State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of June 10, 2014
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State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of June 10, 2014

Board Members Present
David D. Jones, M.D., Board Secretary
David R. Andrews, M.D.
Cheryl Clukey
David H. Dumont, M.D
Dana D. Dyer
David Nyberg, Ph.D
Christopher Ross, P.A.-C
Peter J. Sacchetti, M.D.
M. Louisa Barnhart, M.D.

Board Staff Present
Randal C. Manning, Executive Director
Mark Cooper, M.D., Medical Director
Maureen S. Lathrop, Administrative Assistant
Kathryn Levesque, Investigator
Tim Terranova, Assistant Executive Director

Attorney General’s Office Staff
Dennis Smith, Assistant Attorney General
Detective James Gioia, Attorney General’s Office

The Board meets in public session with the exception of the times listed below, which are held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (1 M.R.S. §405) and 10 M.R.S.A. §8003-B, and 22 M.R.S. § 1711-C). The Board moved, seconded, and voted the following executive session times. During the public sessions of the meeting, actions are taken on all matters discussed during executive session.

EXECUTIVE SESSIONS

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<thead>
<tr>
<th>Time</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:03 a.m. – 10:23 a.m.</td>
<td>Informal Conference</td>
</tr>
<tr>
<td>10:38 a.m. – 11:02 a.m.</td>
<td>Complaints</td>
</tr>
<tr>
<td>11:05 a.m. – 11:36 a.m.</td>
<td>Informal Conference</td>
</tr>
<tr>
<td>11:38 a.m. – 12:12 p.m.</td>
<td>Complaints</td>
</tr>
<tr>
<td>12:48 p.m. – 1:11 p.m.</td>
<td>Complaints</td>
</tr>
</tbody>
</table>

I. Call to Order

Dr. Jones called the meeting to order at 9:02 a.m.

A. Amendments to Agenda (none)

B. Scheduled Agenda Items

<table>
<thead>
<tr>
<th>Time</th>
<th>CR Number</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 a.m.</td>
<td>CR14-26/14-48</td>
<td>Informal Conference</td>
</tr>
<tr>
<td>11:00 a.m.</td>
<td>CR12-225</td>
<td>Informal Conference</td>
</tr>
<tr>
<td>1:00 p.m.</td>
<td></td>
<td>Adjudicatory Hearing – Motion for Continuance granted</td>
</tr>
</tbody>
</table>
II. Complaints

1. CR12-34

Dr. Barnhart moved to investigate further. Mr. Ross seconded the motion, which passed 8-0-0-1 with Dr. Jones recused.

2. CR14-34

Dr. Dumont moved to investigate further. Dr. Sacchetti seconded the motion, which passed 8-0-0-1 with Dr. Andrews recused.

3. CR14-35

Dr. Dumont moved to dismiss the complaint. Dr. Barnhart seconded the motion, which passed unanimously.

MOTION: The deceased patient's brother complains that the physician mismanaged his sister's prescription, and because of this she died of an overdose. The physician saw the patient only twice, five years before her death, and wrote only a one-month refill for a standing prescription while covering for the patient's provider. This physician is not linked in any way with the patient's death.

4. CR14-49

Dr. Dumont moved to dismiss the complaint. Dr. Nyberg seconded the motion, which passed 8-0-0-1 with Dr. Andrews recused.

MOTION: This is a case that had previously been referred to the Board of Licensure in Medicine by another state agency. The case had been thoroughly reviewed at that time and the Board was concerned about the quantity of opioids the patient had in her possession. The Board issued a letter of guidance in February 2014 emphasizing vigilance in the prescribing of controlled substances. No new information has been brought forth and hence this complaint is dismissed as the case has been previously dealt with.

5. CR14-45

Dr. Jones moved to investigate further. Dr. Dumont seconded the motion, which passed unanimously.

6. CR12-51

Ms. Clukey moved to investigate further. Dr. Andrews seconded the motion, which passed unanimously.
7. **CR13-169**

Mr. Dyer moved to order an Informal Conference and direct the licensee to undergo a §3286 evaluation. Dr. Sacchetti seconded the motion, which passed 8-0-0-1 with Dr. Dumont recused.

8. **CR13-217 Robert S. La Morgese, M.D.**

Mr. Ross moved to dismiss the complaint with a letter of guidance. Dr. Andrews seconded the motion, which passed unanimously.

**MOTION:** The patient complains that her medical records indicated a diagnosis of anemia but this was never evaluated. The physician responded that he was focused on her complaints of back pain and not the abnormal CBC.

