, by the licensee. Ms. Walker, Case Reporter, did not vote.

**D. CR2014-21**

Following a thorough review and discussion regarding the complaint, response and other documentation, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint and issue a Letter of Guidance reminding the licensee of the importance of accurate medical record keeping and making appropriate changes when necessary. Dr. Palman, Case Reporter, did not vote.

**Continued from Page 1 of 3 – July 10, 2014 Minutes of the Board of Osteopathic Licensure Meeting**

**E. INV2013-33**

The Board reviewed the documentation from when the matter was previously tabled (NOV 2013) and there being no additional information, took this action:



**MOTION:** Made by Dr. Rydell, seconded by Dr. deKay and voted unanimously to close the investigation as no action was warranted. Dr. Gaddis, Case Reporter, did not vote.

**F. INV2013-42**

Because the Case Reporter, Dr. Thomas, was unable to attend the meeting, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Walker and voted unanimously to table any review or discussion of the matter until the August 2014 meeting.

At this time, 10:15 a.m., the scheduled Adjudicatory Hearing with Paul Gosselin, D.O. began with remaining regular business on the agenda to be addressed following the conclusion.

At 5:45, following the conclusion of the above noted hearing, the Board resumed its regular business meeting.

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

**A. Albert Amalfitano, D.O.**

Dr. Gaddis, Case Reporter, noted receipt of the final batch of appointments and prescriptions. Det. Gioia and Mrs. Strout each reported having seen signs on the doctors' office door indicating that the office is now closed.

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

In the absence of Dr. Thomas, Case Reporter, no new issues were discussed.

**C. Bradley Libenson, DO**

Dr. Palman, Case Reporter, noted no new issues of concern.

**D. Charles Perakis, DO**

Dr. deKay, Case Reporter, noted no new issues and reminded the Board that the licensee is not employed.

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

**A. June 2014 Board Meeting Minutes**

Following review, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Piper and voted unanimously to approve the minutes of the June 2014 meeting, as written.

**B. Revenue & Expense Report**

The Board reviewed and accepted both the June & July 2014 reports.

**IV. Miscellaneous**

**A. Federation of State Medical Boards Matters**

There was no documentation for review this month.

**B. Hospice Network News**

Board members reviewed and briefly discussed the newsletters.

**Continued from Page 2 of 3 – July 10, 2014 Minutes of the Board of Osteopathic Licensure Meeting**

**V. Licensure Matters**

**A. Permanent Licensure Applications**

Following circulation and review, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Walker and voted unanimously to approve these applicants for licensure: Katherine Merkle, D.O.; Sarah Meade, D.O.; Natalie Maida, D.O.; Ernest Hanowell, D.O.; David Siegel,

D.O.; John Leuenberger, D.O.; Michele Dodman, D.O.; Jodi Schielke, D.O.; Jon Hobbs, D.O.; Holly Yancy, D.O.; Diana Mock, D.O.; Katherine Kessler, D.O.; Timothy Pike, D.O.; Jane Pelletier, PA-C; and Danielle Saad, D.O. (who met the requirements for reinstatement)

## **B. Physician Assistant Applications**

1. Please see the above motion which included approval of the application submitted by Jane Pelletier, PA-C to work under the supervision of Owen Pickus, D.O.

2. **MOTION:** Made by Ms. Walker, seconded by Dr. deKay and voted unanimously to table any review or action on the application submitted by Michele Kaplan, PA-C until the August 2014 meeting.

## **VI. Adjournment**

There being no further business, the meeting was adjourned at 6:15 p.m.

Respectfully submitted,

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Susan E. Strout, Executive Secretary

**Minutes of August 14, 2014 Board Meeting – 9:30 a.m. – 1:00 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Timothy Terranova (former COS – training Ms. Best); Det. James Gioia, Office of the Attorney General; Lisa Gouldsbrough, DO; Emily Bloch, Esquire; Irving Faunce & Spouse; William McKinley, Esquire

**I. Complaints & Investigations**

**A. INV2013-42**

In the absence of Dr. Thomas, Case Reporter, review of this matter was postponed until the October 2014 meeting.

**II. Consent Agreement/Board Order Compliance Issues**

**A. Paul Gosselin, D.O.**

Board members reviewed the signed Board Order; no action was necessary.

**B. Bradley Libenson, D.O.**

Dr. Palman, Case Reporter, noted no recent concerns and noted that updated information from NH is anticipated. No Board action was necessary.

