

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

**Minutes of January 12, 2017 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; Melissa Michaud, PA-C; John F. Gaddis, D.O.; Marty McIntyre, Public Member; Gary Palman, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association.

**I. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. There being no members of the public in the meeting room, the Complaint Script was not recited.

At this time, the Board voted (Dr. Thomas and Dr. Gaddis) to go into Executive Session pursuant to 10 MRS §8003-B(2-A), which allows for discussion of patient records. Once again in Public Session, the Board voted to take the action noted below IN2015-33 which encompasses all of the six (6) cases regarding one licensee.

**A. IN2013 39**

Dr. Thomas, Case Reporter, provided an overview of this case. Please see the Board action just below IN2015-33 which encompasses this and the following five (5) cases.

**B. CR2015 51**

Dr. Thomas, Case Reporter, provided an overview of this case. Please see the Board action just below IN2015-33 which encompasses this case, the one above and the following four (4) cases.

**C. CR2014 58**

Dr. Thomas, Case Reporter, provided an overview of this case. Please see the Board action just below IN2015-33 which encompasses this case, the above two (2) and the following three (3).

**D. IN2015 06**

Dr. Thomas, Case Reporter, provided an overview of this case. Please see the Board action just below IN2015-33 which encompasses this case, the above three (3) and the following three (2).

**E. CR2015 17**

Dr. Thomas, Case Reporter, provided an overview of this case. Please see the Board action just below IN2015-33 which encompasses this case, the above four (4) and the following one (1).

**F. IN2015 33**

Dr. Thomas, Case Reporter, provided an overview of this case and, as noted, all of the above. Following the Board's review of all of the materials as well as the overview provided by Dr. Thomas, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to table any action on the six (6) cases noted above, pending review of a draft Consent Agreement, which will encompass concerns noted by Board members during the Executive Session. AAG Miller hopes to have the draft Agreement ready for review at the February 2017 meeting. The Case Reporter did not vote.

**G. CR2016 20**

Dr. Palman, Case Reporter, provided an overview of the complaint and following review and discussion, the Board took this action:

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

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

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

Dr. Thomas, Case Reporter, noted no concerns with the reports received. No action was necessary.

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

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

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

**A. Review of November & December 2016 Meeting Minutes**

Following review, the Board took these actions:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis to approve the November 2016 meeting minutes.

**MOTION:** Made by Dr. Thomas, seconded by Dr. deKay to approve the December 2016 meeting minutes.

**B. Revenue & Expense Reports**

The Board reviewed and accepted the financial reports for December 2016. No Board action was necessary.

**IV. Other Business**

**A. Federation of State Medical Boards**

Board members reviewed and briefly discussed the Federations *Draft Guidelines for the Chronic Use of Opioid Analgesics*. No action was taken.

**B. DHHS Emergency Rule regarding Changes re Controlled Substances**

Board members reviewed and briefly discussed the Emergency Rule. No action was taken.

**C. Chapter 21 – Draft Prescribing Rule (w/additional edits)**

Board members reviewed the updated version of the rule and took these actions:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Piper and voted to rescind the Board's December vote to proceed to adopt Joint Rule Chapter 21.

**MOTION:** Made by Dr. Piper, seconded by Dr. Thomas and voted unanimously to proceed to adopt Joint Rule Chapter 21, as amended and reviewed.

**D. Review of Draft Opioid Prescribing CME Requirement Notice**

Board members reviewed the draft notice and took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to approve the draft notice with changes as discussed.

**E. Legislation**

**1. LD13 – Required Reporting of Sexual Abuse by a Licensee**

Board members discussed this proposed legislation and some questions that may be posed regarding the timing of reports, etc. and the damage that could be done to any professional, possibly in error.

**F. Notice of MCCAP Conference re Medical Marijuana Use in Youth**

Board members reviewed and discussed the conference which will be held on Saturday, March 4<sup>th</sup> at the Grand Summit Hotel at Sunday River. Dr. deKay noted that he would be participating in the panel discussion and invited other Board members to attend/participate as well. No other members would be able to attend but Ms. Michaud mentioned knowing of a physician who has a specific interest in that area; Dr. deKay offered to reach out to her.

**G. Portland Press Herald Article re Perks for Prescribing**

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

**5. Licensure Matters**

**A. Permanent Licensure Applications**

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

**MOTION:** Made by Dr. Piper, seconded by Ms. McIntyre and voted unanimously to approve the license applications submitted by: Patrick Hohl, D.O.; Cindy Williams, D.O.; Zane Craig, D.O.; David Lim, D.O.; David Reidman, D.O. and Nathan Rheault, D.O.

**B. Physician Assistant Applications**

There were no PA applications for review.

**6. Adjournment**

A motion to adjourn was made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously – 12:30 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure 142  
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**Minutes of March 9, 2017 Board Meeting – 9:30 a.m. – 1:45 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Tricia Peterson; Gretchen Sullivan; Emily Bloch, Esquire; Elizabeth Olivier, Esquire; Pamela Wansker, D.O.

**I. CR2016 37**

It was noted that the adjudicatory hearing originally scheduled for this date, was continued.

**II. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Dr. Thomas recited the Complaint Script.

**A. IN2013 39, CR2014 51, CR2014 58, IN2015 06, CR2015 17 & IN2015 33**

Dr. Thomas, Case Reporter, provided an overview of these matters and reminded the Board that the draft consent agreement (as discussed at the January 2017 meeting) had been provided for their review and approval. Following the Board's review of all of the materials as well as the overview provided by Dr. Thomas, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously to set these matters for an Adjudicatory Hearing and to offer the proposed Consent Agreement as discussed and drafted. Dr. Thomas, Case Reporter did not vote.

**B. IN2017 05**

At this time, the Board reviewed a mandated report related to the licensee referred to in the above six (6) matters. Following their review, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Ms. McIntyre and voted unanimously to amend the above-noted draft Consent Agreement to include the new additional allegations. Dr. Thomas, Case Reporter, did not vote.

