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21. Intentionally left blank

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27. Intentionally left blank
28. Intentionally left blank
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   4. Kevin Kendall, MD .................................................. 9
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   6. Intentionally left blank

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The Board met in public session, with the exception of the times listed below, which were held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (e.g., 1 M.R.S. § 405; 10 M.R.S. § 8003-B; 22 M.R.S. § 1711-C; 24 M.R.S. § 2510; 32 M.R.S. § 3282-A). The Board moved, seconded, and voted the following executive session times. During the public session of the meeting, actions were taken on all matters discussed during executive session.

**EXECUTIVE SESSIONS**

<table>
<thead>
<tr>
<th>Time</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:53 a.m. – 11:26 a.m.</td>
<td>Pursuant to 1 M.R.S. § 405(6)(F) to hear testimony regarding confidential patient medical records</td>
</tr>
</tbody>
</table>

**RECESSES**

<table>
<thead>
<tr>
<th>Time</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:25 a.m. – 10:45 a.m.</td>
<td>Break</td>
</tr>
<tr>
<td>11:26 a.m. – 11:32 a.m.</td>
<td>Break</td>
</tr>
<tr>
<td>12:53 p.m. – 1:25 p.m.</td>
<td>Lunch</td>
</tr>
<tr>
<td>2:59 p.m. – 3:16 p.m.</td>
<td>Break</td>
</tr>
<tr>
<td>4:24 p.m. – 4:34 p.m.</td>
<td>Break</td>
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</table>

**I. Call to Order**

Dr. Gleaton called the meeting to order at 8:42 a.m.

**A. Amendments to Agenda**

Dr. Jones moved to amend the following items onto the agenda: 1) temporary license application of Dr. Eldad Vered; and 2) Dr. Marc Christensen’s request to withdraw his license. Dr. Barnhart seconded the motion, which passed unanimously.
B. Scheduled Agenda Items

1. 10:30 a.m. Continuation of Adjudicatory Hearing regarding Malathy Sundaram, M.D. CR15-116; CR15-137; CR15-178 and CR16-33

II. Licensing

A. Applications for Individual Consideration

1. Initial Applications

   a. Constance Tambakis-Odom, M.D.

      The Licensure Committee moved to table the application pending receipt of additional information from Dr. Tambakis-Odom and references from two primary care physicians that she has worked with. The motion passed unanimously.

   b. Thomas Ballard, M.D.

      The Licensure Committee moved to approve Dr. Ballard’s temporary license application. The motion passed unanimously.

   c. Robert Bassett, M.D.

      The Licensure Committee moved to approve Dr. Bassett’s temporary license application. The motion passed unanimously.

   d. Eldad Vered, M.D.

      The Licensure Committee moved to approve Dr. Vered’s temporary license application. The motion passed unanimously.

2. Reinstatement Applications (none)

3. Renewal Applications

   a. Richard Marsh, M.D.

      The Licensure Committee moved to deny Dr. Marsh’s request for a refund of his license renewal fee. The motion passed unanimously.

   b. Rodney Chelberg, M.D.

      The Licensure Committee moved to offer Dr. Chelberg an inactive status license and to preliminarily deny his renewal application if he declines. The motion passed 8-0-0-1. Dr. Dumont was recused from the matter and left the room.
c. Judith Sandick, M.D.

Staff reported that Dr. Sandick accepted an inactive status license. This material was provided for informational purposes. No Board action was required.

4. Requests to Convert to Active Status (none)

5. Requests to Withdraw License/License Application

   a. Elise De, M.D.

      The Licensure Committee moved to approve Dr. De’s request to withdraw her license application. The motion passed unanimously.

   b. Lizabeth Reynolds, M.D.

      The Licensure Committee moved to approve Dr. Reynold’s request to withdraw her license application. The motion passed unanimously.

   c. Marc Christensen, M.D.

      The Licensure Committee moved to approve Dr. Christensen’s request to withdraw his license. The motion passed unanimously.

6. Requests for Supervisory Relationships (none)

B. Other Items for Discussion

   1. Reference Requests

      The Licensure Committee moved to approve the Professional Reference Questionnaire which will be used to obtain professional references for physician license applicants. The motion passed unanimously.