**C. Charles Perakis, D.O.**

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

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

**A. Review of July 2014 Minutes**

Following their review, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Walker and voted unanimously to accept the minutes of the July 2014 meeting, as written.

**B. Revenue & Expense Reports**

Following their review, the Board accepted the reports as presented. No Board action was necessary.

At this time, the Board voted (Dr. Rydell/Dr. deKay) to go into Executive Session for the following Informal Conference. Dr. Thomas read the Informal Conference Guidelines. Once again in Public Session, the Board took these actions:

**IV. Informal Conference – CR2013-40 & CR2014-07**

**MOTION:** Made by Dr. Rydell and seconded by Dr. Palman to dismiss the complaint with a Letter of Reprimand. Motion failed as AAG Miller advised that a Reprimand is a form of discipline and cannot be issued with a dismissal. Ms. Walker, Case Reporter, did not vote. Ms. McIntyre did not vote.

Following discussion, the motion was re-stated:

**MOTION:** Made by Dr. Rydell and seconded by Dr. Palman to dismiss the complaint with a Letter of Concern. Motion failed with Drs. Rydell & Palman in favor; Dr. Piper, Ms. Norfleet, Dr. deKay, Dr. Gaddis were opposed. Ms. Walker, Case Reporter, did not vote. Ms. McIntyre did not vote.

## Continued from Page 1 of 2 – August 14, 2014 Board of Osteopathic Licensure Meeting Minutes

**MOTION:** Made by Ms. Norfleet and seconded by Dr. Palman to dismiss the complaint as there are no grounds for discipline. Motion failed with Dr. Palman and Ms. Norfleet in favor; Dr. Rydell, Dr. deKay, Dr. Gaddis and Dr. Piper were opposed. Ms. Walker, Case Reporter, did not vote. Ms. McIntyre did not vote.

After further discussion, this motion was made:

**MOTION:** Made by Dr. Gaddis and seconded by Dr. Palman to dismiss the complaint and issue a Letter of Guidance. Motion failed with Drs. Gaddis and Palman in favor; Dr. Piper, Ms. Norfleet, Dr. deKay and Dr. Rydell were opposed. Ms. Walker, Case Reporter, did not vote. Ms. McIntyre did not vote.

After further discussion, this motion was made:

**MOTION:** Made by Dr. Gaddis and seconded by Dr. deKay to dismiss the complaint and issue a letter of guidance. Motion failed due to a tie with Drs. Gaddis, deKay and Palman in favor; Dr. Piper and Ms. Norfleet opposed. Ms. Walker, Case Reporter, did not vote. Ms. McIntyre did not vote.

Further discussion ensued and this motion was made:

**MOTION:** Made by Dr. Palman, seconded by Dr. Gaddis and voted to dismiss the complaint and issue a Letter of Guidance recommending that the licensee heighten her awareness of and be sensitive to the occurrence of potential child abuse and urging her to continue to pursue medical education and training on this subject and that the licensee consider automatically reporting any fracture of bone in a child under the age of two years. Drs. Palman, Gaddis, deKay, Rydell and Piper were in favor. Ms. Norfleet was opposed. Ms. McIntyre did not vote. Ms. Walker, Case Reporter, did not vote.

### V. Miscellaneous

#### A. Discussion & Review of Application Questions

The material was not ready to be presented; review was postponed until the October 2014 meeting.

#### B. FSMB Matters

There were no specific issues for discussion this month.

#### C. Hospice Network News

The newsletter was not received this month.

#### D. Other Business

##### a. Delegation

AAG Miller discussed the issue of dual responses and the current process of material being reviewed by multiple staff and Board members before a decision is made regarding whether or not one response can be submitted for review by the complainant with a second response submitted, with additional detail, for review by Board members only. Following discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted to delegate, to the assigned Case Reporter, the final decision as to whether or not reviewing a second, more detailed response from the licensee could be detrimental to the health and well-being of a complainant.

##### b. Joint PA Rule Update – AAG Miller

At this time, discussions regarding the joint PA rule are on hold.

##### c. DEA Schedule Change

Board members took note that the DEA has changed the scheduling of hydrocodone products from Schedule III to Schedule II. No Board action was taken at this time.

## **VI. Licensure Matters**

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. deKay to approve the applications submitted by: Barry Berger, DO; Tamara Boots, DO; Nathan Donaldson, DO; Keith Gould, DO; Samantha Richards, DO; Alexandra Shustina, DO and Charles Zaylor, DO.