**C. CR2016 43**

In the absence of the Case Reporter, the Board reviewed the materials and took this action:

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

**D. CR2016 44**

In the absence of the Case Reporter, the Board reviewed the materials and took this action:

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

**E. CR2016 47**

Dr. Thomas, Case Reporter, provided a brief overview of the case and the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Dr. Gaddis and voted to dismiss the complaint and to issue a (non-disciplinary) Letter of Guidance regarding communications issues, i.e. the importance of listening carefully to all information conveyed by a patient or their family members, and to also consider expanding the differential diagnosis. The Case Reporter did not vote.

**F. CR2016 38**

Dr. Palman, Case Reporter, provided a brief overview of the case and following their review, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to dismiss the complaint and to issue a (non-disciplinary) Letter of Guidance regarding the importance of accurate recordkeeping, and to remind the licensee of professional standards existing in the context of Independent Medical Examinations as contained in the American Medical Association Code of Medical Ethics Opinion 10.03, Patient-Physician Relationship in the Context of Work- Related and Independent Medical Examinations. The Case Reporter did not vote.

**G. CR2016 40**

Dr. Gaddis, Case Reporter, provided a brief overview of the case and following review, the Board took this action:

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

**H. CR2016 42**

Dr. Piper, Case Reporter, provided a brief overview of the case and following review, the Board took this action:

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

**I. CR2016 45**

In the absence of the Case Reporter, the Board reviewed the materials and took this action:

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

**J. CR2016 48**

Ms. McIntyre, Case Reporter, provided a brief overview of the case. Following their review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Palman and voted to set the matter for an Adjudicatory Hearing but also authorizing AAG Miller to draft and offer a Consent Agreement (for prior review by the Case Reporter) which would include a reprimand For prescribing to family members and a requirement that the licensee cease doing so. The Case Reporter did not vote.

**K. CR2016 51**

Ms. McIntyre, Case Reporter, provided a brief overview of the case. Following their review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Palman and voted to set the matter for an Adjudicatory Hearing but also authorizing AAG Miller to draft and offer a Consent Agreement to include a censure, a 5 year period of probation and required continuing medical education in professional ethics such as ProBE and to suggest the licensee consider providing the patient with the refund requested.

At this time, the Board made another motion regarding this matter:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Palman and voted unanimously to forward a referral regarding the licensee's spouse, who is a Registered Nurse, to the Board of Nursing.

At this time, the Board voted (McIntyre & Thomas) to go into Executive Session, based on 1 M.R.S. §§405(6)(E) and 405(1)(F). Once again in Public Session, the Board noted the following:

**L. IN2017 09**

Dr. Gaddis, Case Reporter, provided a brief overview of the materials received. Following their review, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. McIntyre and voted to issue a complaint on the Board's own motion and forward to the licensee for response. Case Reporter did not vote.

**S. Miscellaneous Complaint Information**

Correspondence complaining that the Board had taken a license away from a licensee several years ago was reviewed; in fact the license was suspended for a short time but the licensee now works in a specific location, taking no new patients or seeing prior patients. The Board determined that no response was warranted.

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

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

Dr. Thomas, Case Reporter, noted no concerns with the reports received and then reminded the Board that the licensee had requested approval to work additional hours in additional sites. The Board reviewed several letters of support and then took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Palman and voted to approve the licensee's request to work additional hours at certain 'Groups' locations in Maine. The Case Reporter did not vote.

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

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

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

**A. Review of January 2017 Meeting Minutes**

Following review, the Board took these actions:

**MOTION:** Made by Ms. McIntyre, seconded by Dr. Gaddis to approve the January 2017 meeting minutes.

**B. Revenue & Expense Reports**

The Board reviewed and accepted the financial reports for January 2017. No Board action was necessary.

**V. Other Business**

**A. Federation of State Medical Boards Annual Meeting**

Ms. Michaud indicated that she would be willing to represent the Board at the late April meeting in Texas.

**B. Legislative Information**

Board members received updates on bills that might be of interest and were provided with the future schedule as well as a list of all committees and members. No action was taken.

- LD13 – Voted Ought Not to Pass
- LD114 – Work Session was held on 3/2/2017

- LD232 – Hearing not yet scheduled;
- LD347 – Hearing not yet scheduled;
- LD534 – Hearing not yet scheduled.

## **VI. Licensure Matters**

### **A. Permanent Licensure Applications**

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

**MOTION:** Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to approve the license applications submitted by: Justin Valiquet, D.O.; Pardeep Shori, D.O.; Lisa Yeh, D.O.; Michelle Ramirez, D.O.; Shayna Shackford, D.O.; Nichols Dupuis, D.O. and Garrett Caldwell, D.O.

Following discussion, the Board took this additional action regarding licensure:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to approve the application for issue pending the Executive Secretary's receipt of appropriate information regarding the last two (2) questions on the application.

### **B. Physician Assistant Applications**

There were no new PA applications for review.

## **VII. Informal Conference**

At this time, the Board welcomed the parties to the following Informal Conference and at the request of the licensee, as permitted by Maine law, the Board voted to go into Executive Session. Once again in Public Session, the Board took this action:

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

## **VIII. Adjournment**

A motion to adjourn was made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously – 1:45 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Maine Board of Osteopathic  
Licensure 142 State House  
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**Minutes of April 13, 2017 Board Meeting – 9:30 a.m. – 11:45 a.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Angela Westhoff, Executive Director, Maine Osteopathic Association; John Brewer, D.O.; Robert Hayes, Esquire; Jay McCloskey, Esquire

It was noted that the Adjudicatory Hearing with Kevin Kenerson, D.O., originally scheduled for this date was continued<sup>1</sup>.

**I. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Dr. Thomas recited the Complaint Script.

At this time, the Board voted (Ms. McIntyre, Ms. Michaud) to go into Executive Session, pursuant to 1 M.R.S. 405(6)(E) for legal advice. Once again in Public Session (Drs. deKay & Piper) and following discussion and review of correspondence and requests from legal counsel for the licensee, the Board took this action:

**A. IN2013 39, CR 2014 51, CR2014 58, IN2015 06, CR2015 17, IN2015 33 & IN2017 05**

**MOTION:** Made by Ms. McIntyre, seconded by Ms. Michaud and voted to withdraw the Board's motion to set these matters for an Adjudicatory Hearing, and to issue complaints and subpoena records regarding the four investigations while keeping open the pending consent agreement offer.

