

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 15, 2015 Board Meeting – 9:30 a.m. – 1:45 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Emily Bloch, Esquire; Angela Cole-Westhoff, Executive Director, Maine Osteopathic Association; John Herzog, D.O.; Michelle Kaplan, PA-C; Mark Kaplan, D.O.

**I. Complaints & Investigations**

Dr. Thomas recited the complaint script. Unless otherwise noted, all complaint reviews and votes were held in Public Session without the use of names.

**A. CR2014-12**

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

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

**B. CR2014-16**

Dr. deKay, Case Reporter, noted that certain records were missing; the review of this complaint was tabled for review at a future meeting.

**C. CR2014-23**

This matter was discussed at a later time in the meeting.

**D. CR2014-25**

This matter was discussed at a later time in the meeting.

**E. CR2014-31**

Following a thorough 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. Piper, seconded by Dr. Thomas and voted unanimously 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.

**F. CR2014-42**

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

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

**G. CR2014-43**

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

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

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### H. CR2014-45

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

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

### I. CR2014-46

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

**MOTION:** Made by Dr. Thomas seconded by Dr. Piper 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. Gaddis, Case Reporter, did not vote.

### J. CR2014-49

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

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

### K. CR2014-50

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

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

### L. CR2014-52

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

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

### M. CR2014-53

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

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not merit Board action. It was noted that several attempts to reach the complainant to obtain her signature on the complaint form, were unsuccessful (returned or refused). Dr. Thomas, Case Reporter, did not vote.

### N. CR2014-54

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

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

### O. CR2014-59

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not merit Board action. It was noted that the complainant did not cooperate with the process and wished to drop her complaint. Dr. Piper, Case Reporter, did not vote.

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### Continued from Item 1.C. on Page 1...

#### C. CR2014-23

Following a thorough review of the complaint, the licensee's response and medical record as well as additional information the Board had asked AAG Miller to research, the Board took this action:

**MOTION:** Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint and to issue a Letter of Guidance reminding the licensee of the existence of ethical and legal boundaries regarding the role of spirituality and religion within the practice of medicine; 1) pursuant to 5 MRS §4592, a professional office of a health care provider is considered a place of public accommodation, and as such is subject to compliance with the Maine Human Rights Act which defines unlawful public accommodations discrimination to include discrimination on account of religion; 2) professional and ethical boundaries exist with respect to this subject, and concerns may be significant when a physician also wishes to act in the role of pastoral caregiver; 3) inclusion of suggested reading materials to assist the licensee in navigating the narrow path; 4) proselytizing and ridiculing patient's beliefs will in almost all circumstances be unacceptable and viewed as a violation of professional and ethical standards. Dr. Thomas, Case Reporter, did not vote.

#### D. CR2014-25

This matter was tabled for further review/investigation.

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

#### A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, discussed Det. Gioia's investigative report of his visit to the licensee's former office, precipitated by a call from the Waterville Police Department after his landlord (who had been contacted by Det. Gioia at the Board's request) brought in prescription medications and reported that boxes of patient records, blank prescription pads, insurance and tax related documents, a laptop and a variety of other medications and medication containers had been left behind in addition to other health-care related items. Following discussion, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to notify the licensee that he must immediately take possession of the medical records left behind and make them available to the patients and that this must be done within 30 days of his receipt of the Board's letter. Within 7 days of his receipt of the Board's letter, the licensee must notify the Board, in writing, of his plan for carrying out this requirement. The licensee is also to be reminded that he may not practice or prescribe any medications.

#### B. Bradley Libenson, D.O.

In the absence of Dr. Palman (Case Reporter), the Board again reviewed the licensee's request for the termination of his Consent Agreement. Following discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted unanimously to deny the licensee's request for reconsideration of its refusal to terminate the Consent Agreement or remove any of the conditions, therefore standing by its most recent decision.

#### 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 August & November 2014 Minutes

Following their review, the Board took this action:

**MOTION:** Made by Dr. Piper, seconded by Dr. Gaddis voted unanimously to accept both the August & November 2014 meeting minutes as written.

**B. Revenue & Expense Reports**

Following their review, the Board accepted the November & December 2014 financial reports as presented. No Board action was necessary.