C. Withdraw License from Registration

Mr. Ross moved to approve the following licensees’ requests to withdraw their licenses from registration. Dr. Dumont seconded the motion, which passed unanimously.

<table>
<thead>
<tr>
<th>NAME</th>
<th>LICENSE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chou, Joseph H.</td>
<td>MD19440</td>
</tr>
<tr>
<td>DeLalande, Philippe B.</td>
<td>MD14986</td>
</tr>
<tr>
<td>Leeber, Donald A.</td>
<td>MD6950</td>
</tr>
<tr>
<td>Macke, Jeremy J.</td>
<td>MD21113</td>
</tr>
<tr>
<td>Menon, Meera N.</td>
<td>MD20268</td>
</tr>
<tr>
<td>Shaderowfsky, Paul</td>
<td>MD19925</td>
</tr>
</tbody>
</table>
III. Consent Agreements/Resolution Documents for Review

A. CR16-221 Sally L. Van Snepson-Barnett, P.A. [Appendix A]

Mr. Ross moved to approve the signed consent agreement. Dr. Waddell seconded the motion, which passed unanimously.

B. CR16-265 Francesco Lupis, M.D. [Appendix B]

Ms. Weinstein moved to approve the signed consent agreement. Ms. Dench seconded the motion, which passed unanimously.

IV. Complaints

1. CR16-258

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

**MOTION:** The patient complains about the care she received from a primary care physician she saw for an acute visit. Review of the records reveals reasonable initial exam and plan. The gathering of previous records, a new office staff member, and the patient having an unidentified voicemail led to a lengthy process to finalize the process of care. The patient became upset by this and decided to seek care elsewhere. The physician explains that effective communication never took place and he is sorry about this. Learning from this experience, in the future he will ask staff to interrupt him to speak with a patient who calls when there has been difficulty in consummating the plan of care for that patient. The physician took appropriate steps to formulate a letter for the patient summarizing necessary previous records and the plan to refer her for further consultation so that the patient could finally understand and use the information going forward with her care.

2. CR17-5

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

**MOTION:** The patient, who resides in a state facility, complains that his medical needs are not being met. Review of the records reveals consistent, empathetic, appropriate, and ongoing care by the behavioral health team and many other providers.
3. CR17-7

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

**MOTION:** The patient, who is incarcerated, complains that he has had inadequate medical work up for left-sided abdominal and flank pain for six years. Review of the record reveals three CT scans, repeated laboratory testing, multiple physical exams, trials of various medications, and a behavioral health evaluation. The record also reflects that the patient has had normal functioning and has been able to play soccer and engage in other exercise over the years. Work up and treatment appear to have been reasonable and appropriate.

4. CR17-17

Mr. Ross moved to dismiss the complaint. Dr. Sacchetti seconded the motion, which passed 8-0-0-1. Dr. Barnhart was recused from the matter and left the room.

**MOTION:** The patient, who resides in an institution, complains that he was receiving his medications in an inappropriate form. The physician responded that they are following a policy that helps make sure pills are being taken properly. Review of the records reveals that the patient received reasonable care.

5. CR17-34

Dr. Sacchetti moved to investigate further and order that the physician undergo a § 3286 evaluation. Ms. Weinstein seconded the motion, which passed unanimously.

6. CR17-42

Dr. Jones moved to set the matter for an informal conference. Ms. Dench seconded the motion, which passed unanimously.

7. CR16-222

Dr. Jones moved to table the matter. Mr. Ross seconded the motion, which passed 7-0-0-2. Dr. Barnhart and Dr. Dumont were recused from this matter and left the room.

8. CR16-268

Mr. Ross moved to dismiss the complaint. Dr. Jones seconded the motion, which passed 8-0-0-1. Dr. Waddell was recused from the matter and left the room.

**MOTION:** The patient complains that the office was not clean, nor was the equipment in the room. The physician responded that the office is clean, the equipment is cleaned on a regular basis, and sanitizing solution is available throughout the office. Photos were supplied
to support this information, and an investigator made an unannounced visit to the office and found things in order.