**II. Licensure Matters**

**A. Permanent Licensure Applications**

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

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<sup>1</sup> Hearing was continued due to signing of Consent Agreement – see Item III, Page 2 of 2



**Continued from Page 1 of 2 – April 13, 2017 Board of Osteopathic Licensure Meeting Minutes**

**MOTION:** Made by Dr. Piper, seconded by Ms. McIntyre and voted unanimously to approve the license applications submitted by: Elizabeth Abbas, D.O.; Nam Nguyen, D.O.; Anthony Fusco, D.O.; Roseann Fruednel, D.O.; Lauren Jamele-Towney, D.O.; Naila Rashid, D.O., Robert Oristaglio, D.O., Jeremy Berg, D.O.; Mary Iaculli, D.O. and Courtenay Deane, D.O.

**B. Physician Assistant Applications**

There were no new PA applications for review.

**III. Adjudicatory Hearing – Kevin R. Kenerson, D.O.**

It was noted that the Adjudicatory Hearing with Dr. Kenerson, originally scheduled for this date, was continued (cancelled) due to the signing of a Consent Agreement. Following their review of the signed Agreement, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to accept the Consent Agreement as drafted and signed by the licensee. The Case Reporter did not vote.

**IV. FSMB<sup>2</sup> Annual Meeting**

Dr. deKay will represent the Board at the annual meeting in Texas.

**V. Legislative Information**

Board members reviewed a list and copies of multiple Legislative Documents as well as committee information in case there was any interest in submitting information or testimony.

Prior to leaving, Dr. Gaddis noted he would be away and unable to attend the May 2017 meeting; Ms. Michaud will be unable to attend the June meeting and AAG Miller noted that, in her absence, AAG Judy Peters will provide legal counsel to the Board for the July 2017 meeting.

**VI. Adjournment**

A motion to adjourn was made by Ms. McIntyre, seconded by Ms. Michaud and voted unanimously to adjourn at 11:45 a.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

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<sup>2</sup> Federation of State Medical Boards

Maine Board of Osteopathic Licensure  
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Augusta, ME 04333-0142  
Phone: (207) 287-2480/Fax: (207) 536-5811

**Minutes of June 8, 2017 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; Gary Palman, D.O.; John Brewer, D.O.; John F. Gaddis, D.O.; Ryan Smith, D.O. Members Excused: Marty McIntyre, Public Member and Melissa Michaud, PA-C.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Angela Westhoff, Executive Director, Maine Osteopathic Association; Emily Bloch, Esquire.

**I. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Dr. Thomas recited the Complaint Script.

**A. CR2017 03**

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. Palman and voted to dismiss as the complaint did not rise to a level which would warrant further Board action. Both Dr. Brewer and Dr. Smith, being new to the Board, recused themselves from voting.

**B. CR2017 11**

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis and voted to invite the parties to attend an Informal Conference at a future meeting. Motion carried with Drs. Thomas, Gaddis & deKay in favor. Drs. Brewer and Smith, being new to the Board, recused themselves from voting.

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

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

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

**B. Kevin Kenerson, D.O.**

Dr. deKay, Case Reporter, noted no new issues of concern. Following a brief discussion, this motion was made:

**MOTION:** Made by Dr. Thomas, seconded by Dr. Palman and voted to have the Executive Secretary discuss with the licensee's attorney the requirement that the licensee enroll in courses as required per the terms of his Consent Agreement and that he have his evaluation through the Maine Professionals Health Program. The invoice for the Hearing Officer will be forwarded to the licensee.

**Continued from Page 1 of 2 – June 8, 2017 Board of Osteopathic Licensure Meeting Minutes**

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

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

**D. Raymond Psonak, D.O.**

In Ms. McIntyre's absence, Board members reviewed the signed Consent Agreement; no new issues of concerns were raised since the last meeting.

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

**A. March & April Meeting Minutes**

Following their review, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to approve the minutes of the March and April 2017 meetings, as written.

**B. Revenue & Expense Reports**

The Board reviewed and accepted the financial reports for March, April & May 2017. No Board action was necessary.

**IV. Old/New Business**

**A. FSMB Opioid Guidelines Adopted April 2017**

The Board reviewed the updated guidelines from the Federation of State Medical Boards. No action was necessary.

**B. Chapter 21 – Use of Controlled Substances for Treatment of Pain**

The Board was updated that the comment period for Chapter 21 revisions had come to a close and that another update would be provided at a future meeting.

**V. Licensure Matters**

**A. Permanent Licensure Applications**

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to approve the license applications submitted by: Nimret Dev, D.O.; Kira Bendixen, D.O.; Basil Chang, D.O.; Donna DeFilippo, D.O.; Jillian Dur, D.O. and Elizabeth Madore, D.O.

**B. Physician Assistant Applications**

There were no new PA applications for review.

**VI. Adjournment**

A motion to adjourn was made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to adjourn the meeting at 12:30 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure  
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**Minutes of July 13, 2017 Board Meeting – 9:30 a.m. – 12:30 p.m.**

Members Present: Joseph R. D. deKay, DO, Board Chair; Scott Thomas, DO, Vice-Chair; Melissa Michaud, PA-C; Gary Palman, DO; John Brewer, DO; John F. Gaddis, DO; Ryan Smith, DO Member Excused: Marty McIntyre, Public Member.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Angela Westhoff, Executive Director, Maine Osteopathic Association; Natania Piper, DO; Ronald Schneider, Esquire; Sandra Rothera, Esquire; Lani Graham, MD, Director, Medical Professionals Health Program; Cathryn Stratton, Medical Professionals Health Program; Abigail Varga, Esquire

**I. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Dr. Thomas recited the Complaint Script.

**A. CR2016 07**

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

**MOTION:** Made by Dr. Thomas, seconded by Dr. Gaddis and voted to dismiss as the complaint did not rise to a level which would warrant further Board action. Dr. Palman abstained from voting. Ms. Michaud, Case Reporter, did not vote.