The Board then made another motion regarding the permanent licensure application submitted by Kevin T C Geffe, D.O.

**MOTION:** Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to invite Dr. Geffe to attend a future meeting to discuss issues noted on his application.

No PA applications were presented for review.

The meeting was adjourned at 1:00 p.m.

Respectfully submitted,

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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 13, 2014 Board Meeting – 9:30 a.m. – 2:30 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Emily Bloch, Esquire; Michael Saucier, Esquire; Dana Webster, D.O.; Angela Cole-Westhoff, Executive Director, Maine Osteopathic Association.

**I. Complaints & Investigations**

Ms. McIntyre recited the complaint script. Unless otherwise noted, all complaint reviews and votes are held in Public Session without the use of names.

**A. CR2014-09**

Following their review of the complaint, the licensee's written response and the medical records, 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. Piper, Case Reporter, did not vote.

**B. CR2014-11**

Following their review of the complaint (not sent to the licensee for response because the complainant did not cooperate with the process), the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Norfleet and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Palman, Case Reporter, did not vote.

**C. CR2014-22**

Following their review of the complaint (not sent to the licensee for response because the complainant did not cooperate with the process), 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 action. Dr. Rydell, Case Reporter, did not vote.

**D. CR2014-23**

Following their review of the complaint, the licensee's written response and medical records, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Piper and voted unanimously to table the matter pending further review. Dr. Thomas, Case Reporter, did not vote.

**E. CR2014-26**

Following their review of the complaint, the licensee's written response, medical records and the complainant's rebuttal, 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 further Board action. Dr. Rydell, Case Reporter, did not vote.

**F. CR2014-32**

Following their review of the complaint (not sent to the licensee for response because the complainant did not cooperate with the process), the Board took this action:



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**MOTION:** Made by Dr. Palman, seconded by Dr. Piper and voted to dismiss the complaint as it did not merit further Board action. Dr. Rydell was opposed. Dr. Thomas, Case Reporter, did not vote.

**G. CR2014-38**

Following their review of the complaint, the licensee's response and medical records, 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 further Board action. Dr. Palman, Case Reporter, did not vote.

**H. CR2014-41**

Following their review of the complaint which was sent to the licensee who, in turn, was unable to answer due to no access to the complainant's medical record (the licensee took a new position elsewhere), the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Norfleet and voted unanimously to dismiss the complaint as it did not merit further Board action. It was noted that several attempts to reach the complainant to obtain her signature on a new release, were unsuccessful (returned/refused). Dr. Palman, Case Reporter, did not vote.

**I. INV2013-42**

Following their review of materials received from a Maine hospital including a report to the NPDB<sup>1</sup>, the Board took this action:

**MOTION:** Made by Dr. Rydell, seconded by Dr. deKay and voted unanimously to invite the licensee to attend an Informal Conference at an upcoming meeting to assist the Board in determining if Board action is necessary. Dr. Thomas, Case Reporter, did not vote.

**II. Consent Agreement/Board Order Compliance Issues**

**A. Paul Gosselin, D.O.**

Dr. Thomas, Case Reporter, discussed with Board members multiple e-mails between the Board office, the licensee and an electronic medical records storage company (Amazing Charts) regarding patient requests for the Board's assistance in obtaining their medical records. It was noted that the licensee is unable to access his office due to overdue rent. The Board asked that an e-mail be sent to the licensee requesting the name of his landlord with the hope that the Board can perhaps assist in some way with obtaining the records. AAG Miller reviewed the Board's options with respect to the medical records issue including possibly initiating a complaint for unprofessional conduct, and cautioned the Board that care should be taken regarding any action that is not related to the Board's licensing or disciplinary responsibilities.

**B. Bradley Libenson, D.O.**

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

**C. Charles Perakis, D.O.**

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

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

It was noted that the August 2014 minutes are not yet complete.

**A. Review of October 2014 Minutes**

Following their review, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to accept the October 2014 meeting minutes as written.

**B. Revenue & Expense Reports**

Following their review, the Board accepted the reports as presented. No Board action was necessary.

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<sup>1</sup> National Practitioner Data Bank

**IV. Miscellaneous**

**A. Federation of State Medical Boards**

**1. Board of Directors Meeting Highlights**

Board members briefly discussed the highlights; no action was taken.

**2. Second Call for Committee Appointments**

Board members briefly discussed the notice; no action was taken.