9. CR17-1

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

**MOTION:** The patient complains of testicular pain following a prostate exam twenty-one years ago. The patient states he has seen multiple practitioners since and no abnormalities or findings have been reported.

10. CR17-6

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

**MOTION:** The patient complains about the care she received from an emergency physician, that the physician relayed incorrect results, and she was deficient for failing to diagnose the source of the patient’s recurrent abdominal pain. The patient’s diagnostic work up was negative for issues requiring emergent intervention or hospital admission. The physician’s care and recommendations for additional evaluation as an outpatient were appropriate.

11. CR17-12

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

**MOTION:** The patient complains that the physician provided inadequate follow up after a surgical hernia repair in 2009, and that the hernia may not have been properly repaired as he developed a lump afterwards. The patient does not want to pay for evaluation by CT scan now if the surgery was not done correctly. The physician responded that he generally only schedules one postoperative visit following hernia surgery, but patients can see him if they have concerns afterwards. Several years have elapsed since the surgery, and the physician now practices at a different location and does not have access to the medical records. Although the physician feels that the surgery was done correctly, he agrees that the patient needs reevaluation because hernias do sometimes recur. Records of the 2009 postoperative visit are not available, but review of other records suggests appropriate care.

12. CR17-27

Ms. Dench moved to dismiss the complaint. Ms. Weinstein seconded the motion, which passed unanimously.

**MOTION:** The patient complains about the care he received from an ophthalmologist. Review of the records reveals reasonable evaluation and plan; however, there was evidence
that the physician-patient relationship was not optimal. The patient was appropriately referred elsewhere for care both by verbal and written communication.

13. CR17-2

Dr. Dumont moved to investigate further and order that the physician undergo a §3286 evaluation. Dr. Jones seconded the motion, which passed 8-0-0-1. Dr. Sacchetti was recused from the matter and left the room.

14. CR17-16

Dr. Dumont moved to investigate further and order that the physician undergo a §3286 evaluation. Dr. Jones seconded the motion, which passed 8-0-0-1. Dr. Sacchetti was recused from the matter and left the room.

15. CR17-22

Dr. Dumont moved to investigate further and order that the physician undergo a §3286 evaluation. Dr. Jones seconded the motion, which passed 8-0-0-1. Dr. Sacchetti was recused from the matter and left the room.

16. CR17-28

Dr. Dumont moved to investigate further and order that the physician undergo a §3286 evaluation. Dr. Jones seconded the motion, which passed 8-0-0-1. Dr. Sacchetti was recused from the matter and left the room.

17. CR17-35

Dr. Dumont moved to investigate further and order that the physician undergo a §3286 evaluation. Dr. Jones seconded the motion, which passed 8-0-0-1. Dr. Sacchetti was recused from the matter and left the room.

18. CR17-52

Dr. Dumont moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include a reprimand and acknowledgement from the physician that she will stop dispensing marijuana products. Dr. Jones seconded the motion, which passed 8-0-0-1. Dr. Sacchetti was recused from the matter and left the room.

19. CR17-53

Dr. Dumont moved to investigate further and order that the physician undergo a §3286 evaluation. Dr. Jones seconded the motion, which passed 8-0-0-1. Dr. Sacchetti was recused from the matter and left the room.
V. Assessment and Direction

22. **AD17-85**

   Dr. Jones moved to issue a complaint ([CR17-112](#)). Dr. Dumont seconded the motion, which passed unanimously.

23. **AD17-43**

   Dr. Dumont moved to issue a complaint ([CR17-111](#)). Dr. Sacchetti seconded the motion, which passed unanimously.

24. **AD17-87**

   Mr. Ross moved to table the matter pending receipt of additional records. Dr. Barnhart seconded the motion, which passed unanimously.

25. **AD16-196**

   Dr. Sacchetti moved to close the matter with no further action. Dr. Dumont seconded the motion, which passed unanimously.

   Upon further consideration, Dr. Sacchetti moved to investigate further. Dr. Dumont seconded the motion, which passed unanimously.

26. **AD17-48**

   Dr. Dumont moved to close the matter with no further action. Dr. Jones seconded the motion, which passed unanimously.