**IV. Miscellaneous**

**A. Federation of State Medical Boards**

**1. FSMB Annual Meeting**

Board members briefly discussed the upcoming meeting and noted that Dr. Rydell will represent the Board as voting delegate. Ms. Best will utilize the scholarships provided for Executive Staff.

**2. House of Delegates Call for Resolutions**

Board members briefly discussed the call for resolutions. No Board action was necessary.

**B. Other Business**

**1. Records Retention Schedule (Archives)**

The Executive Secretary proposed changing the current retention schedule for complaints dismissed by the Board with no action from 5 years to 6 months.

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to approve the proposed change in the Board's retention schedule.

**2. Election of Officers**

The Election of Officers was tabled until the February 2015 meeting.

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

The Executive Secretary noted a decline in PAs due to the Schedule II prescribing issue and the delays in amending the Board's rule as voted in November. The matter will be on the February agenda.

**V. Licensure Matters**

**A. DO Applications**

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted unanimously to approve the applications submitted by Rosalyn Gerwin, DO, Dean Chamberlain, DO, Kristy Perkowski, DO, Abigail Keenan, DO and Adriana Isacke, DO.

There were no PA applications ready for review.

The meeting was adjourned at 1:45 p.m.

Respectfully submitted,

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Susan E. Strout, Executive Secretary

**Minutes of February 12, 2015 Board Meeting – 9:30 a.m. – 6:30 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Det. James Gioia, Office of the Attorney General; Philip Johnson, Esquire; Archibald Green, D.O.; Rebekah Smith, Esquire, Hearing Officer; Joseph A Jackson, IV; Graham Spruiell, MD (telephone witness); Eric Buchalter, MD (telephone witness).

At this time, the Board voted (Drs. Thomas & deKay) to go into Executive Session, based on 10 MRS 8003(B)(1) for a confidential investigative update. Once again in Public Session (Drs. Thomas & Rydell), the Board took this action:

**I. Consent Agreement/Board Order Compliance Reviews**

**A. INV2015-08**

**MOTION:** Made by Dr. deKay, seconded by Dr. Rydell and voted unanimously to authorize continued investigation into matters presented during the Executive Session and, if necessary, a complaint may be drafted for review at the March meeting.

It was also noted that the licensee would be informed by letter that his request for approval of employment as Site Medical Director for Correctional Medical Services, Inc. is denied.

The remaining issues/updates were conducted at a later time in the meeting.

At this time, the Board voted (Drs. Rydell & Thomas) to go into Executive Session, based on 32 MRS 2591-A(1) for the following Informal Conference. Once again in Public Session (Drs. deKay & Rydell), the Board took this action:

**II. CR2014-12 – Informal Conference**

**MOTION:** Made by Dr. deKay, seconded by Dr. Rydell and voted to dismiss the complaint but to issue a Letter of Guidance suggesting enhanced monitoring of his patients prescription medication use, to include recording the history & exam, whether or not the patient appears to have gained benefit from the treatment provided, reviewing prescription reports and evaluating the risk for drug diversion. Ms. McIntyre was opposed. Dr. Gaddis, Case Reporter, did not vote.

**III. Complaints & Investigations**

Complaints and Investigations are discussed in Public Session without the use of names. If the Board needs to discuss confidential information, there will be a vote for Executive Session, with the statutory reference noted.

At this time, the Board voted (Drs. Gaddis & Rydell) to go into Executive Session to discuss patient information (medical records), based on 1 MRS 105 (1)(F). Once again in Public Session (Drs. deKay & Gaddis), the Board took this action:

**A. CR2014-25**

**MOTION:** Made by Dr. Rydell, seconded by Dr. Gaddis and voted to schedule an Adjudicatory Hearing, based on alleged breach of patient confidentiality, billing fraud, etc. Dr. deKay was opposed. Dr. Thomas, Case Reporter, did not vote.

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### **B. CR2014-35**

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. Rydell, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not merit Board action. The assigned Case Reporter, Dr. Palman, was not present.

### **C. IN2014-36**

Following their review of the materials received on this matter, the Board took this action:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Piper and voted unanimously to draft a complaint for review at the March 2015 meeting. Dr. Thomas, Case Reporter, did not vote.

