

Minutes of November 18, 2021 Board Meeting – 9:30 a.m. – 12:45 p.m.

Members Present: James Pisini, DO, Vice-Chair; John Brewer, DO, Board Secretary; John Gaddis, DO; Peter Michaud, Public Member; Christine Munroe, DO; Brian Gillis, DO; Lisa Ryan, DO. Members excused: Marty McIntyre, Public Member; Melissa Michaud, PA-C, Board Chair; and Rebeca Vose, PA-C

Others Present: Susan E. Strout, Executive Secretary; Lisa Wilson, Assistant Attorney General, Office of the Attorney General; Nikolette Alexander, Consumer Assistance Specialist; Det. Michael Durham, Office of the Attorney General; Amanda Richards, Executive Director, Maine Osteopathic Association and Kenneth Lehman, Esquire.

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

I. Review of Complaint and Investigative Matters

A. CR2020 41 & 2021 11 – Dr. Brewer, Case Reporter

Dr. Brewer provided a brief overview of the case(s) which, following review at the time, resulted in the Board requesting that the licensee participate in CPEP's¹ PROBE² (ethics oriented) course for which he achieved a final course score of Unconditional Pass. Following a thorough review of the report and the ensuing discussion, Board members took this action:

MOTION: Made by Dr. Gillis and seconded by Mr. Michaud with the vote, via roll call, being to unanimous to accept the PROBE report, dismiss the complaints and to issue a Letter of Guidance reminding the licensee of a physician's responsibilities surrounding boundaries and the use of social media as well as exercising caution when considering treating family and/or friends. The Letter of Guidance will remain in the licensee's file for two (2) years from the date of issue. Dr. Brewer, Case Reporter, abstained from voting.

B. CR2021 06 – Dr. Brewer, Case Reporter

Dr. Brewer provided an overview of the case in which a health care entity report was submitted. AAG Wilson was authorized to negotiate a Consent Agreement with terms outlined by the Board during prior review. The signed Consent Agreement was reviewed by the Board and they then took this action:

MOTION: Made by Dr. Gaddis and seconded by Dr. Pisini with the vote, via roll call, being unanimous to accept the Consent Agreement as presented and signed by the licensee. Dr. Brewer, Case Reporter, abstained from voting.

C. CR2021 35 – Dr. Pisini, Case Reporter

Dr. Pisini provided an overview of the complaint and response. Following additional review and discussion, Board members took this action:

¹ Center for Personalized Education for Physicians (located in Colorado)

² PROBE: Professional/Problem-Based Ethics Course

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MOTION: Made by Dr. Ryan and seconded by Mr. Michaud with the vote, via roll call, being unanimous to table the matter for further investigation. Dr. Pisini, Case Reporter, abstained from voting.

D – G. INVs 2021 32, 2021 37, 2021 41 & 2021 43 – Dr. Pisini, Case Reporter

Dr. Pisini provided an overview of each of the above-noted investigations. Following their review and subsequent discussion, Board members took this action:

MOTION: Made by Dr. Gillis and seconded by Dr. Gaddis to emergently suspend the physician's license to practice based on fraud and deceit, unprofessional conduct and incompetence.

Following additional discussion, the Board took this action:

AMENDMENT TO MOTION: Proposed by Mr. Michaud, seconded by Dr. Gaddis and accepted by Dr. Gillis, with the vote, via roll call, being unanimous to accept the motion amended as follows: 'In light of the daily risk of harm to the public regarding the spread of COVID-19 and in light of the fact that misinformation tends to encourage the public not to take medically recommended steps to protect themselves from the risk of COVID-19, the Board moves to suspend the licensees ability to practice for 30 days, holding a hearing as soon as possible within the 30-day period.' Dr. Pisini, Case Reporter, abstained from voting.

Following additional discussion, the Board took this action:

MOTION: Made by Dr. Gaddis and seconded by Dr. Brewer with the vote, via roll call, being unanimous to approve offering a consent agreement of surrender of license. Dr. Pisini, Case Reporter, abstained from voting.

H. IN2021 38 – Dr. Ryan, Case Reporter

Dr. Ryan provided an overview of the report received from a health-care entity. Following review and discussion, Board members took this action:

MOTION: Made by Dr. Brewer and seconded by Dr. Gaddis with the vote, via roll call, being unanimous to issue a Board complaint based on unprofessional conduct and incompetence and in addition, to order the licensee to undergo a mental health exam pursuant as allowed by statute (32 MRS §2593). Dr. Ryan, Case Reporter, abstained from voting.

I. IN2021 39 – Mr. Michaud, Case Reporter

Mr. Michaud provided an overview of the report submitted by a pharmacy. Following the review, Board members took this action:

MOTION: Made by Dr. Brewer and seconded by Dr. Pisini with the vote, via roll call, being unanimous to issue a Board complaint based on unprofessional conduct and violation of Rule Chapter 16 and to subpoena all medical records related to this physician's care of this patient. Mr. Michaud, Case Reporter, did not vote.