The letter of guidance will encourage the physician to recognize the importance of evaluating any significant abnormal test results that are presented.

9. **CR14-6**

Dr. Sacchetti moved to dismiss the complaint. Dr. Nyberg seconded the motion, which passed unanimously.

**MOTION:** The patient insinuates that his surgeon’s carelessness at the time of his cataract surgery resulted in infection followed by permanent loss of vision. The risk for nosocomial infection was greatly increased by the patient’s non-compliance with preoperative antibiotic eye drops. This fact was not disclosed until after the operation. The poor outcome, though regrettable, was not due to a lapse in protocol on the part of the surgeon or the surgical team.

10. **CR14-20**

Dr. Andrews moved to investigate further. Dr. Dumont seconded the motion, which passed 8-1-0-0.

11. **CR14-37**

Mr. Ross moved to dismiss the complaint. Mr. Dyer seconded the motion, which passed unanimously.

**MOTION:** The patient, who is subject to institutional care, complains the physician assistant did not appropriately treat his head laceration and did not renew a medication. The physician assistant responded by explaining her care of the laceration. She states the medication was a limited prescription without refills written by another provider. She did not feel the patient’s condition warranted a refill at the time she saw him. A review of the medical records reveals appropriate care.
12. **CR14-47**

Ms. Clukey moved to dismiss the complaint. Dr. Nyberg seconded the motion, which passed unanimously.

**MOTION:** A patient’s mother complains about the care her son received from an emergency room physician regarding the prescribing of medication. Review of the physician’s response and the emergency room records reveals reasonable care which was complicated by the fact that the patient was in the process of changing primary care providers. The patient and his brother left the emergency department before completion of the evaluation which did not allow further resolution of the issues.

13. **CR14-58**

Dr. Nyberg moved to investigate further. Dr. Sacchetti seconded the motion, which passed unanimously.

14. **Intentionally left blank**

15. **Intentionally left blank**

### III. Assessment & Direction

16. **AD14-79**

Dr. Dumont moved to file the issue. Dr. Nyberg seconded the motion, which passed unanimously.

17. **AD14-92**

Dr. Andrews moved to file the issue. Dr. Barnhart seconded the motion, which passed unanimously.

18. **AD14-93**

Dr. Nyberg moved to table the issue. Mr. Dyer seconded the motion, which passed unanimously.

19. **AD14-94**

Ms. Clukey moved to issue a complaint (CR14-106). Dr. Barnhart seconded the motion, which passed unanimously.

20. **Intentionally left blank**

21. **Intentionally left blank**
22. Pending Adjudicatory Hearing and Informal Conference Report

The Board reviewed the report.

23. Consumer Assistant Feedback

The Board reviewed the feedback.

24. Physician Feedback (none)

IV. Informal Conferences

A. CR14-26/14-48 Floyd D. Hockersmith, M.D.

Following the Informal Conference, Dr. Jones moved to dismiss both complaints with a letter of guidance. Dr. Nyberg seconded the motion, which passed 8-1-0-0.

MOTION: In the matter of CR14-26, the patient, who is subject to institutional care, complains that he was prescribed inappropriate medication and prevented from using therapeutic devices. The physician explained his care and rationale for the treatment.

In the matter of CR14-48, the patient, who is subject to institutional care, complains that the physician acted unprofessionally during a visit. The Board was concerned that the physician’s response to the complaint lacked professionalism. The physician admitted that his response to the complaint reflected his frustration with the health care system in which he worked.

The letter of guidance will encourage the physician to: 1) recognize the importance of medical record documentation; 2) be aware of drug interactions when prescribing; 3) recognize the importance of a patient’s medical history and allergies when prescribing; and 4) consider the type of work and workplace environment that best suits his personality and skills.

B. CR12-225

Following the Informal Conference, Dr. Andrews moved to investigate further. Dr. Sacchetti seconded the motion, which passed 8-0-0-1 with Dr. Jones recused.

Public Session

V. Minutes of May 13, 2014

Dr. Dumont moved to approve the minutes of the May 2014 meeting. Mr. Ross seconded the motion, which passed 7-0-2-0 with Dr. Barnhart and Dr. Sacchetti abstaining.
VI. Board Orders & Consent Agreement Monitoring and Approval

A. Board Orders (none)

B. Consent Agreement Monitoring and Approval

1. Alexandria Nesbit, P.A.-C

   Informational update.

