

Maine Board of Osteopathic Licensure  
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**Minutes of February 13, 2020 Board Meeting – 9:30 a.m. – 11:30 p.m.**

Members Present: Scott Thomas, DO., Board Chair; Melissa Michaud, PA-C, Vice Chair; James Pisini, DO; Brian Gillis, DO. Members Excused: Marty McIntyre, Public Member; Ryan Smith, DO.; John Gaddis, DO, Board Secretary; John Brewer, D.O.

Others Present: Susan E. Strout, Executive Secretary; Lisa Wilson, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistant; Det. James Gioia, Office of the Attorney General; Emily Bloch, Esquire; Abigail Varga, Esquire

Because those present at the start of the meeting were attorneys who regularly attend the meeting and are familiar with the Complaint Script, it was not recited.

**I. Complaints & Investigations**

Complaint and investigative reviews are conducted in Public Session without the use of names, unless otherwise noted.

**A. CR2019 30**

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

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

**B. CR2019 38**

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

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

**C. IN2017 14**

Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to table any action on the investigation pending receipt of the licensee's renewal application which will be due by April 30, 2020. Dr. Gillis, Case Reporter, abstained.

**D. IN2018 19**

Following review and discussion of the materials gathered to date, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Pisini and voted unanimously to notify the licensee that while the Board appreciated the summary of comments he provided, that is not an acceptable response to the Board's request and that the Board now requests that he undergo a psychological evaluation, as previously recommended by the Medical Professionals Health Program, and that he either have his counselor submit his last six (6) months of records or provide the name of his counselor so that the Board can obtain the records independently. The Board would like this addressed so that the matter is back on the April 2020 agenda. Dr. Smith, Case Reporter, was not at the meeting.

## Continued from Page 1 of 3 – February 13, 2020 Board of Osteopathic Licensure Meeting Minutes

### E. IN2020 02

Following their review and discussion of the material received, the Board took this action:

**MOTION:** Made by Ms. Michaud, seconded by Dr. Gillis and voted unanimously to close the investigation, as the material, which provided no patient name or information, did not rise to a level which would merit further Board action. Dr. Gaddis, Case Reporter, was not at the meeting.

### F. IN2020 07

Following review of the material forwarded by Anthem regarding alleged unlicensed practice and billing, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to issue a complaint based on the non-licensed practice of osteopathic medicine. The Executive Secretary was asked to subpoena patient billing records from Anthem.

## II. Consent Agreement Compliance Update

### A. Andrew Candelore, DO

In the absence of the Case Reporter (Ms. McIntyre), the Executive Secretary noted no new concerns; Board members reviewed reports received pursuant to the Consent Agreement. No Board action was necessary.

### B. Kevin Kenerson, D.O.

In the absence of the Case Reporter (Dr. Gaddis), the Executive Secretary noted no new concerns. Dr. Gaddis, while unable to attend the meeting, reported that he had completed his review of the records requested pursuant to the terms of the Consent Agreement and that there were no issues of concern (i.e. records were appropriate, standard of care following and drug screens done when appropriate) No Board action was necessary.

## III. Minutes/Revenue & Expense Reports

### A. Review of December 2019 & January 2020 Meeting Minutes

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

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to approve the minutes of the December 2019 and January 2020 meetings as written.

### B. Revenue & Expense Reports

The February 2020 revenue and expense reports, generated by DAFS<sup>1</sup>, were reviewed and accepted.

## IV. Other Business

### A. Federation of State Medical Boards (FSMB)

The Board determined that Ms. Michaud will be the 2020 voting delegate at the FSMB Annual Meeting to be held in San Diego, CA in April.

### B. Review of LD1660 Proposed Language

Board members reviewed the potentially final draft language in LD1660. No Board action was necessary.

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<sup>1</sup> Division of Administrative & Financial Services

**C. Review of Joint Rule Chapter 12 – Office Based Opioid Treatment**

Following review, the Board took these actions:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to adopt the Basis Statement for Chapter 12 as presented.

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to adopt Rule Chapter 12 (joint with the Boards of Nursing and Licensure in Medicine).

**D. Review of Rule Chapter 21 – Use of Controlled Substances for the Treatment of Pain**

Following review, the Board took these actions:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to adopt the Basis Statement for Chapter 21 as presented.

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to adopt Rule Chapter 21 (joint with the Boards of Medicine, Nursing & Podiatric Medicine).

**V. Government Evaluation Act – Brief Overview**

While not on the agenda, Dr. Thomas noted having attended the Legislature’s Health Coverage, Insurance and Financial Services Committee review of the Board’s ‘Sunset Review’ report. Dr. Thomas provided the Committee with (at their request) a 15-minute overview of the report and what the Board sees as emerging issues. The Executive Secretary noted having spoken with the Committee’s analyst and that the Committee may be discussing the reports again on Thursday, February 20<sup>th</sup>; the Board will be kept apprised of next review/discussion date.

**VI. Licensure Matters**

**A. Teresa Caprio, D.O.**

Following review of the Consent Agreement signed by Dr. Caprio wherein she agrees to complete her statutorily required Continuing Medical Education for the renewal period which ended on September 30, 2019, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to accept the Consent Agreement as signed by the licensee allowing her until August 20, 2020 to obtain the required hours and until September 1, 2020 to provide written documentation to the Board.

**B. Permanent Licensure Applications**

Following circulation and review, the Board took this action:

**MOTION:** Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to approve the licensure applications submitted by: David Clark, D.O.; Michael Moulton, D.O.; Curtis Ross, D.O.; Ryan Paolino, D.O.; Joel Hopper, D.O.; Jordan Faloon, D.O. and Christopher Rogers, D.O. No PA applications were presented for review.

**VI. Adjournment**

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Susan E. Strout, Executive Secretary