## **Continued from Item I, Page 1 – Consent Agreement/Board Order Compliance Issues**

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

Dr. Palman, Case Reporter, was not present and the Executive Secretary noted no reports of concern. No Board action was necessary.

### **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 January 2015 Minutes**

It was noted that the January 2015 minutes were not yet complete.

### **B. Revenue & Expense Reports**

Following their review, the Board accepted the reports January 2015 as presented. No Board action was necessary.

## **V. Miscellaneous**

### **A. PA Rule Amendment Discussion**

Due to the upcoming adjudicatory hearing and the absence of Dr. Palman, discussion was tabled until a later meeting.

### **B. Election of Officers**

Following nominations, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Rydell and voted unanimously to elect Dr. deKay as Board Chair, Dr. Thomas as Vice-Chair and Dr. Piper as Board Secretary for the next year.

## **VI. Licensure Matters**

### **A. DO Applications**

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Piper and voted unanimously to approve the applications for permanent licensure submitted by Aaron Hoffmann, DO, Gerard Rubin, DO and Precious Barnes, DO.

No PA applications were presented for final review.

**VII. Adjudicatory Hearing – Joseph A Jackson IV**

The adjudicatory hearing with Joseph A Jackson, IV scheduled to begin at 1 p.m. began at approximately 1:25 p.m. due to the applicant's late arrival. At the conclusion of the hearing, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to deny the application for permanent licensure submitted by Joseph A Jackson IV.

Rebekah Smith, Esquire, Hearing Officer noted that the Decision & Order will be ready for review at the March 12 Board meeting.

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

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Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure  
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Phone: (207) 287-2480/Fax: (207) 287-3015

**Minutes of March 12, 2015 Board Meeting – 9:30 a.m. – 12:45 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Det. James Gioia, Office of the Attorney General; Erika Pierce, MMSc, PA-C; Angela Westhoff, Executive Director, Maine Osteopathic Association

**I. Presentation – Erika Pierce, PA-C – Maine Independent Clinical Information Service**

Ms. Pierce, Academic Detailer and a Physician Assistant joined the meeting and presented information to the Board regarding MICIS and her work with prescribers including information regarding managing pain effectively without the overuse of opioids. Ms. Pierce can be contacted through the Maine Medical Association.

**II. Complaints & Investigations**

Unless otherwise noted, all matters are discussed in Public Session without the use of names.

**A. CR2014-16**

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not merit action against the licensee. Dr. deKay, Case Reporter, did not vote.

**B. CR2014-51**

This matter was tabled pending further investigation.

**C. CR2014-58**

This matter was tabled pending further investigation.

**D. CR2014-60**

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

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

**E. IN2014-36**

Following their review of the draft complaint (as voted at the February 12, 2015 meeting), the Board took this action:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Gaddis and voted unanimously to issue the complaint, as drafted, to be sent to the licensee for response. The reference number will now change to CR2014 36.

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

At this time, the Board voted (Drs. Rydell & Gaddis) to go into Executive Session, based on 1 MRS § 405(1)(F) to discuss information received from Det. Gioia. Once again in Public Session, the Board noted as follows:

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

Based on their review of the information presented, a complaint will be drafted for review at the April 2015 meeting. Dr. Thomas, Case Reporter, noted that other information regarding potential employment had been received on March 11, 2015 and was being reviewed.



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

In the absence of Dr. Palman (Case Reporter) the Executive Secretary reported that nothing of concern had been brought to her attention.

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

Dr. deKay, Case Reporter, noted no concerns.

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

### **A. Review of January & February 2015 Minutes**

Following review, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted unanimously to accept the minutes of the January & February 2015 meetings, as written.

### **B. Revenue & Expense Reports**

The Executive Secretary noted no errors, omissions or concerns in the revenue & expense reports received on March 11<sup>th</sup> for the month ending February 28, 2015.

## **V. Miscellaneous**

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

There were no FSMB matters for discussion.

### **B. Other Business**

#### **1. Discussion re PA Rule Amendment**

Following discussion and further review of language from several other state boards, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to amend the Board's current rule to mirror the language in the allopathic (Board of Licensure in Medicine) rule regarding prescribing of Schedule II medications and noted that applications will be closely reviewed.