**B. CR2017 07**

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

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

**C. CR2017 08**

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

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

**D. CR2017 10**

Following a thorough review of the complaint, response, medical records and 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. Ms. Michaud, Case Reporter, did not vote.

## **Continued from Page 1 of 3 – July 13, 2017 Board of Osteopathic Licensure Meeting Minutes**

### **E. CR2017 13**

Following a thorough review of the complaint, response, medical records and rebuttal, 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 further Board action. Dr. deKay, Case Reporter, did not vote.

### **F. CR2017 18**

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

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

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

### **A. Paul Gosselin, DO**

Dr. Thomas, Case Reporter, reported notice of a preliminary positive test. Following discussion, the Board decided to wait on a final report before determining a course of action.

### **B. Kevin Kenerson, DO**

Dr. deKay, Case Reporter, noted no issues of concern. The Executive Secretary noted having received a call from the program the licensee is registered to attend in September and that reports will be forthcoming once the course has been completed.

### **C. Bradley Libenson, DO**

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

## **III. Medical Professionals Health Program – Annual Presentation**

Dr. Graham and Ms. Stratton provided an overview of the services and briefly described, particularly for the newest Board members, how the MPHP assists health professionals. No Board action was necessary.

At the request of the licensee, who was represented by counsel, the Board voted (Dr. deKay, Dr. Thomas – 2<sup>nd</sup>) to go into Executive Session<sup>1</sup> for the following Informal Conference. Once again in Public Session, the Board took this action:

## **IV. CR2017 09 – Informal Conference**

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

## **V. Miscellaneous Business**

### **A. Chapter 2 – Review of Comments, Draft Basis Statement & Responses**

Following their review of the comments, draft basis statement and responses, the Board made no changes to the proposed rule, basis statement or responses.

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<sup>1</sup> As allowed by Maine law, 32 MRS §2591-A(1).

## Continued from Page 2 of 3 – July 13, 2017 Board of Osteopathic Licensure Meeting Minutes

### **B. Federation of State Medical Boards Duty to Report Summary**

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

### **C. New Laws – Public Law Chapters 252, 253 & 267**

Board members reviewed a few of the newest public law chapters, in particular Chapter 253, regarding the Interstate Medical Licensure Compact (IMLC). The Board determined that no action is necessary at this time, regarding the IMLC.

### **D. Election of Officers**

Following nominations, the Board voted the following into office for the coming year:

**MOTION:** Made by Dr. deKay, seconded by Dr. Smith and voted unanimously for nominations to cease.

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Palman and voted unanimously to elect Scott Thomas, D.O. as Board Chair; Melissa Michaud, PA-C as Board Vice-Chair and John Gaddis, D.O. as Board Secretary.

## **VI. Licensure Matters**

### **A. Permanent Licensure Applications**

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

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to approve the license applications submitted by: Hunter Sweet, DO; Kathryn Brokus, DO; Debra Margolis, DO; Jennifer Cavalari, DO; Danielle Harik, DO; Christopher Blomberg, DO; Katherine Reilly, DO; Amy Riviere, DO; Joseph McCue, DO.

A second motion was then made:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. Thomas and unanimously approved the application of John Nadeau, D.O. to be issued as long as the Executive Secretary is able to confirm the applicant's PGY1 training program.

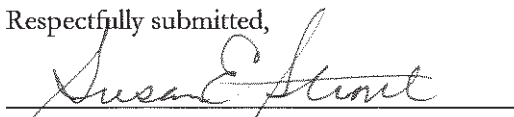
### **B. Physician Assistant Applications**

There were no new PA applications for review.

## **V. Adjournment**

A motion to adjourn was made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to adjourn the meeting at 12 noon

Respectfully submitted,



Susan E. Strout, Executive Secretary

**Minutes of August 10, 2017 Board Meeting – 9:30 a.m. – 12 noon**

Members Present: Scott Thomas, DO, Chair; Melissa Michaud, PA-C, Vice-Chair; John Brewer, DO; Ryan Smith, DO.  
Members Excused: Joseph R. D. deKay, DO; Marty McIntyre, Public Member; Gary Palman, DO; John F. Gaddis, DO.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Detective James Gioia, Office of the Attorney General; Amanda Richards, Maine Osteopathic Association; Elizabeth Campbell, Esquire; Peter Michaud, Maine Medical Association; Richard Haskell; Emily Bloch, Esquire; Vincent Herzog, D.O.

**I. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Dr. Thomas recited the Complaint Script.

**A. CR2017 206**

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

**MOTION:** Made by Ms. Michaud, seconded by Dr. Brewer and voted to dismiss as the complaint did not rise to a level which would warrant further Board action. The Case Reporter was not present.

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

At this time, the Board voted (Dr. Thomas, Ms. Michaud – 2<sup>nd</sup>) to go into Executive Session pursuant to 1 M.R.S. § 405(1)(F) & 10 M.R.S. § 8003-B(2)(A) to receive an information regarding the following licensee. Once again in Public Session (Dr. Thomas, Ms. Michaud – 2<sup>nd</sup>), the Board took this action:

**A. Paul Gosselin, DO**

**MOTION:** Made by Ms. Michaud, seconded by Dr. Brewer and voted unanimously to lift the stay of license suspension and impose a license suspension for 360 days as authorized in the Board's July 17, 2014 Decision & Order, effective immediately. The Board action followed several violations of Dr. Gosselin's monitoring agreement with the MPHP during the period April 2016 through July 2017, and Dr. Gosselin's admissions regarding the violations. Dr. Thomas, Case Reporter, did not vote.

At this time, the Board voted (Dr. Thomas, Ms. Michaud – 2<sup>nd</sup>) to go into Executive Session pursuant to 1 M.R.S. § 405(1)(F) regarding the following licensee. Once again in Public Session (Dr. Thomas, Ms. Michaud – 2<sup>nd</sup>), the Board noted that no Board action was necessary at this time.

