

Maine Board of Osteopathic Licensure
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Minutes of October 8, 2020 Board Meeting – 9:30 a.m. – 12 p.m.

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

Others Present: Susan E. Strout, Executive Secretary; Lisa Wilson, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistant; Det. James Gioia, Office of the Attorney General; Laura Harper, PA-C; Amanda Richards, Executive Director, Maine Osteopathic Association.

I. Complaints/Investigations

A. CR2019 02

Dr. Pisini, Case Reporter, provided a brief overview of the matter. Board members reviewed the Consent Agreement drafted by AAG Wilson based on Board guidance and signed by the licensee. Following discussion, the Board took this action:

MOTION: Made by Ms. McIntyre and seconded by Ms. Michaud with the vote, via roll call being unanimous to accept the Agreement as drafted and subsequently signed by the licensee. Dr. Pisini, Case Reporter, abstained from voting.

B. CR2020 19

Board members reviewed feedback submitted by the complainant which was in line with the Letter of Guidance the Board had issued. No action was necessary.

C. CR2020 22

After an overview from Dr. Brewer, Case Reporter, followed by review and discussion regarding the complaint, response and medical records submitted, the Board took this action:

MOTION: Made by Dr. Gillis and seconded by Ms. Michaud with the vote, via roll call being unanimous to set this complaint for hearing and bundle this complaint with the other already voted to go to an adjudicatory hearing, based on prescribing practices, recordkeeping issues, unprofessional conduct, and no apparent monitoring. Dr. Brewer, Case Reporter, abstained from voting.

D. CR2020 27

After an overview from Dr. Brewer, Case Reporter, followed by review and discussion regarding the complaint and response, the Board took this action:

MOTION: Made by Ms. McIntyre and seconded by Dr. Thomas with the vote, via roll call being unanimous to bundle this complaint and the prior one and refer them to the Office of the Attorney General regarding unlicensed practice of osteopathic medicine. Dr. Brewer, Case Reporter, abstained from voting.

MOTION: Made by Dr. Pisini and seconded by Dr. Thomas with the vote, via roll call being unanimous to set this complaint for hearing and bundle this complaint with the others already voted to go to an adjudicatory hearing, this one based on prescribing practices, recordkeeping issues, unprofessional conduct, and no apparent monitoring. Dr. Brewer, Case Reporter, abstained from voting.

E. CR2020 23

Following an overview of the complaint matter by Ms. Michaud, Case Reporter and Board discussion, the Board took this action:

MOTION: Made by Ms. McIntyre and seconded by Dr. Pisini to dismiss the complaint it did not rise to a level warranting action against the licensee but to issue a Letter of Guidance regarding the prescribing of controlled substances for chronic pain.

AMENDMENT TO MOTION: Accepted by both parties to include polypharmacy in the Letter of Guidance as this could cause harm to the patient.

VOTE: The vote, via roll call, being unanimous in favor of the motion. Ms. Michaud, Case Reporter, abstained from voting.

F. CR2020 30

Following an overview by Ms. Michaud, Case Reporter, and Board discussion, the Board took this action:

MOTION: Made by Dr. Pisini and seconded by Dr. Gaddis with the vote, via roll call being unanimous to dismiss the complaint as it did not rise to a level which would warrant Board action. Ms. Michaud, Case Reporter, abstained from voting.

G. IN2020 35

Following an overview by the Case Reporter and review of the investigative materials presented, the Board took this action:

MOTION: Made by Dr. Thomas and seconded by Dr. Pisini with the roll call being unanimous to file a complaint on the Board's own motion regarding alleged violations of Board rule Chapter 21 and unprofessional conduct related to interpersonal relationships with other professionals. The Board will obtain a PMP to review prescribing practices for other patients and will subpoena several patient records for review.

II. Minutes/Revenue & Expense Reports

A. Review of August Minutes

Following review of the August 2020 minutes, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by [Ms. Michaud and voted unanimously to approve the minutes of the August 2020 meeting with one correction. Dr. Thomas abstained from voting as he was not present for the August meeting.

B. Revenue & Expense Reports

Board members reviewed and accepted the September 2020 revenue and expense report, as provided by DAFS¹.

C. FY21 Funds Transfer to General Fund

Board members took note of the general fund sweep of the Board's contribution (\$1744) toward Public Law 2019, Chapter 510 – An Act to Continue the Doctors for Maine's Future Scholarship Program. It was noted that this is in addition to the approximately \$250,000 swept for the General Fund over the last several years.

III. New Business/Miscellaneous

A. COVID-19 Suspected Non-Compliance Complaint

Following review and discussion, the Board took this action:

¹ Division of Administrative & Financial Services

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MOTION: Made by Dr. Thomas and seconded by Ms. McIntyre with the vote via roll call being unanimous to dismiss the complaint and further, that it was not necessary to share the licensee's response with the complainant but to share the outcome letting her know that the Board did review the matter thoroughly and took her concerns seriously.

B. Future Processing of Complaints of COVID-19 Non-Compliance

Following discussion, the Board determined that the process currently in place of requesting a response and going from there should additional action be warranted is appropriate.

C. NBOME² COVID-19 Update

Board members reviewed the update – no action necessary.

D. FSMB Call for Amendments to Bylaws

Board members reviewed the request, taking no action at this time.

IV. Licensure Matters

A. License Renewal/CME Issues

Board members reviewed requests for extensions of time to obtain the required Continuing Medical Education for the following licensees and took these actions:

B. Jessica Bell, DO – Continuing Medical Education Shortage

MOTION: Made by Ms. McIntyre and seconded by Dr. Thomas with the vote via roll call being unanimous to offer the licensee an administrative (non-reportable) Consent Agreement allowing her 6 months to obtain the statutorily required hours.

C. Robert Blaik, D.O. – License Reinstatement Application

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

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted via roll call being unanimous to table any action on the reinstatement application at this time. Dr. Brewer, Case Reporter for this matter, abstained from voting.

D. Permanent Licensure Applications

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Brewer, seconded by Ms. Michaud and voted unanimously to approve the licensure applications submitted by: Nhat Nguyen, D.O., Joseph Susa, D.O., Sara Modlin-Tucker, D.O. and Jeff Briggs, D.O. and Amol Malankar, D.O.

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre with the vote, via roll call being unanimous to table action on the application submitted by Scott Ladd, D.O. pending further information as requested by the Board.

MOTION: Made by Dr. Thomas and seconded by Ms. McIntyre with the vote, via roll call being unanimous to table any action on the application submitted by Rebecca Hanigosky, D.O. pending further information as requested by the Board.

² National Board of Osteopathic Medical Examiners

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E. Online Applications – New – Temporary Educational Permits

Following discussion, the Board took this action:

MOTION: Made by Dr. Thomas and seconded by Dr. Brewer with the vote, via roll call being unanimous to approve the use of electronic applications for those needing temporary educational permits.

V. Adjournment

It was noted that Savannah Okoronkwo had accepted a new position, and this would be her final Board meeting. All wished her well. The meeting was adjourned at 12 noon.

Respectfully submitted,

Susan E. Strout, Executive Secretary