#### **2. Legislative Matters**

Board members reviewed several LDs and took note of or took the following actions:

- LD422 – An Act to Improve Treatments for Lyme Disease – it was noted that the Board of Osteopathic Licensure was not included in the language of this LD;
- LD521 – An Act to Amend Health Care Practitioner Transparency Requirements – it was noted that, if passed, while the health care provider will no longer need to display his or her license, a badge or other form of identification as a health-care provider will need to be clearly visible to the public;
- LD622 – An Act to Require Training of Mandated Reporters under the Child Abuse Laws – this proposed law is very broad with no fiscal note attached. Board members indicated opposition;
- LD662 – An Act to Increase Access to Health Care through Telemedicine – Board members indicated opposition to this LD and asked that a letter be drafted noting that it is the Board's responsibility to protect the public and without the assurance of appropriate credentialing, this will not be possible. Dr. deKay will review the letter;
- LD690 – An Act to Ensure the Safety of Home Birth (concept draft) – the Board took no official position but in general, members were opposed;
- LD830 – An Act to Eliminate the Dual Licensing of Physician Assistants – though in concept draft format at this time, Board members were opposed to this LD and asked that Commissioner Head be notified.

**VI. Licensure Matters**

**A. Review of Draft Decision & Order re: Joseph A Jackson, IV**

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

**MOTION:** Made by Dr. Piper, seconded by Dr. Thomas and voted to accept the draft, as written. The Decision & Order was signed by Dr. deKay. Dr. Rydell, who was not present at the hearing, did not vote.

**B. DO Applications**

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Thomas and voted unanimously to approve the applications for permanent licensure submitted by Tristan Reynolds, D.O.; Gary DiPerna, D.O.; Ross Isacke, D.O.; Kinna Thakarar, D.O.; Erik Kramer, D.O., Kristin Guerrette, D.O. and Shannon McLellan, D.O.

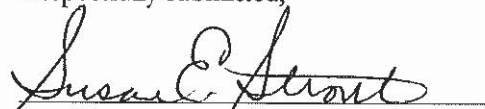
No PA applications were presented for final review.

**VII. Angela Westhoff, Executive Director, Maine Osteopathic Association (MOA)**

Ms. Westhoff joined the meeting briefly, noting she had been at the State House for Physician's Day at the Legislature as well as meetings with Governor LePage and members of the House and Senate. Ms. Westhoff discussed all of the above-noted LDs, particularly, LDs 690 and 830 and noted that the MOAs Legislative Committee follows LDs closely and invited Board members/staff to contact the MOA anytime with questions or for information on the MOAs position on any LD.

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  
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Phone: (207) 287-2480/Fax: (207) 287-3015

**Minutes of April 9, 2015 Board Meeting – 9:30 a.m. – 12 noon**

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

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

**I. Complaints & Investigations**

Unless otherwise noted, all matters are discussed in Public Session without the use of names.

**A. CR2013-16**

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

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Rydell and voted unanimously to ratify the language of the Consent Agreement and accept it as written and signed. Dr. Thomas, Case Reporter, did not vote.

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

**B. CR2014-39**

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

**MOTION:** Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to continue the matter for further investigation.

After further review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to have Det. Gioia conduct interviews of specific persons and provided him with specific information they were looking for.

**C. CR2014-44**

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

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

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

**A. Paul Gosselin, DO**

Dr. Thomas, Case Reporter, note no new concerns. Board members reviewed the material submitted by the licensee regarding potential employment. After determining that the information provided was not sufficient, the Executive Secretary was asked to reiterate to the licensee that additional information was necessary.

**B. Bradley Libenson, DO**

Dr. Palman, Case Reporter, noted no current issues. It was noted that the licensee remains in Administrative Hold status and that there may be a hearing in the future. No Board action was necessary.



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**C. Charles Perakis, DO**

Following review of the May report from the Medical Professionals Health Program, the Board took this action:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Piper and voted unanimously to terminate the licensee's Consent Agreement with the Board, effective immediately. Dr. deKay, Case Reporter, did not vote.

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

**A. Minutes**

The minutes of the March meeting were not yet finalized; will be reviewed next month.

**B. Revenue & Expense Report**

The Board reviewed and accepted the Revenue & Expense report for the month ending March 31, 2015.