**B. Kevin Kenerson, DO**

In the absence of Dr. deKay, Case Reporter, the Executive Secretary noted that no new issues have been raised and reminded the Board that the licensee would be participating in the ProBE program in September as required per the terms of the signed Consent Agreement. Reports will be distributed at the next scheduled Board meeting following receipt.

**C. Bradley Libenson, DO**

In the absence of Dr. Palman, Case Reporter, the Executive Secretary noted no issues of concern.

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

**A. June & July 2017 Meeting Minutes**

Review of the June & July 2017 meeting minutes was tabled until the October meeting.

**B. Revenue & Expense Reports**

The July & August 2017 reports were reviewed and accepted.



**IV. Miscellaneous**

**A. Federation of State Medical Boards**

**1. Veteran's Affairs Letter to FSMB re: Telehealth**

Board members reviewed; no Board action necessary.

**2. First Call for Bylaws Amendments**

Board members reviewed the request; no Board action taken.

**B. Discussion regarding Location for the November Board Meeting**

Following discussion, the Board determined that the December 2017 meeting will be held at the University of New England, College of Osteopathic Medicine at the Biddeford Campus. Dr. Smith will assist with planning.

**C. Professional & Financial Regulation – Updated Conflict of Interest Policy**

Board members reviewed the updated policy. No Board action is necessary.

**D. Joint Rule Chapter 21 – Updated Information**

Following review of the new information presented, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to approve the proposed changes to the rule resulting from comments received and to move forward with the next steps in the rulemaking process.

**V. Licensure Matters**

**A. Permanent Licensure Applications**

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

**MOTION:** Made by Ms. Michaud, seconded by Dr. Brewer and voted unanimously to approve the permanent license applications submitted by: Vincent Hinshaw, DO; Jims Jean –Jacques, DO; Katy Brown, DO; Kerri Brown, DO; Robert Bailey, DO; Christopher Kim, DO; Fleming, DO; Crystal Dockery, DO; Stephen Ruda, DO; Stephen Podolsky, DO.

After further review of the application submitted by Scott Ladd, D.O., the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Smith and voted unanimously to approve the permanent license application submitted by Scott Ladd, D.O.

**B. Physician Assistant Applications**

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

**MOTION:** Made by Dr. Brewer, seconded by Ms. Michaud and voted unanimously to approve the license permanent applications submitted by: Setha Treadwell, PA-C and Samantha Stanfield, PA-C.

**VI. Adjournment**

A motion to adjourn was made by Dr. Brewer, seconded by Dr. Thomas and voted unanimously to adjourn the meeting at 12 noon

Respectfully submitted,



Susan E. Strout, Executive Secretary



Maine Board of Osteopathic Licensure  
142 State House Station  
161 Capitol Street  
Augusta, ME 04333-0142  
Phone: (207) 287-2480/Fax: (207) 536-5811

**Minutes of October 12, 2017 Board Meeting – 9:30 a.m. – 3:15 p.m.**

Members Present: Scott Thomas, DO, Chair; Melissa Michaud, PA-C, Vice-Chair; John Gaddis, DO, Board Secretary; John Brewer, DO; Ryan Smith, DO; Joseph R. D. deKay, DO; Marty McIntyre, Public Member; Gary Palman, DO

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Detective James Gioia, Office of the Attorney General; Amanda Richards, Maine Osteopathic Association; Elizabeth Campbell; Peter Michaud; Richard Haskell; Vincent Herzog, DO; Emily Bloch, Esquire

**I. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Ms. Michaud recited the Complaint Script.

**A. CR2017 20**

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

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

**B. CR2017 21**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis to dismiss the complaint. Ms. Michaud, Case Reporter, did not vote.

After additional discussion, the following amendment was proposed:

**AMENDMENT TO MOTION:** Made by Ms. McIntyre, accepted by Drs. deKay and Gaddis and voted unanimously to dismiss the complaint and to issue a Letter of Guidance regarding mandatory reporting. The Letter of Guidance will be on file for one (1) year. Ms. Michaud, Case Reporter, did not vote.

**C. CR2017 26**

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

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

**D. CR2017 37**

Following review of the complaint and request to withdraw as submitted by the complainant, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to allow the complaint to be withdrawn, with no further action necessary. Dr. Gaddis, Case Reporter, did not vote.

## **Continued from Page 1 of 4 – October 2017 Osteopathic Board Meeting Minutes**

At this time, the Board voted (Dr. deKay, Ms. McIntyre) to go into Executive Session pursuant to 24 M.R.S. § 2510. Once again in Public Session (Ms. McIntyre, Dr. Brewer), the Board took this action:

### **E. IN2017 25**

Following a thorough review of the report submitted pursuant to 24 M.R.S. § 2505 as well as other materials gathered, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Michaud and voted unanimously to mandate an evaluation by a forensic psychologist, including substance misuse, due to concerns (including but not limited to) regarding unprofessional conduct and self-prescribing. Ms. McIntyre, Case Reporter, did not vote.

After additional discussion, a second motion was made:

**MOTON:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to issue a Board complaint regarding unprofessional conduct and violation of Board rule(s). Ms. McIntyre, Case Reporter, did not vote.

### **F. IN2017 30**

Following their review of a report submitted pursuant to 24 M.R.S. § 2506, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to issue a complaint regarding unprofessional conduct and incompetence based on the report received. Dr. Smith, Case Reporter, did not vote.

### **G. IN2017 32**

Following their review of materials received regarding possible fraud and deceit in practice or billing, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to close the investigation with no Board action necessary. Dr. Palman, Case Reporter, did not vote.

### **H. IN2017 33**

Following their review of materials received regarding possible fraud and deceit in practice or billing, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Michaud and voted unanimously to close the investigation with no Board action necessary. Dr. Palman, Case Reporter, did not vote.

### **I. IN2017 39**

Following their review of a report submitted pursuant to 24 M.R.S. § 2506, the Board took this action:

**MOTION:** Made by Ms. McIntyre, seconded by Ms. Michaud and voted unanimously to issue a complaint regarding possible violations of state and federal laws. Dr. deKay, Case Reporter, did not vote.