27. Intentionally left blank

28. Intentionally left blank

29. **Pending Adjudicatory Hearings and Informal Conferences report**

   This material was presented for informational purposes. No Board action was required.

30. **Consumer Assistance Specialist Feedback (none)**

31. **Other Items for Discussion (none)**
VI. Informal Conference (none)

VII. Minutes for Approval

Dr. Dumont moved to approve the minutes of the April 11, 2017 meeting. Mr. Ross seconded the motion, which passed unanimously.

VIII. Board Orders & Consent Agreement Monitoring

A. Board Orders (none)

B. Monitoring Reports

1. Peter J. Ameglio, M.D.

   This material was presented for informational purposes. No Board action was required.

2. Reinaldo O. de los Heros, M.D.

   This material was presented for informational purposes. No Board action was required.

3. Whitney Houghton, M.D.

   This material was presented for informational purposes. No Board action was required.

4. Kevin Kendall, M.D.

   This material was presented for informational purposes. No Board action was required.

5. Robert LaMorgese, M.D.

   This material was presented for informational purposes. No Board action was required.

IX. Adjudicatory Hearing

A. Continuation of Adjudicatory Hearing regarding Malathy Sundaram, M.D. CR15-116; 15-137; 15-178 and CR16-33

   Rebekah J. Smith, Esq., Hearing Officer, convened the adjudicatory hearing, which was continued from May 8, 2017, at 10:53 a.m.

   Dr. Sundaram was present and represented by Ken Lehman, Esq. and Molly Gilligan, Esq. AAG Michael Miller represented the state.
At 10:53 a.m. Dr. Barnhart moved to enter executive session pursuant to 1 M.R.S. § 405(6)(F) to hear witness testimony regarding confidential patient medical records. Ms. Dench seconded the motion, which passed unanimously.

At 11:26 a.m. Dr. Barnhart moved to come out of executive session. Mr. Ross seconded the motion, which passed unanimously.

At 4:56 p.m. the hearing was continued to June 13, 2017 beginning at 10:00 a.m.

X. Remarks of Chair (none)

XI. Remarks of Executive Director

Mr. Smith reported on the status of pending legislation.

XII. Assistant Executive Directors Report

Following review of the Assistant Executive Director’s report, the Board made the following motions:

Dr. Jones moved to authorize staff to use the newsletter e-mail system to provide urgent or time-sensitive information to licensees. Mr. Ross seconded the motion, which passed unanimously.

Mr. Ross moved to authorize staff to pursue membership in the International Association of Medical Regulatory Authorities (IAMRA). Dr. Waddell seconded the motion, which passed unanimously.

A. Legislative Report

This material was presented for informational purposes. No Board action was required.

B. Complaint Status Report

As of May 1, 2017 there are ninety-two complaints outstanding. Twelve complaints were opened during the month of April and sixteen were closed.

C. Feedback (none)

XIII. Medical Director’s Report

This material was presented for informational purposes. No Board action was required.

XIV. Remarks of Assistant Attorney General (none)

XV. Rulemaking (none)
XVI. Policy Review (none)

XVII. Requests for Guidance (none)

XVIII. Standing Committee Reports

A. Licensure and CME Committee

1. Licensing Status Report [Appendix C]

   This material was presented for informational purposes. No Board action was required.

XIX. Board Correspondence (none)

XX. FSMB Material

A. 2017 Annual Meeting

   The Board reviewed a written report from Mr. Terranova, and Dr. Gleaton and Ms. Weinstein gave oral reports regarding their recent attendance at the annual meeting of the Federation of State Medical Boards (FSMB).

   One topic discussed at the FSMB meeting was physician wellness. Following discussion, the Board requested that staff pursue adding a physician wellness section with links to resources on its website.

XXI. FYI

   This material was presented for informational purposes. No Board action was required.

XXII. Other Business (none)

XXIII. Adjournment 5:37 p.m.

Respectfully submitted,

Maureen S. Lathrop
Administrative Assistant
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re: SALLY L. VAN SNEPSON-BARNETT, P.A. ) CONSENT AGREEMENT
Complaint No. CR16-221 )

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to render medical services in the State of Maine held by Sally L. Van Snepson-Barnett, P.A. The parties to the Consent Agreement are: Sally L. Van Snepson-Barnett, P.A. ("Ms. Van Snepson-Barnett"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. §§ 3270-C(1), 3282-A.

STATEMENT OF FACTS

1. Ms. Van Snepson-Barnett has held a license to render medical services as a physician assistant in the State of Maine since July 14, 2003 (license number PA817).

2. On August 28, 2016, the Board initiated a complaint based upon: a) a report that the National Commission on Certification of Physicians Assistants ("NCCPA") had revoked Ms. Van Snepson-Barnett’s certification based upon actions taken against her physician assistant license by the Arizona Regulatory Board of Physician Assistants ("ARBPA") which had ordered the inactivation of Ms. Van Snepson-Barnett’s license with cause for unprofessional conduct for her habitual intemperance in the use of alcohol or
habitual substance abuse; and b) Ms. Van Sнопson-Barnett's failure to disclose issues associated with alcohol misuse in her responses to questions on her July 31, 2015 application to renew her Maine physician assistant license. The Board docketed the complaint as CR16-221, and sent it to Ms. Van Sнопson-Barnett for a response.

3. By letter dated January 24, 2017, Ms. Van Sнопson-Barnett responded to the complaint. In her response, Ms. Van Sнопson-Barnett explained the circumstances that led to the revocation of her certification and the ARBPA action, admitted a relapse, and told the Board that she was working on her recovery.

4. Pursuant to 32 M.R.S. §§ 3270-C(1), 3282-A(2)(A), the Board may impose discipline for misrepresentation in obtaining a license.

5. Pursuant to 32 M.R.S. §§ 3270-C(1), 3282-A(2)(B), the Board may impose discipline for misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients.

6. Pursuant to 32 M.R.S. §§ 3270-C(1), 3282-A(2)(F), the Board may impose discipline for unprofessional conduct for a violation of a standard of professional behavior that has been established in the practice of medicine.

7. Pursuant to 32 M.R.S. §§ 3270-C(1), 3282-A(2)(M), the Board may impose discipline for suspension or restriction of a license to practice or other disciplinary action by another state if the conduct resulting in disciplinary
action would, if committed in this State, constitutes grounds for discipline under the laws or rules of this State.

8. At its meeting on February 14, 2017, the Board reviewed Complaint CR 16-221, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Ms. Van Snepson-Barnett this Consent Agreement to resolve this matter without further proceedings. Absent Ms. Van Snepson-Barnett’s acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 10, 2017, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

9. Ms. Van Snepson-Barnett admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3270-C(1), 3282-A(2)(A) (for misrepresentation in obtaining a license), 3282-A(2)(B) (for misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients), 3282-A(2)(F) (for engaging in unprofessional conduct), and (2)(M) (for disciplinary action by another state for conduct that if committed in Maine would constitute grounds for discipline).

10. As discipline for the conduct described above, Ms. Van Snepson-Barnett agrees to accept, and the Board imposes:

a. A CENSURE for engaging in misrepresentation, misuse of alcohol, and unprofessional conduct.
b. A CIVIL PENALTY in the amount of Five Hundred Dollars ($500.00), payment of which shall be made by certified check or money order made payable to "Treasurer, State of Maine," and remitted to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, within six (6) months of initiation of employment in any capacity. Ms. Van Snepson-Barnett shall notify the Board in writing of any employment within fourteen (14) calendar days of her acceptance of such employment.

c. A LICENSE PROBATION for a period of at least two (2) years with the following conditions:

1) Ms. Van Snepson-Barnett shall comply with all terms and conditions imposed by the ARBPA upon her currently or upon reactivation of her ARBPA license. Any violation of any term or condition imposed upon Ms. Van Snepson-Barnett by ARBPA shall be considered a violation of this Consent Agreement;

2) Ms. Van Snepson-Barnett shall not render medical services in the State of Maine;

3) The duration of any probationary period shall be tolled for: a) any absence from the state that is in excess of thirty (30) continuous days; b) any absence from the state that is in excess of sixty (60) aggregate days in a single year; c) any period in which Ms. Van Snepson-Barnett does not hold an active license. Ms. Van Snepson-Barnett shall inform the Board in writing in advance of any such absence from the state.
4) Ms. Van Sнопson-Barnett acknowledges that she must directly communicate with the Board or Board staff and has the obligation to respond to any request for information or documentation within the timeframe specified or requested. Failure to comply with or respond to any request shall be considered a violation of this Consent Agreement.