2. Andrew S. Nicholson, M.D.

   Mr. Dyer moved to deny Dr. Nicholson’s request to meet with the Board. Ms. Clukey seconded the motion, which passed unanimously.

VII. Adjudicatory Hearing – Motion for Continuance Granted

VIII. Remarks of Chairman (none)

IX. Executive Director’s Monthly Report

   The Executive Director introduced Sara Poirier, a college student who will be working at the Board office this summer while participating in a state government internship program. The Board reviewed and accepted the report of the Executive Director.

   A. MPHP Report

   The Board discussed MPHP protocol and requested that staff obtain statistical information to be presented at a future meeting.

   B. Recovery of Investigative Costs Policy

   After review of the draft policy regarding Recovery of Investigative Costs, Dr. Andrews moved to accept the policy. Mr. Ross seconded the motion, which passed unanimously.

X. Complaint Status Report

   As of June 1, 2014, there are eighty-one (81) complaints outstanding. Seventy-six (76) have been received year-to-date and seventy-one (71) have been closed so far this year.

XI. Medical Director’s Report (none)

XII. Remarks of Assistant Attorney General (none)
XIII. Secretary’s Report

A. List A. Licenses for Ratification

1. M.D. List A. Licenses for Ratification

Dr. Sacchetti moved to ratify the Board Secretary’s approval of the physician license applications on List A. Ms. Clukey seconded the motion, which passed unanimously.

The following license applications have been approved by Board Secretary David D. Jones, M.D. without reservation.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SPECIALTY</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alghothani, Nael</td>
<td>Internal Medicine</td>
<td>Not Listed</td>
</tr>
<tr>
<td>Al-Hojerry, Keenan M.</td>
<td>Family Medicine</td>
<td>Not Listed</td>
</tr>
<tr>
<td>Arnold, Richard E.</td>
<td>Pediatrics</td>
<td>Farmington</td>
</tr>
<tr>
<td>Breckwoldt, Reid D.</td>
<td>Diagnostic Radiology</td>
<td>Telemedicine</td>
</tr>
<tr>
<td>Casa Reyes, Carlos E.</td>
<td>Neurosurgery</td>
<td>Lewiston</td>
</tr>
<tr>
<td>Chalmers, David J.</td>
<td>Urology</td>
<td>Portland</td>
</tr>
<tr>
<td>Crabtree, Brian K.</td>
<td>Internal Medicine</td>
<td>Brunswick</td>
</tr>
<tr>
<td>Daly, Meaghan E.</td>
<td>Dermatology</td>
<td>Portland</td>
</tr>
<tr>
<td>D’Ambrosio, Carolyn M.</td>
<td>Internal Medicine</td>
<td>Lewiston</td>
</tr>
<tr>
<td>David, James M.</td>
<td>Internal Medicine</td>
<td>Bangor</td>
</tr>
<tr>
<td>Della Bella, Peter</td>
<td>Psychiatry</td>
<td>Bangor</td>
</tr>
<tr>
<td>Diminick, Noah</td>
<td>Pediatrics</td>
<td>Portland</td>
</tr>
<tr>
<td>Fischer, Oscar</td>
<td>Anesthesiology</td>
<td>Farmington</td>
</tr>
<tr>
<td>Frushour, Stephen J.</td>
<td>Orthopedic Surgery</td>
<td>Machias</td>
</tr>
<tr>
<td>Godara, Geeta</td>
<td>Internal Medicine</td>
<td>Lewiston</td>
</tr>
<tr>
<td>Greywoode, Beryl M.</td>
<td>Pediatrics</td>
<td>Farmington</td>
</tr>
<tr>
<td>Gutmann, Daniel L.</td>
<td>Emergency Medicine</td>
<td>Portland</td>
</tr>
<tr>
<td>Houni, Aimen</td>
<td>Anesthesiology</td>
<td>Bangor</td>
</tr>
<tr>
<td>Jacobson, Leslie</td>
<td>Diagnostic Radiology</td>
<td>Not Listed</td>
</tr>
<tr>
<td>Kelts, Eric A.</td>
<td>Psychiatry/Neurology</td>
<td>Waterville</td>
</tr>
<tr>
<td>Kennedy, Kate F.</td>
<td>Internal Medicine</td>
<td>Portland</td>
</tr>
<tr>
<td>Langenkamp, Paul</td>
<td>Emergency Medicine</td>
<td>Houlton</td>
</tr>
<tr>
<td>Lathari, Aydin A.</td>
<td>Internal Medicine</td>
<td>York</td>
</tr>
<tr>
<td>Lyons, Richard G.</td>
<td>Emergency Medicine</td>
<td>Lewiston</td>
</tr>
<tr>
<td>Mathur, Vinita</td>
<td>A&amp;C Pathology</td>
<td>Telemedicine</td>
</tr>
<tr>
<td>Mazzoni, Paola</td>
<td>Psychiatry</td>
<td>Bangor</td>
</tr>
<tr>
<td>McGuire, Kevin R.</td>
<td>Family Medicine</td>
<td>Skowhegan</td>
</tr>
<tr>
<td>Meesa, Indu Rekha</td>
<td>Diagnostic Radiology/Teleradiology</td>
<td>Bangor</td>
</tr>
<tr>
<td>Melendez, Jorge A.</td>
<td>Surgery</td>
<td>Not Listed</td>
</tr>
<tr>
<td>Michaels, Todd M.</td>
<td>Family Medicine</td>
<td>Portland</td>
</tr>
</tbody>
</table>
2. **P.A. List A. Licenses for Ratification**