It was then noted that reviews of items J through Q on the agenda were tabled until the November 2017 meeting. The reference numbers are: IN2017-19, CR2013-39, CR2015-06, CR2015-33, CR2017-05, CR2014-51, CR2014-58 and CR2015-17.

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

### **A. Paul Gosselin, DO**

The licensee is not currently practicing due to suspension. No Board action was necessary.

**Continued from Page 2 of 4 – October 2017 Osteopathic Board Meeting Minutes**

**B. Kevin Kenerson, DO**

No clinical concerns were noted. The Executive Secretary noted that reimbursement for the hearing officer fees is now due and the licensee's attorney represented that the fee would be paid soon. No Board action was necessary.

**C. Bradley Libenson, DO**

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

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

**A. June & July 2017 Meeting Minutes**

Following review, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted to approve the minutes of the June & July 2017 meetings as written. Ms. McIntyre did not vote as she was unable to attend either meeting.

**B. Revenue & Expense Reports**

The August & September 2017 reports were reviewed and accepted.

**IV. Miscellaneous**

**A. Review of Further Revisions to (Joint) Rule Chapter 2**

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Michaud and voted to agree to the changes proposed by the Board of Licensure in Medicine and to move forward with the rulemaking process. Dr. Palman abstained from voting.

**B. Federation of State Medical Boards**

**1. Board of Directors Meeting Highlights**

Board members reviewed; no Board action necessary.

**2. First Call for Committee Appointments**

Board members reviewed; none able to make the commitment.

**3. First Call for Nominations of Candidates for Elected Office**

Board members reviewed; no nominations made.

**4. First Call for Associate Members to Board of Directors**

Board members reviewed; none able to make the commitment.

**5. The Restoring Board Immunity Act (S. 1649/HR 3446)**

Board members reviewed; no action taken.

**C. Appointment to Interstate Medical Licensure Compact Commission**

Following discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to appoint the Executive Secretary as its IMLC Commission representative. Mrs. Strout will travel to Phoenix AZ in November to attend the IMLCC annual meeting.

**Continued from Page 3 of 4 – October 2017 Osteopathic Board Meeting Minutes**

**D. MMPHP New & Updated Policies**

Board members reviewed the new and updated policies. No Board action is necessary.

**E. Board Representative – American Association of Osteopathic Examiners Meeting**

Following discussion, the Board took this action:

**MOTION:** Made by Dr. Gaddis, seconded by Dr. deKay and voted to appoint Board member Ryan Smith, D.O. to represent the Board at the annual AAOE meeting in January 2018.

**F. American Board of Radiology – Notice of New Certificate**

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

At this time, the Board voted (Dr. deKay, Dr. Thomas – 2<sup>nd</sup>) to go into Executive Session at the request of the licensee (pursuant to 32 M.R.S. § 2591-A(1)) for the upcoming Informal Conference. Once again in Public Session (Dr. Thomas, Dr. deKay – 2<sup>nd</sup>) the Board took this action:

**V. Informal Conference – CR2017 11**

**MOTION:** Made by Dr. deKay, seconded by Ms. Michaud and voted to request that the licensee write a letter of endorsement/advocacy on behalf of the patient regarding recommendations previously made. The matter is tabled pending receipt of a copy of the letter sent on behalf of the patient. Dr. Palman, Case Reporter, did not vote.

**VI. Licensure Matters**

**A. Permanent License**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to approve the permanent license applications submitted by: Mina Assadollahzadeh, DO; Robert Baril, DO; Ryan Cantville, DO; Elisa Diaz, DO; Katherine Gassman, DO; Christina Bordeau, DO; Martha Gilman, DO; John Gunel, DO; Nathalie Paolino, DO; Benjamin Park, DO; Nichole Rausch, DO; Hugo Rivera, DO; Ryan Sault, DO; Melissa Robinson, DO.

Following a brief discussion, the Board took this action on one additional permanent licensure application:

**MOTION:** Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to approve the application submitted by John Brenner, DO for issue pending receipt of one additional, favorable reference by the Board office.

**B. Physician Assistant Applications**

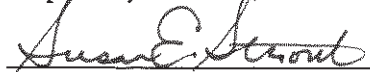
Following circulation and review of the applications, the Board took this action:

**MOTION:** Made by Dr. Brewer, seconded by Ms. Michaud and voted unanimously to approve the license application submitted by Molly Lindsey Nadeau, PA-C.

**VI. Adjournment**

A motion to adjourn was made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to adjourn the meeting at 3:15 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure  
142 State House Station  
161 Capitol Street  
Augusta, ME 04333-0142  
Phone: (207) 287-2480/Fax: (207) 536-5811

**Minutes of November 9, 2017 Board Meeting – 9:30 a.m. – 1:30 p.m.**

Members Present: Scott Thomas, DO, Chair; Melissa Michaud, PA-C, Vice-Chair; John Brewer, DO; Ryan Smith, DO; Joseph R. D. deKay, DO. Members excused: Marty McIntyre, Public Member; Gary Palman, DO and John Gaddis, DO.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Detective James Gioia, Office of the Attorney General; Amanda Richards, Maine Osteopathic Association; Emily Bloch, Esquire; Michael Cuniff, Esquire

**I. CR2016 51 – Review of Consent Agreement in lieu of Adjudicatory Hearing**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to accept the Consent Agreement as written and signed by Raymond Psonak, D.O. Ms. McIntyre, Case Reporter, was not present.

**II. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Ms. Michaud recited the Complaint Script.

**A. CR2017 11**

Following a thorough review of the correspondence received, as requested by the Board after the October 2017 Informal Conference regarding the complaint, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Smith and voted to dismiss the complaint as it did not rise to a level which would warrant further Board action. Dr. Palman, Case Reporter, was not present.

**B. CR2017 17**

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

**MOTION:** Made by Dr. deKay and seconded by Dr. Brewer to dismiss the complaint. The motion failed with only Drs. deKay and Brewer in favor. Dr. Thomas, Case Reporter, did not vote.