11. Violation by Ms. Van Sнопson-Barnett of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

12. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

13. The Board and the Department of the Attorney General may communicate and cooperate regarding Ms. Van Sнопson-Barnett or any other matter relating to this Consent Agreement.

14. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

15. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent
Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

17. Ms. Van Sneedson-Barnett acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

18. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.
I, SALLY L. VAN SNEPSON-BARNETT, P.A., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED:    April 10, 2017  

SALLY L. VAN SNEPSON-BARNETT, P.A.

STATE OF Arizona

Maricopa, S.S.

Personally appeared before me the above-named Sally L. Van Sнопson-Barnett, P.A., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED:    4/10/17  

NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 08/09/2019
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re: FRANCESCO LUPIS, M.D. ) CONSENT AGREEMENT
Complaint No. CR16-265 )

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Francesco Lupis, M.D. The parties to the Consent Agreement are: Francesco Lupis, M.D. ("Dr. Lupis"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. Dr. Lupis has held a license to practice medicine in the State of Maine since August 16, 2013 (license number MD19839), and specializes in family practice.

2. On January 4, 2017, the Board initiated a complaint alleging that Dr. Lupis failed to disclose on his October 20, 2015 application to renew his Maine medical license that he had open allegations pending with the State of Connecticut Department of Public Health, Healthcare Quality and Safety Branch and Connecticut Medical Examining Board ("Connecticut Board").

3. By letter dated January 23, 2017, Dr. Lupis acknowledged that he failed to notify the Board of the allegations pending with the Connecticut Board when he renewed his license and explained the circumstances that led to that failure. Dr. Lupis stated that he sent the Board a prompt self-report of the
subsequent disciplinary action taken by the Connecticut Board. Dr. Lupis apologized for his oversight.

4. Pursuant to 32 M.R.S. § 3282-A(2)(A), the Board may impose discipline for engaging in the practice of misrepresentation in obtaining a license.

5. At its meeting on February 14, 2017, the Board reviewed Complaint CR16-265, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Lupis this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Lupis’ s acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 25, 2017, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

6. Dr. Lupis admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(A) (for misrepresentation in connection with the submission of an application for licensure).

7. As discipline for the conduct described above, and as Dr. Lupis does not intend to return to Maine to practice medicine, Dr. Lupis agrees to the IMMEDIATE VOLUNTARY SURRENDER of his Maine license to practice medicine effective upon the execution of this Consent Agreement.
8. Violation by Dr. Lupis of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

9. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

10. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Lupis or any other matter relating to this Consent Agreement.

11. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

12. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

13. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

14. Dr. Lupis acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this
Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

15. For the purposes of this Consent Agreement, the term “execution” means the date on which the final signature is affixed to this Consent Agreement.

I, FRANCESCO LUPIS, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 4-19-17

FRANCESCO LUPIS, M.D.

STATE OF CT

Newington, s.s.

Personally appeared before me the above-named Francesco Lupis, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 4-19-2017

NOTARY PUBLIC/ATTORNEY

LINDA SHUTE
NOTARY PUBLIC

MY COMMISSION ENDS: MY COMMISSION EXPIRES NOV. 30, 2018
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 5/9/17

MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: May 9, 2017

MICHAEL MILLER
Assistant Attorney General

Effective Date: May 9, 2017
The following information is included:

A summary of all new licenses granted in April 2017 by license type (54);
A list of all individuals granted a new license in April 2017 by license type;
A summary of all pending applications by license type (169);
A list of online vs. paper renewals by license type (93.3%); and
A list of licenses lapsed on May 1, 2017 (26).

We look forward to your feedback.
## SUMMARY BY LICENSE PREFIX

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