J. Andrew Candelore, DO – Consent Agreement Compliance Review

In the absence of Ms. McIntyre, Case Reporter, the Board reviewed the reports submitted and took this action:

MOTION: Made by Dr. Pisini and seconded by Mr. Michaud with the vote, via roll call, being unanimous to follow up with the approved reviewing physician requesting more detailed reports of the reviews completed. In addition, the Board would like an explanation from Dr. Candelore as to the role of the other physician mentioned in the report who was not approved by the Board to serve in any capacity and to request a copy of his CV.

II. Minutes/Revenue & Expense Reports

A. October 2021 Draft Meeting Minutes

Following review, the Board took this action.

MOTION: Made by Mr. Michaud and seconded by Dr. Pisini with the vote, via roll call, being unanimous to approve the minutes of the October 2021 meeting with one minor correction (insert the correct name of a Case Reporter).

B. Review of Current Revenue & Expense Reports³

The current revenue and expense reports had not yet been provided by DAFS.

III. Old & New Business/Miscellaneous

A. Federation of State Medical Boards Information

IV. Licensure Matters

A. Archie Green, DO – CME Shortage

Board members reviewed the licensee's request for an extension of time to obtain the statutorily required hours. The Board then took this action:

MOTION: Made by Dr. Gaddis and seconded by Dr. Gillis with the vote, via roll call, being unanimous to approve the request, offering additional time through February 28, 2022.

B. Susan Stevens, DO – Request to Withdraw Renewal Application/Receive Refund

Board members reviewed the licensee's request for to withdraw her renewal application as she has decided not to practice any longer and to receive a refund of her renewal fee (\$526.50 total). Following discussion, the Board took this action:

MOTION: Made by Dr. Brewer and seconded by Dr. Ryan with the vote, via roll call, being unanimous to approve her request to withdraw her application for license renewal but to deny her request for a refund as it is stated in several places that all fees are non-refundable.

C. Review of Collaborative Agreement – Rose Snyder, PA-C

Board members reviewed a collaborative agreement signed by Ms. Snyder and took this action:

³ Reports are generated by the Department of Administrative & Financial Services

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MOTION: Made by Dr. Pisini and seconded by Mr. Michaud with the vote, via roll call, being unanimous to table this review until the appropriate paperwork has been submitted.

D. Review of Collaborative Agreement – Aaron White, PA-C

Board members reviewed a collaborative agreement from Mr. White and took this action:

MOTION: Made by Dr. Brewer and seconded by Mr. Michaud with the vote, via roll call, being unanimous to accept and approve the Collaborative Agreement as submitted.

E. Permanent Licensure Applications

Following review and discussion, the Board took these actions regarding applications:

MOTION: Made by Dr. Gaddis and seconded by Dr. Gillis with the vote, via roll call, being unanimous to approve the permanent licensure applications submitted by Kimberly Elliott, DO; Cynthia Giblin, DO; Jessica King, DO; Gavin Little, DO; Randolph McClain, DO; Vinh Nguyen, DO; Michael Ross, DO; Yasser Samra, DO; Trent Sensiba, DO and Sarah Tran, DO.

At this time, the Board reviewed/discussed two matters that were added to the agenda late.

F. Letter from Maine Osteopathic Association (‘MOA’)

The Board reviewed a letter from the MOA, shared with the Board for the purpose of bringing awareness that Wal-Mart pharmacies were issuing such letters. Following review, the Board determined that the letter may be a reason for concern and after discussion, took this action:

MOTION: Made by Mr. Michaud and seconded by Dr. Brewer with the vote, via roll call, being unanimous to treat the letter as a report, opening an investigation and to subpoena a full, unredacted copy of the letter. In addition, the Board would like staff to attempt to find a copy of the Wal-Mart policy referred to in the letter.

G. Dennis Solomon, DO – Invitation for Meeting with Board

At the October meeting, the Board tabled any action on the permanent licensure application submitted by Dr. Solomon and invited him to meet virtually with the Board to discuss a couple of questions that arose from review of his application. Due to his work schedule, he was unavailable for either November or December meetings. The Board was asked if an interview with an official of the Board would be acceptable and took this action:

MOTION: Made by Dr. Gaddis and seconded by Dr. Ryan with the vote, via roll call, being unanimous to authorize Dr. Brewer (Board Secretary) to act on behalf of the Board, interview the applicant and report back at the December 2021 meeting.

V. Adjournment

The meeting was adjourned (motion by Mr. Michaud and seconded by Dr. Gillis), via unanimous roll call vote, at 12:45 p.m.

Respectfully submitted,

Susan E. Strout, Executive Secretary