

STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE

In re:)
)
 PAUL G. GOSSELIN, D.O.)
) NOTICE OF HEARING
 Case No. CR 2021-49)
 (IN 2021-32, IN 2021-37,)
 IN 2021-41, and IN 2021-43))

On February 10, 2022, at 10:00 a.m., the Maine Board of Osteopathic Licensure (“the Board”) will conduct an adjudicatory hearing pursuant to 32 M.R.S. § 2591-A and 10 M.R.S. § 8003(5) to hear evidence regarding Case Nos. IN 2021 32, 2021 37, 2021 41, and 2021 43 (consolidated in CR 2021 49) and determine whether grounds exist for the Board to impose discipline upon the license of Paul G. Gosselin, D.O. (“Dr. Gosselin”), to practice osteopathic medicine in the State of Maine.

The hearing will be held in the conference room of the Board’s office located at 161 Capitol St., Augusta, Maine. If an emergency or urgent issue requires the Board to meet by remote methods, the hearing will be held through remote access pursuant to 1 M.R.S. § 403-B. The hearing may be continued on additional dates if necessary.

GROUND FOR IMPOSING DISCIPLINE UPON DR. GOSSELIN’S LICENSE

Pursuant to 10 M.R.S. § 8008, the sole purpose of the Board is to protect the public health and welfare, and the Board carries out this purpose by ensuring the public is served by competent and honest practitioners. At the hearing, the Board will determine whether by a preponderance of the evidence grounds exist to impose discipline as follows:

- I. Pursuant to 32 M.R.S. § 2591-A(2)(E)(1) for incompetence by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed to a patient or the public by:
 - a. Improperly issuing vaccine exemptions; and
 - b. Failing to create and/or maintain adequate medical records for patients who received vaccine exemptions.

- II. Pursuant to 32 M.R.S. § 2591-A(2)(E)(2) for incompetence by engaging in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice of medicine by:

- a. Improperly issuing vaccine exemptions; and
 - b. Failing to create and/or maintain adequate medical records for patients who received vaccine exemptions.
- III. Pursuant to 32 M.R.S. § 2591-A(2)(F) for engaging in unprofessional conduct by violating a standard of professional behavior that has been established in the practice of medicine by:
- a. Issuing vaccine exemptions without seeing or examining the patients, obtaining their medical histories, obtaining medical records, consulting their primary care providers, or considering guidance published by the U.S. Department of Health & Human Services, Centers for Disease Control and Prevention; and
 - b. Failing to create and/or maintain adequate medical records for patients who received vaccine exemptions.

ALLEGED FACTS

The alleged facts include but are not limited to the following:

1. Dr. Gosselin has held a license to practice osteopathic medicine in the State of Maine since July 15, 1999 (license number DO1631).
2. In October 2021, Dr. Gosselin issued multiple vaccine exemptions to health care workers in Maine.
3. Dr. Gosselin issued many of these vaccine exemptions without seeing or examining these health care workers, obtaining their medical histories, obtaining their medical records, or consulting their primary care providers.
4. Dr. Gosselin issued many of these vaccine exemptions without creating and/or maintaining records that adequately documented the bases and justification for issuing the exemptions.
5. Dr. Gosselin issued many of these vaccine exemptions without consideration of the guidance published by the U.S. Department of Health & Human Services, Centers for Disease Control and Prevention (“U.S. CDC”).
6. Specifically, Dr. Gosselin issued vaccine exemption letters on the dates and for the patients as indicated in the table below without obtaining medical histories, obtaining their medical records,

consulting with primary care providers, creating and/or maintaining adequate records, or considering U.S. CDC guidance.

Patient	Date of Issuance (on or about)
V.B.	10/25/2021
C.F.	10/25/2021
J.P.	10/25/2021
K.Y.	10/25/2021
J.B.	10/26/2021
B.D.	10/26/2021
L.F.	10/26/2021
H.G.	10/26/2021
K.P.	10/26/2021
S.S.	10/26/2021
K.D.	10/27/2021
K.K.	10/27/2021

POTENTIAL DISCIPLINARY SANCTIONS

If the Board finds by a preponderance of the evidence admitted at hearing that there are one or more grounds for imposing discipline against Dr. Gosselin’s license, the Board may impose any discipline permitted under 10 M.R.S. § 8003(5)(A-1) and 32 M.R.S. § 2591-A, in any combination, including:

- A. Refuse to issue or renew, modify, or restrict a license.
- B. Issue a warning, censure, or reprimand.
- C. Suspend a license for up to 90 days for each violation of applicable laws, rules, or conditions of licensure or for each instance of actionable conduct or activity. License suspensions may be set to run concurrently or consecutively. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation.
- D. Impose a civil penalty of up to \$1,500 for each violation of applicable laws, rules, or conditions of licensure or for instances of actionable conduct or activity.
- E. Impose conditions of probation, which may run for such time period as the Board determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric, or mental health consultations or evaluations; mandatory

professional or occupational supervision; and other conditions that the Board determines appropriate.

F. Revoke a license.

In addition, pursuant to 10 M.R.S. § 8003-D, if the Board finds that Dr. Gosselin committed a violation, the Board may assess Dr. Gosselin for all or part of the actual expenses incurred by the Board or its agents for investigation and enforcement duties performed. Such expenses include, but are not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers, costs associated with record retrieval, and the costs of transcribing or reproducing the administrative record.

CONDUCT OF HEARING

The hearing will be held in accordance with the applicable provisions of the Maine Administrative Procedure Act, 5 M.R.S. §§ 9051-9064.

Commencement of Adjudicatory Proceeding. By issuing this notice the Board now commences an adjudicatory proceeding under Title 5, chapter 375, subchapter 4 of Maine Revised Statutes.

Hearing Officer. The Board has contracted with a Hearing Officer who will regulate the course of the hearing and assist the Board in its efforts to find truth and administer justice. The Hearing Officer's duties include ruling on procedural issues prior to hearing, acting as the presiding officer at the hearing, providing legal counsel to the Board throughout the hearing process, and drafting a written decision as directed by the Board that contains the findings and conclusions made by the Board at the hearing.

Board Staff. Pursuant to 5 M.R.S. § 9054(5), Board Staff with the assistance of an assistant attorney general will facilitate the presentation of this matter to the Board by gathering and offering relevant evidence, examining witnesses, filing appropriate motions, and responding to motions and objections.

Licensee. Unless another party intervenes in this proceeding pursuant to 5 M.R.S. § 9054(1) or (2), Dr. Gosselin will be the sole party to this proceeding. Dr. Gosselin will have the right to be represented by an attorney at his expense. Dr. Gosselin may testify before the Board, call other witnesses to testify on his behalf, and may cross-examine any witnesses who testify against him. Dr. Gosselin may present written evidence to the Board and may make oral or written argument to the Board.

Intervention. Applications for intervention pursuant to 5 M.R.S. § 9054 will be accepted up to the commencement of the hearing.

Failure to Appear. Failure to appear at the scheduled hearing may result in a hearing in absentia or disposition by default, and information obtained therein may be used in subsequent legal proceedings. Any such default may be set aside for good cause shown.

Dated: [December 23, 2021](#)

A handwritten signature in blue ink that reads "Susan E. Strout". The signature is written in a cursive style and is contained within a light gray rectangular box.

SUSAN E. STROUT
Executive Secretary
Board of Osteopathic Licensure