**3. Second Call for Nominations**

Board members briefly discussed the notice; no action was taken. During this discussion, Dr. Rydell did note his availability to represent the Board at the Federation's annual meeting in Fort Worth, TX. Ms. Strout noted that the notice for scholarship(s) had arrived just the day before and will be on the agenda for discussion at the December meeting.

**4. Notice of Updated *Responsible Opioid Prescribing* Book**

Board members reviewed the notice regarding the updated book. No action was necessary.

**5. Update – Interstate Medical Licensure Compact**

The Executive Secretary noted that no new information was available. No action was necessary.

**B. Other Business**

**1. Draft Revised MPHP Protocols/Rider A**

Board members discussed the revised document and noted no issues. Ms. Strout asked that if anyone does have questions/concerns/suggestions, they be provided by no later than November 28<sup>th</sup>.

**2. Information from Prescription Monitoring Program**

Board members reviewed proposed changes which will enhance the information available from the Prescription Monitoring Program. This was informational; no action was necessary.

**3. Draft Chapter 2 Amendment re: Schedule II Prescribing**

Board members reviewed and discussed the proposed language and following discussion. Dr. Palman offered to forward additional language from another source for consideration at the December 2014 meeting. No action was taken.

**4. Discussion & Review of Application Questions**

At the October 2014 meeting, the Board asked Ms. Strout to check with the FSMB to see if ADA compliant questions have been outlined for licensing applications. Ms. Strout reported having spoken with Ingo Hagemann and Linda Becker at the FSMB office who will do research and get back to the Board. An update will be provided once that information has been received.

**5. Parliamentary Rules of Order**

This was included in the book strictly for informational purposes; the Board is not required to follow these rules. No Board action was necessary.

**6. Electronic Meeting Books – Update**

Ms. Strout reported having attended a meeting with Commissioner Head who stated she is not willing to sign Financial Orders for purchases that are not absolutely necessary. Because the funds are already set aside in the Board's 2016/2017 budget, the Board will need to wait until that time to begin utilizing electronic meeting books. In the meantime, those members present agreed to receive a zip drive for review with an actual book waiting for review upon arrival at each meeting.

V. Licensure Matters

A. DO Application

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Rydell and voted unanimously to preliminarily deny the application for permanent licensure submitted by Joseph A. Jackson, IV, D.O. based on a lack of practice for 5 or more years and prior discipline in more than one state.

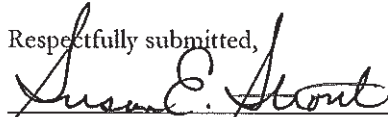
No PA applications were presented for review.

Dr. Rydell noted that he would be unable to attend the December 2014 & January 2015 meetings.

Prior to adjournment, Ms. Cole-Westhoff (Maine Osteopathic Association) noted the Association's upcoming mid-winter CME conference to be held February 6-8, 2015.

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

**Minutes of October 9, 2014 Board Meeting – 9:30 a.m. – 2:30 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Emily Bloch, Esquire; Ashley Arra, Esquire; Abbey Varga, Esquire; Paul Gosselin, DO; Lani Graham, MD (MPHP<sup>1</sup>); Cathy Stratton (MPHP); Heidi Lamonica (MPHP); Paul Davis (MPHP)

**I. Complaints & Investigations**

Ms. McIntyre recited the complaint script. Unless otherwise noted, all complaint reviews and votes are held in Public Session without the use of names.

**A. INV2013-40 & CR2014-07**

Board members reviewed the draft Letter of Guidance (as voted at its August 2014 meeting) and took this action:

**MOTION:** Made by Dr. Palman, seconded by Dr. deKay and voted unanimously to accept the Letter of Guidance, as written. Ms. Walker, Case Reporter, did not vote.

**B. CR2013-43**

Following their review of the complaint, the licensee's response and medical records, 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.

**C. CR2014-17**

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

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

**D. CR2014-28**

Following their review of the complaint, the licensee's written response and medical records, the Board took this action:

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

**E. CR2014-30**

Following their review of the complaint, the licensee's written response and medical records, the Board took this action:

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

**F. CR2014-33**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted to dismiss the complaint as it did not merit further Board action. Dr. Palman, Case Reporter, did not vote.

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<sup>1</sup>Medical Professionals Health Program

**II. CR2013-23 – Notice of Adjudicatory Hearing – Douglas C McCullom, DO**

AAG Miller noted that in lieu of a hearing, the licensee signed a Consent Agreement voluntarily surrendering his Maine license (signed in advance by Dr. McCullom). Following their review of the signed Agreement, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to accept the Consent Agreement regarding voluntary surrender as written.

**III. Consent Agreement/Board Order Compliance Issues**

**A. Paul Gosselin, D.O.**

The licensee joined the meeting and discussed with the Board his opportunity to work in the correctional system if his license were to be restored following the 90 day suspension. Following a lengthy discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to restore the licensee's license effective October 19, 2014 (end of the 90 day period) and to have AAG Miller and Dr. Thomas (Case Reporter) work with the potential employer to ensure supervision, compliance and on-site support as well as many other workplace details (incl. but not limited to hours, patient load, timeliness, attendance, fellow employee/patient interactions) with a quarterly report to be submitted for at least one year by the Medical Professionals Health Program.

Following additional discussion, a second motion was made:

**MOTION:** Made by Dr. deKay, seconded by Dr. Piper and voted unanimously that the Board will accept the workplace reports already being utilized, in general, by the Medical Professionals Health Program.

**B. Bradley Libenson, D.O.**

Board members reviewed a letter from the licensee regarding the status of his renewal application. Following discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Piper and voted unanimously to issue a complaint based on the licensee's failure to disclose pending complaints in New Hampshire when he applied for the renewal of his Maine license. Dr. Palman, Case Reporter, did not vote.

Following additional discussion, a second motion was made:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Piper and voted unanimously to preliminarily deny the licensee's application for license renewal. Dr. Palman, Case Reporter, did not vote.

Following additional discussion, Dr. deKay withdrew his original motion (agreed to by Dr. Piper) and made this motion:

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to deny the licensee's request for removal of the conditions placed on his Maine license (pursuant to the terms of his current Consent Agreement).

**C. Charles Perakis, D.O.**

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

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

**A. Review of Augusta2014 Minutes**

Review was tabled as the minutes were not yet completed.

**B. Revenue & Expense Reports**

Following their review, the Board accepted the reports as presented. No Board action was necessary.

**V. Miscellaneous**

**A. Federation of State Medical Boards**

**1. Interstate Medical Licensure Compact**

Board members reviewed and discussed the compact and were notified that the Board of Licensure in Medicine plans to move forward with legislation to participate in the compact. The Board decided to wait and discuss the matter further at the November 2014 meeting.

**2. First Call for Amendments to Bylaws**

Board members briefly discussed this notice; no action was taken.

**3. Board of Directors Meeting Highlights**

Board members briefly discussed the highlights; no action was taken.

**B. Other Business**

**1. Discussion & Review of Application Questions**

The Board reviewed the language utilized by other Boards and took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to add the word 'charged' to Question 4 on the Uniform Application Addendum as well as Question 4 on the renewal application and to change all other questions to be uniform with those on MD Board applications.

**2. Notice of Citizen Advocacy Center Meeting**

Board members took notice of the upcoming meeting; no action was taken.

**3. PA Committee Meeting Update**

Ms. McIntyre noted no further update regarding the joint rule the Board's worked on. No action was taken.

**4. Hydrocodone Related Products/DEA Schedule Change/Licensee Calls & Correspondence**

Board members discussed the recent schedule change; the Executive Secretary noted a number of calls and e-mails as well as a letter from licensee Steven Weisberger, DO regarding the fact that PAs working under the supervision of osteopathic physicians cannot write for hydrocodone related products. Following discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to initiate the rulemaking process in order to address a change in the Board's current rule (Chapter 2) in order to create a process by which PAs working with osteopathic physicians may apply for the privilege of prescribing Schedule II medications.

**5. Electronic Meeting Books**

Ms. Strout asked that the Board again consider moving toward electronic meeting books. Following discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Piper and voted unanimously to proceed to e-books rather than paper.

**VI. Medical Professionals Health Program Annual Update**

Dr. Lani Graham, Catherine Stratton, Paul Davis and Heidi Lamonica joined the meeting for the annual program update. Currently, the Board contributes \$10,000 annually to the program. No Board action was necessary.

**VII. Licensure Matters**

**A. DO Application**

Following circulation and review, the Board took this action:



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**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted to approve the application for permanent licensure submitted by Katherine Van Stedum, D.O.

No PA applications were presented for review.

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

  
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Susan E. Strout, Executive Secretary