After additional discussion, this motion was made:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Brewer and voted unanimously to have Det. Gioia conduct additional investigation. The Board will review the matter again once the investigation is complete and his report is ready for review. Dr. Thomas, Case Reporter, did not vote.

**C. CR2017 27**

Review of this matter was tabled until the December meeting as additional medical records were anticipated.

At this time, Dr. Thomas recused himself and left the Conference Room. Ms. Michaud assumed the Chair.

**D. CR2017 28**

Following review of the complaint and request to withdraw as submitted by the complainant, the Board took this action:

**Continued from Page 1 of 4 – November 2017 Board of Osteopathic Licensure Meeting Minutes**

**MOTION:** Made by Ms. Michaud, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not merit further investigation. Dr. Palman, Case Reporter, was not present.

Dr. Thomas rejoined the meeting and resumed Chair.

**E. IN2017 43**

Following a review of the complaint and the complainants request to withdraw it, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to approve the request to withdraw the complaint, closing the matter. Dr. Gaddis, Case Reporter, was not present.

At this time, the Board voted (Dr. deKay, Ms. Michaud – 2<sup>nd</sup>) to go into Executive Session based on 1 M.R.S. § 405 (6)(E). Once again in Public Session (Dr. deKay, Dr. Thomas – 2<sup>nd</sup>), the Board took this action:

**F. IN2017 19**

Following their review of a report submitted pursuant to 24 M.R.S. § 2505, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to conduct further investigation. Dr. Thomas, Case Reporter, did not vote.

**G. IN2013 39**

**H. CR2015 06**

**I. CR2015 33**

**J. CR2017 05**

**K. CR2014 51**

**L. CR2014 58 &**

**M. CR2015 17**

Following an overview from Dr. Thomas (Case Reporter) of each of the above cases and lengthy discussions, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. deKay and voted unanimously to conduct further investigation, as noted during discussion, on CR2013 39, CR2015 06, CR2015 33, CR2017 05, CR2014 51, 2014 58 and CR2015 17. Dr. Thomas, Case Reporter, did not vote.

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

**A. Paul Gosselin, DO**

The licensee is not currently practicing due to suspension. No Board action was necessary.

**B. Kevin Kenerson, DO**

The Executive Secretary noted that reimbursement for the hearing officer fees is now due and the licensee's attorney represented that the fee would be paid soon. No action necessary.

**C. Bradley Libenson, DO**

In the absence of Dr. Palman, Case Reporter, no concerns were noted and the Board took note that the licensee's Consent Agreement was due to expire in several days. Following a brief discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to terminate the Consent Agreement, effective this date.



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

**A. August 2017 Meeting Minutes**

Following review, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. deKay and voted to approve the minutes of the August 2017 meeting as written.

**B. Revenue & Expense Reports**

The October 2017 report was reviewed and accepted.

**V. Miscellaneous**

**A. Review of Suggested Revisions to (Joint) Rule Chapter 10<sup>1</sup>**

Following review and discussion, the Board will convey concerns to the Board of Licensure in Medicine staff regarding some of the proposed changes and took no action.

**B. Review of Comments/Draft Responses re: (Joint) Rule Chapter 21<sup>2</sup>**

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the Basis Statement and Response to Comments and to adopt the Rules as written.

**C. Coalition Letter re: Buprenorphine Prescribing**

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

**D. MPHP<sup>3</sup> Letter from Lani Graham, MD – Medical Director**

Board members reviewed the letter from Dr. Graham regarding her retirement and noted the good work she has done with the Program through the years.

**VI. Licensure Matters**

At this time, Dr. Thomas recused himself and left the Conference Room. Ms. Michaud assumed the Chair.

**A. Locum Tenens Application**

Following circulation and review of the application, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. deKay and voted to approve Locum Tenens application submitted by Naciketa Rath, D.O. to work at St. Joseph Hospital in Bangor and The Aroostook Medical Center in Presque Isle.

Dr. Thomas rejoined the meeting and resumed the Chair.

**B. Permanent Licensure Applications**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to approve the permanent licensure applications submitted by Azima Rasiwala, D.O. and Kevin Shanaghan, D.O.

**C. Physician Assistant Applications**

There were no completed PA applications for circulation and review.

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<sup>1</sup> Sexual Misconduct Rule

<sup>2</sup> Use of Controlled Substances for Treatment of Pain Rule

<sup>3</sup> Medical Professionals Health Program

**Continued from Page 3 of 4 – November 2017 Board of Osteopathic Licensure Meeting Minutes**

**D. Permanent Licensure Application – David Lunianski, D.O.**

Following circulation and review of the application, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Brewer and voted to table the matter pending receipt of a report from a current psychiatrist or psychologist, evidence of current clinical competency, letter(s) from previous mental health provider(s) and up-to-date letters of reference which are not currently dated but exact copies of those previously submitted. Dr. Thomas and Ms. Michaud were opposed.

**E. Permanent Licensure Application – Chris Adams, D.O.**

Following circulation and review of the application, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Dr. Smith to table any action on the application pending receipt of treatment information, adequacy of the treatment received and clinical competence. Motion failed with Ms. Michaud, Dr. Thomas and Dr. Brewer opposed.

Following additional review and discussion, this motion was made:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted to preliminarily deny the application based on, including but not limited to, unprofessional conduct, fraud and deceit, disciplinary action by another state and violation of Board statutes or rules. Drs. deKay and Brewer were opposed.

**VI. Adjournment**

A motion to adjourn was made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to adjourn the meeting at 1:30 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary



**Minutes of December 14, 2017 Board Meeting – 9:30 a.m. – 1:30 p.m.**

This meeting was held at the University of New England College of Osteopathic Medicine

Members Present: Scott Thomas, DO, Chair; Melissa Michaud, PA-C, Vice-Chair; John Gaddis, DO, Board Secretary; John Brewer, DO; Ryan Smith, DO; Joseph R. D. deKay, DO; Marty McIntyre, Public Member; Gary Palman, DO

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Amanda Richards, Maine Osteopathic Association; Abigail Varga, Esq.; Emily Bloch, Esq.; Maureen Sturtevant, Esq.; Jennifer Rush, Esq.; Kris Sornberger, DO; Evelyn Schwalenberg, DO; James Bass, Esq.; Representatives of American Academy of Anesthesiologist Assistants

**I. Complaints & Investigations**

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Dr. Thomas recited the Complaint Script.