Dr. Sacchetti moved to ratify the Board Secretary’s approval of the physician assistant license applications on P.A. List A. Mr. Ross seconded the motion, which passed unanimously.

The following physician assistant license applications have been approved by Board Secretary David D. Jones, M.D. without reservation.

<table>
<thead>
<tr>
<th>NAME</th>
<th>LICENSE</th>
<th>PSP</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barnum, Bernadette</td>
<td>Inactive</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Woolsey, Cheryl</td>
<td>Inactive</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

B. **List B. Applications for Individual Consideration**

1. **Victor Rodriguez, M.D.**

The Licensure Committee moved to table the discussion pending receipt of further information. The motion passed unanimously.
2. Sharmane M. Gray, M.D.

The Licensure Committee moved to grant a temporary license to Dr. Gray. The motion passed unanimously.

C. List C. Applications for Reinstatement

1. List C. Applications for Reinstatement

Dr. Dumont moved to ratify the Board Secretary's approval of the reinstatement application on List C. Dr. Sacchetti seconded the motion, which passed unanimously.

The following license application has been approved by Board Secretary David D. Jones, M.D. without reservation.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SPECIALTY</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marble, Kimberly R.</td>
<td>Plastic Surgery</td>
<td>York</td>
</tr>
</tbody>
</table>

2. List C. Applications for Reinstatement for Individual Consideration (none)

D. List D. Withdrawals

1. List D. Withdraw License Application

a. Floyd D. Hockersmith, M.D.

Mr. Dyer moved to allow Dr. Hockersmith to withdraw his license application. Dr. Nyberg seconded the motion, which passed unanimously.

2. List D. Withdraw License from Registration

Dr. Andrews moved to approve the licensees' requests on List D (2) to withdraw from registration. Mr. Ross seconded the motion, which passed unanimously.

The following licensees have applied to withdraw their licenses from registration.

<table>
<thead>
<tr>
<th>NAME</th>
<th>LICENSE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arla, Straight Line</td>
<td>MD18999</td>
</tr>
<tr>
<td>Bloom, Fred</td>
<td>MD7673</td>
</tr>
<tr>
<td>Bray, Emily</td>
<td>MD11799</td>
</tr>
<tr>
<td>Higgins, Charles</td>
<td>MD10284</td>
</tr>
<tr>
<td>Kelly, Michael</td>
<td>MD12511</td>
</tr>
<tr>
<td>Moore, Conner</td>
<td>MD6107</td>
</tr>
<tr>
<td>Morros, Costantine</td>
<td>MD15831</td>
</tr>
<tr>
<td>Olin, Fred</td>
<td>MD17522</td>
</tr>
</tbody>
</table>
3. List D. Withdraw License from Registration - Individual Consideration (none)

E. List E. Licenses to Lapse by Operation of Law

The following licenses lapsed by operation of law effective May 12, 2014.

<table>
<thead>
<tr>
<th>NAME</th>
<th>LICENSE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agarwal, Satish</td>
<td>MD8093</td>
</tr>
<tr>
<td>Brandon, William Robert</td>
<td>MD18600</td>
</tr>
<tr>
<td>Bush, Michael</td>
<td>MD15400</td>
</tr>
<tr>
<td>Edwards, Dianna J.</td>
<td>PA1154</td>
</tr>
<tr>
<td>Gall, Robert</td>
<td>MD18478</td>
</tr>
<tr>
<td>Hashmi, Haseeb</td>
<td>MD17390</td>
</tr>
<tr>
<td>Healy, James</td>
<td>MD7283</td>
</tr>
<tr>
<td>Herbst, Melissa</td>
<td>MD18633</td>
</tr>
<tr>
<td>Kavanagh, Joseph</td>
<td>MD17415</td>
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<tr>
<td>Kubina, Anne</td>
<td>MD19385</td>
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<tr>
<td>Limbacher, John</td>
<td>MD16394</td>
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<tr>
<td>McInerney, Meghan</td>
<td>MD18530</td>
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<tr>
<td>Moore, Eric</td>
<td>MD18291</td>
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<tr>
<td>Oxenhander, Donald</td>
<td>MD19056</td>
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<tr>
<td>Pasternak, Irwin</td>
<td>MD5810</td>
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<tr>
<td>Riccardi, Patrizia</td>
<td>MD19144</td>
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<tr>
<td>Roehlk, Michael</td>
<td>MD19181</td>
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<tr>
<td>Secrist, Lee</td>
<td>MD16758</td>
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<tr>
<td>Sherrill, Katharine A.</td>
<td>PA494</td>
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<tr>
<td>Shiblee, Towhid</td>
<td>MD18654</td>
</tr>
<tr>
<td>Stahl, Brandon</td>
<td>MD18214</td>
</tr>
<tr>
<td>Stuart, Shauna</td>
<td>MD19026</td>
</tr>
</tbody>
</table>

F. List F. Licensees Requesting to Convert to Active Status (none)

G. List G. Renewal Applications for Review (none)

H. List H. Physician Assistant Schedule II Authority Requests for Ratification

1. Applications to Renew Schedule II Authority

Mr. Ross moved to ratify the Board Secretary’s approval of the following renewal requests for Schedule II prescribing authority. Ms. Clukey seconded the motion, which passed unanimously.
The following renewal requests for Schedule II prescribing authority have been approved by Board Secretary David D. Jones, M.D. without reservation.

<table>
<thead>
<tr>
<th>NAME</th>
<th>PSP</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bosinske, Amy</td>
<td>Curtis, Michael</td>
<td>Brunswick</td>
</tr>
<tr>
<td>Haynes, Nathan</td>
<td>White, Raymond</td>
<td>Portland</td>
</tr>
<tr>
<td>Jordan, Damon</td>
<td>Barth, Konrad</td>
<td>Scarborough</td>
</tr>
<tr>
<td>Payne, David</td>
<td>Ray, Katherine L.</td>
<td>Westbrook</td>
</tr>
<tr>
<td>Picard, Matthew</td>
<td>Morrione, Thomas</td>
<td>Portland</td>
</tr>
<tr>
<td>Weferling, Marie</td>
<td>Leather, Gregory</td>
<td>Rockport</td>
</tr>
</tbody>
</table>

2. **Applications for New Schedule II Authority**

Mr. Ross moved to ratify the Board Secretary’s approval of the following requests for Schedule II Authority. Dr. Dumont seconded the motion, which passed unanimously.

The following new requests for Schedule II prescribing authority have been approved by Board Secretary David D. Jones, M.D. without reservation.

<table>
<thead>
<tr>
<th>NAME</th>
<th>PSP</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
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<td>Green, Dana</td>
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<td>Cushing, Brad</td>
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<td>Roy, Jared</td>
<td>Langburd, Alan</td>
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<td>Trosper, Ryan</td>
<td>Panozzo, Shashi</td>
<td>Lewiston</td>
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XIV. **Standing Committee Reports**

A. **Administration, Policy and Rules Committee**

Dr. Andrews moved to authorize an available one percent (1%) cost of living increase for the Executive Director of the Board. Mr. Dyer seconded the motion, which passed unanimously.

B. **Special Projects and Clinical Evaluation Committee**

Dr. Barnhart moved to accept the proposed Telemedicine Policy as amended. Dr. Sacchetti seconded the motion, which passed unanimously.
C. Physician Assistant Advisory Committee

Ms. Clukey and Mr. Ross reported on the discussion at the June 2014 Physician Assistant Advisory Committee meeting regarding proposed changes to Chapter 2 rules. It was recommended that the proposed Joint Chapter 2 rules be tabled pending a legislative solution to physician assistants holding a single license.

XV. Board Correspondence (none)

XVI. FSMB Business (FYI)

XVII. Adjournment 2:06 p.m.

Dr. Andrews moved to adjourn the meeting. Mr. Ross seconded the motion, which passed unanimously.

Respectfully submitted,

[Signature]

Maureen S. Lathrop
Administrative Assistant