**IV. Miscellaneous**

**A. FSMB Annual Meeting**

It was noted that Julie Best, Consumer Outreach Specialist and Dr. Rydell would represent the Board at the Federation's annual meeting later in April.

**B. AAG Miller – Implications of U.S. Supreme Court Ruling on Maine Licensing Boards**

AAG Miller discussed the memo from the Office of the Attorney General regarding the implications of the U.S. Supreme Court's recent ruling.

**C. Review of PA Rule Amendment Language**

AAG Miller explained to the Board that, when the 125<sup>th</sup> Legislature required that the two medical licensing boards create a joint rule to license physician assistants, they removed the Board's ability to make ANY changes to the current Chapter 2 unless done jointly with the Board of Licensure in Medicine. For that reason, the Board is unable to make the amendment it had voted to make regarding Schedule II prescribing privileges. The two boards will need to begin working on the joint rule again.

**D. Legislative Information**

Board members reviewed several pieces of pending legislation and discussed the importance of having a Board member or committee to work on legislative matters and present (approved) testimony to the different committees, as appropriate.

**E. Dr. deKay – Discussion re E-Mail from Dennis Smith, Executive Director, MD Board**

Dr. deKay noted having received an e-mail from Dennis Smith, the new Executive Director of the Board of Licensure in Medicine regarding a possible merger of the Boards. Board members were opposed to the suggestion; Dr. deKay will discuss the matter further with Mr. Smith.

**V. Licensure Matters**

**A. DO Applications**

Board members reviewed one application and took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Thomas and voted unanimously to approve the application for permanent licensure submitted by Michael Conte, D.O.

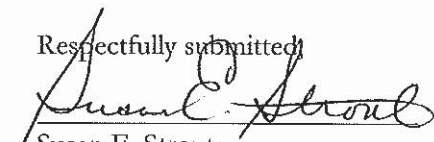
**B. PA Applications**

There were no PA applications ready for Board review.

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

Respectfully submitted,



Susan E. Strout  
Executive Secretary

**Minutes of May 14, 2015 Board Meeting – 9:30 a.m. – 12:30 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Melissa Michaud, PA-C; Emily Bloch, Esquire, Angela Westhoff, Executive Director, Maine Osteopathic Association

**I. New Board Member Welcome**

Dr. deKay introduced and welcomed the Board's newest member, Melissa Michaud, PA-C. Because Ms. Michaud had not yet received her official paperwork, she did not participate but opted to observe as a part of her learning experience.

**II. Complaints & Investigations**

Unless otherwise noted, all matters are discussed in Public Session without the use of names.

**A. CR2014-37**

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not merit action against the licensee. Dr. deKay, Case Reporter, did not vote.

**B. IN2014-36/CR2015-09**

Following a thorough review of the complaint, response, medical records obtained and Det. Gioia's summary of interviews, the Board took this action:

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

**C. IN2014-39**

Following a thorough review of the materials gathered regarding this investigation, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to issue a complaint against the licensee. Dr. Palman, Case Reporter, did not vote.

**D. CR2014-40**

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

**MOTION:** Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not merit action against the licensee. Dr. Thomas, Case Reporter, did not vote.

**E. CR2014-48**

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

**MOTION:** Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not merit action against the licensee. Dr. Thomas, Case Reporter, did not vote.

**F. CR2015-05**

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

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to table the matter pending further investigation.



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

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

Dr. Thomas, Case Reporter, noted that this physician's license will expire on May 31, 2015 and that, as of this date, no work site/supervisory relationship has been approved. No Board action was taken.

**B. John Herzog, D.O.**

Dr. Thomas, Case Reporter, noted that the licensee had paid his fine; the Executive Secretary confirmed that it had been deposited into the State's General Fund (as are all such fines) and brought to the Board's attention a request from the licensee, via his attorney, to change the date of his comprehensive evaluation to mid-June. Following discussion, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Piper and voted to allow the licensee to change the date of his comprehensive exam/evaluation (required per the terms of his Consent Agreement) to June 15, 2015. Dr. Thomas, Case Reporter, did not vote.

**C. Bradley Libenson, D.O.**

Dr. Palman, Case Reporter, noted that no issues of concern have come to the Board's attention. No Board action was necessary.

**IV. Inna Labelle, D.O.**

Dr. Labelle, who formerly operated under a Consent Agreement) asked to meet with the Board to provide an update regarding the training she has completed and to seek guidance regarding employment possibilities. Board members made several suggestions and provided her with some contacts at various hospitals. No Board action was required.

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

**A. Review of March & April 2015 Minutes**

Review of minutes was tabled until the June 2015 meeting.

**B. Revenue & Expense Reports**

The Executive Secretary noted no errors, omissions or concerns in the revenue & expense reports received on March 11<sup>th</sup> for the month ending April 31, 2015.

**VI. Miscellaneous**

**A. Federation of State Medical Boards**

Ms. Best and Dr. Rydell provided an overview of the FSMB Annual Meeting and briefly discussed several topics of particular interest.

**B. Other Business**

**1. LD830 – Concept Draft for One License for Physician Assistants**

Mrs. Strout reported having attended several meetings at Commissioner Head's office along with Dennis Smith, Executive Director, MD Board and AAG Miller regarding the concept draft. Following these meetings, the language for an amendment to the original LD has been drafted and voted 'Ought to Pass – As Amended' by the Labor, Commerce, Research & Economic Development on May 12<sup>th</sup>. No Board action was necessary.

**2. Legislative Matters**

AAG Miller made note a couple of pieces of legislation that Board members might be interested in. No Board action was necessary.

**3. Bangor Daily News Article – Physician Identity Theft**

This article was FYI only. No Board action was necessary.

**VII. Licensure Matters**

**A. DO Applications**

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Ms. McIntyre, seconded by Dr. Piper and voted unanimously to approve the applications for permanent licensure submitted by David Martin, D.O.; Carly Shiembob, D.O.; Christina Freston, D.O. and Jennifer Lipka, D.O.

**B. PA Applications**

Following circulation and review, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to approve the applications submitted by Sarah Lockhart, PA-C and Jacob Brooks, D.O. who will serve as her Primary Supervising Physician.

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

Respectfully submitted,

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

Susan E. Strout, Executive Secretary



Maine Board of Osteopathic Licensure  
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**Minutes of June 11, 2015 Board Meeting – 9:30 a.m. – 12:30 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Ashley Arra, Esquire; Norman Henthorn, PA-C

**I. Complaints & Investigations**

Unless otherwise noted, all matters are discussed in Public Session without the use of names.

**A. CR2015-11**

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

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

After additional discussion of the material and the motion, the Board took this action:

**MOTION AMENDED:** By Dr. Gaddis, agreed to by Dr. Thomas and voted unanimously to dismiss the complaint and issue a Letter of Guidance suggesting more timely dictation of operative notes; improved documentation of discussions with patients regarding the risks & benefits of procedures and informed consent, and a reminder to be vigilant when prescribing to patients with known allergies to medication(s). Dr. deKay, Case Reporter, did not vote.

**B. CR2014-56**

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

**MOTION:** Made by Dr. Gaddis, seconded by Dr. deKay and voted unanimously to dismiss the matter due to the complainants request to withdraw the complaint and because the matter did not rise to a level which would warrant Board action.

Dr. Piper joined the meeting at this time. Dr. Rydell recused himself from participation in the following matter and left the meeting room.

**C. IN2014-57**

Following a thorough review of the complaint, response, medical records and rebuttal(s), the Board took this action:

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

Dr. Rydell re-entered the meeting room at this time.

**D. CR2015-01**

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

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to dismiss the complaint due to lack of cooperation from the complainant. Dr. Rydell, Case Reporter, did not vote.

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### **E. CR2015-02**

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

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint at the request of the complainant. Dr. Rydell, Case Reporter, did not vote.

### **F. CR2015-13**

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

**MOTION:** Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not warrant Board action. Ms. McIntyre, Case Reporter, did not vote.

## **II. Consent Agreement/Board Order Compliance Reviews**

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

Dr. Thomas, Case Reporter, noted that the physician's license renewal as well as other materials provided. Following a thorough review of all materials, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to request information/explanations from the licensee related to his renewal application. The Board expects to have the information in time for inclusion in the materials for the July 9 meeting. Dr. Thomas, Case Reporter, did not vote.

### **B. John Herzog, D.O.**

Dr. Thomas, Case Reporter, noted no issues of concern and that the licensee is scheduled to have his comprehensive exam/evaluation on June 15<sup>th</sup> and that a report should be available for review at the July 9 meeting. No Board action was necessary.

### **C. Bradley Libenson, D.O.**

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

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

### **A. Review of March, April & May 2015 Minutes**

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

**MOTION:** Made by Dr. Rydell, seconded by Dr. Piper and voted to approve the minutes of the March, April & May 2015 meetings, as written.

Ms. Michaud did not participate in the vote as, although appointed in early May, she had not yet been sworn in when the Board met on May 14<sup>th</sup> and was not a member in March and April.

### **B. Revenue & Expense Reports**

The Executive Secretary noted no errors, omissions or concerns in the revenue & expense reports received on June 9<sup>th</sup> for the month ending May 31, 2015. It was also noted that the monies approved via Financial Order were released on June 9<sup>th</sup>; bills as a result of two hearings will be paid as a result.

## **IV. Miscellaneous**

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

Dr. Rydell noted that the FSMB Licensure Compact is moving forward, with 2 (two) new states now participating, bringing the total number of participating states to 9 (nine).

**B. Legislative Matters**

Board discussed the Lyme disease bill and that an amended version had passed in the Legislature. The Board also briefly discussed LD830 and the importance of at least some AOA-approved CME being required for those PAs working under the supervision of an osteopathic physician.

**V. Licensure Matters**

**A. Physician Inquiry re PA Supervision**

Board members reviewed and discussed the inquiry and asked that the licensee, who was concerned about supervising a physician assistant who practices mostly homeopathy when she herself is Board Certified in Family Medicine. The Board asked that the licensee be referred to the rules governing supervision of a Physician Assistant.

Licensure matters were tabled for the time being to allow for the scheduled Informal Conference.

At this time, the Board voted (Ms. McIntyre, Dr. Rydell) to go into Executive Session at the request of the licensee, as allowed by statute. Ms. Michaud recused herself and moved the back of the room to observe the Informal Conference. Once again in Public Session (Ms. McIntyre, Dr. Gaddis), the Board took this action:

**VI. Informal Conference – CR2015-09**

**MOTION:** Made by Dr. Rydell, seconded by Dr. Piper and voted to dismiss the matter as it did not warrant Board action against the licensee. Dr. Thomas, Case Reporter, did not vote. Ms. Michaud did not vote.

**V. Licensure Matters – Continued...**

**B. License Renewal Application – Fred L Goldblatt, DO**

Following review of the renewal application and other materials provided, the Board took this action:

**MOTION:** Made by Dr. Ms. McIntyre to approve the application for license renewal failed, receiving no second.

After additional discussion, the Board took this action:

**MOTION:** Made by Dr. Gaddis and seconded by Dr. deKay to table any action on the application pending the receipt of further information from the licensee, failed with only those two in favor.

Still further discussion brought the following motion:

**MOTION:** Made by Dr. Rydell, seconded by Dr. Piper and voted unanimously to preliminarily deny the application for renewal based on a history of disciplinary action in other jurisdiction(s) for honesty/unprofessional conduct.

**C. DO Applications**

Following circulation and review, the Board took these actions:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Gaddis and voted unanimously to approve the applications submitted by Sophie Todd, D.O.; Catherine Chamberlin, D.O.; Annette Beyea, D.O. and Sara Sterling, D.O.

**MOTION:** Made by Dr. Piper, seconded by Dr. Thomas and voted unanimously to approve the application submitted by Walter Geer, D.O.

**MOTION:** Made by Dr. Piper, seconded by Dr. Thomas and voted unanimously to approve the application submitted by Amy Kuhl, D.O.

**Continued from Page 3 of 4 – June 11, 2015 Board of Osteopathic Licensure Meeting Minutes**

**MOTION:** Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to table action on the application submitted by Scott Sample, D.O. pending receipt of a complete Uniform Application Addendum.

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Thomas and voted unanimously to approve the application submitted by Margo Sullivan, D.O.

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to table action on the application submitted by Joshua Garfein, D.O. pending receipt of a complete Uniform Application Addendum.

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to approve the application submitted by Rebecca Hultman, D.O.

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

Respectfully submitted,

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Susan E. Strout, Executive Secretary