**A. CR2017 23**

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

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

**B. CR2017 24**

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

**MOTION:** Made by Dr. Brewer, seconded by Ms. Michaud and voted to dismiss the complaint. Dr. deKay, Case Reporter, did not vote.

**C. CR2017 25**

Following review of a request for reconsideration of the forensic evaluation required of the licensee, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Ms. McIntyre and voted to defer the originally required forensic evaluation pending receipt of documentation of the licensee's successful completion of an anger management course by January 2, 2018. Ms. Michaud, Case Reporter, did not vote.

**D. CR2017 27**

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

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

**E. IN2017 29**

This matter was tabled until pending additional information.

**F. CR2017 34**

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

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

**G. CR2017 35**

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

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

**H. IN2017 36**

Following their review of the report submitted pursuant to 24 M.R.S. § 2505, the Board took this action:

**MOTION:** Made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously to issue a complaint on the Board's own motion. Dr. Gaddis, Case Reporter, did not vote.

**I. CR2017 38**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Palman and voted unanimously to dismiss the complaint and refer the matter to the Board of Licensure in Medicine as the physician was not supervising the physician assistant against whom the complaint was made. Dr. Gaddis, Case Reporter, did not vote.

**J. IN2017-39**

Following their review of the information received at the Board's request, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Ms. McIntyre and voted to take no action based on new information. The Board previously voted to issue a complaint. Dr. deKay, Case Reporter, did not vote.

**K. CR2017 41**

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

**MOTION:** Made by Ms. Michaud, 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. Brewer, Case Reporter, did not vote.

**L. CR2017 42**

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

**MOTION:** Made by Ms. McIntyre, 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. Gaddis, Case Reporter, did not vote.

**M. CR2017 44**

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

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

**N. CR2017 45**

Following their review of the complainants request to withdraw the complaint, the Board took this action:

**MOTION:** Made by Dr. deKay, seconded by Ms. Michaud and voted unanimously to approve the request to withdraw the complaint, closing the matter.

**O. IN2017 48**

Following their review of the information provided by the FSMB<sup>1</sup> regarding Board action in other states, the Board took this action:

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<sup>1</sup> Federation of State Medical Boards

**MOTION:** Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to issue a complaint on the Board's own motion. Dr. Smith, Case Reporter, did not vote.

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

### **A. Kevin Kenerson, DO**

The Executive Secretary noted that the Board had received reimbursement for the hearing officer costs. No clinical concerns were noted. Dr. Gaddis, Case Reporter or Dr. Thomas, Board Chair will randomly select patient charts for review. No Board action was necessary.

### **B. Raymond Psonak, DO**

Board members reviewed the fully signed Consent Agreement with the licensee. No Board action was necessary.

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

### **A. October & November 2017 Meeting Minutes**

Review of the minutes was tabled until the January 2018 meeting.

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

The November 2017 reports were reviewed and accepted.

## **IV. Miscellaneous**

### **A. Request for Board Approval of Training**

Board members reviewed materials provided by Dr. Palman in advance of the meeting. In addition, representatives from the American Association of Anesthesiologists Assistants were present to provide information regarding the request. AAG Miller advised that the Board did not have legal authority to approve a course for Anesthesiologists Assistants as requested. The Board took no action regarding this request. Dr. Palman recused himself from participating as a Board member during the discussion.

Dr. Palman left the meeting room at the conclusion of the discussion.

### **B. Request for Legislative Committee**

The Executive Secretary asked for a committee of Board members to work on legislative matters such as writing/reviewing testimony for the Commissioner/Governor's review & approval, presenting testimony at Legislative hearings and assisting with rewriting multiple sections of the Board's statute. Drs. Thomas, Smith and Brewer offered to serve on the Committee. AAG Miller and Mrs. Strout will be a part of the Committee as well.

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

#### **1. Nominations for Associate Member**

Board members reviewed and took no action.

#### **2. Final Call for Committee Nominations**

Board members reviewed; none able to make the commitment.

#### **3. Board of Directors Meeting Highlights**

Board members reviewed; no action taken.

#### **4. Advocacy Bulletin**

Board members reviewed; no action taken.

### **D. Discussion re: Category II CME Hours**

Board members discussed making a change similar to the MD Board regarding Category II hours but took no action at this time.

Dr. Palman rejoined the meeting prior to the review of applications, etc.

**V. Licensure Matters**

**A. David Lunianski, D.O. – Permanent License Applicant**

At this time, the Board voted to go into Executive Session (Dr. Thomas, 2<sup>nd</sup> by Dr. Brewer) to review confidential information. Once again in Public Session, the Board took this action:

**MOTION:** Made by Dr. Thomas and seconded by Dr. Brewer to request a letter from a psychiatric consultant, tabling any further action pending receipt of that letter. With all members voting in opposition to the motion, it was withdrawn and the following motion was made:

**MOTION:** Made by Dr. deKay, seconded by Ms. McIntyre and voted unanimously to table the application and require that the applicant undergo a current, full and comprehensive evaluation.

**B. Permanent DO Applications**

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

**MOTION:** Made by Ms. McIntyre, seconded by Dr. deKay and voted unanimously to approve the permanent license applications submitted by: Jeffrey Gazzara, DO; Matthew Farbman, DO and Grant J. Linnell, DO.

**B. Physician Assistant Applications**

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

**MOTION:** Made by Dr. deKay, seconded by Dr. Gaddis and voted unanimously to approve the license applications submitted by Megan Southwick, PA and Tennie Shardlow, PA.

**VI. Adjournment**

A motion to adjourn was made by Dr. deKay, seconded by Dr. Brewer and voted unanimously to adjourn the meeting at 1:30 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary