State of Maine  
Board of Licensure in Medicine  
137 SHS, 161 Capitol Street  
Augusta, Maine 04333-0137  
May 8, 2018  
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XXIII. Adjournment
The Board met in public session except during 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**
9:17 a.m. – 9:27 a.m.  
Pursuant to 1 M.R.S. § 405(6)(F) to discuss confidential patient medical information

10:44 a.m. – 11:10 a.m.  
Pursuant to 1 M.R.S. § 405(6)(F) to discuss confidential patient medical information

**RECESSES**
11:55 a.m. – 12:45 p.m.  
Lunch

2:50 p.m. – 3:04 p.m.  
Recess

I. **Call to Order**

Dr. Gleaton called the meeting to order at 10:15 a.m.

A. **Amendments to Agenda**

Mr. Ross moved to amend Dr. Justin Sandver’s license application onto the agenda. Ms. Dench seconded the motion, which passed unanimously.

B. **Scheduled Agenda Items (none)**
II. Licensing

A. Applications for Individual Consideration

1. Initial Applications

   a. John Griffin, M.D.

      The Licensure Committee moved to table the license application pending additional information. The motion passed unanimously.

   b. Rodney Sosa, M.D.

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

   c. Susan Wexler, M.D.

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

   d. John Celin, M.D.

      The Licensure Committee moved to preliminarily deny Dr. Celin’s license application with leave to withdraw. The motion passed unanimously.

   e. Adeloye Soyege, M.D.

      The Licensure Committee moved to preliminarily deny Dr. Soyege’s license application with leave to withdraw. The motion passed unanimously.

   f. Susan Wehry, M.D.

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

   g. Saima Javed, M.D.

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

   h. Justin Sandver, M.D.

      The Licensure Committee moved to approve Dr. Sandver’s license application. The motion passed unanimously.
2. Reinstatement Applications (none)

3. Renewal Applications
   a. Charles Beasley, Jr., M.D.

      The Licensure Committee moved to offer Dr. Beasley an administrative license and
      preliminarily deny his renewal application if he declines. The motion passed
      unanimously.

   b. Norman Sykes, M.D.

      The Licensure Committee moved to approve Dr. Sykes’ renewal application and
      encourage him to implement the recommendations from his recent evaluation. The
      motion passed 6-0-0-1. Dr. Gleaton was recused from the matter and left the room.

   c. Bret Yarczower, M.D.

      The Licensure Committee moved to offer Dr. Yarczower an administrative license
      and request clarification of his clinical practice if he declines. The motion passed
      unanimously.

   d. Marc Gorayeb, M.D.

      The Licensure Committee moved to offer Dr. Gorayeb an administrative or emeritus
      license and to preliminarily deny his renewal application if he declines. The motion
      passed unanimously.

4. Requests to Convert to Active Status (none)

5. Requests to Withdraw License/License Application
   a. John Powell, M.D.

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

6. Requests for Supervisory Relationships (none)

B. Other Items for Discussion
   a. Request for Sponsorship

      The Licensure Committee moved to deny Dr. Mehnas Maududi’s request for
      sponsorship to retake the USMLE exam. The motion passed unanimously.
b. Update on Non-Clinical License

Board staff provided an update on the status of creating a non-clinical license status for physicians.

C. Citations and Administrative Fines

The Licensure Committee moved to not issue citations in the two instances presented by Board staff. The motion passed unanimously.

III. Consent Agreements/Resolution Documents for Review (none)

IV. Complaints

1. CR17-50

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

2. CR17-89

Mr. Ross moved to unset the adjudicatory hearing to reconsider the matter. Ms. Dench seconded the motion, which passed unanimously.

Mr. Ross moved to dismiss the complaint with a letter of guidance. Upon further consideration, he withdrew the motion.

Dr. Waddell moved to issue a citation and $200.00 administrative fine based on the physician’s failure to accurately answer a question on his license renewal application. Dr. Sacchetti seconded the motion, which passed unanimously.

3. CR17-151

Ms. Dench moved to investigate further. Ms. Weinstein seconded the motion, which passed unanimously.

4. CR17-249

Mr. Ross moved to dismiss the complaint. Ms. Weinstein seconded the motion, which passed 6-0-0-1. Dr. Waddell was recused from the matter and left the room.

MOTION: The patient complains that the physician’s urologic examination made her uncomfortable. The investigation revealed appropriate care. The investigation involved interviews of staff that were present in the room or at the facility at the time this patient was examined. All staff uniformly stated that there are no concerns about the professionalism of the physician.
5. **CR18-5**

   Dr. Gleaton moved to table the matter. Dr. Sacchetti seconded the motion, which passed unanimously.

6. **CR17-112**

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

7. **CR17-170**

   Dr. Waddell moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include the requirement that the physician have a Board-approved practice plan in place if she intends to practice medicine in Maine. Dr. Sullivan seconded the motion, which passed unanimously.

8. **CR17-174**

   Dr. Sullivan moved to dismiss the complaint. Ms. Weinstein seconded the motion, which passed 6-0-0-1. Dr. Waddell was recused from the matter and left the room.

   **MOTION:** A patient questioned various aspects of her care. The surgeon reported typical care in a difficult-to-heal situation. Excellent care was reported by an independent outside expert review. It is unfortunate this fracture healed slowly, but the care was appropriate.

9. **CR17-215**

   Mr. Ross moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include completion of a course regarding disruptive physicians and therapy with a Board-approved psychotherapist for a minimum of one year. Ms. Weinstein seconded the motion, which passed 6-0-0-1. Dr. Sacchetti was recused from the matter and left the room.

10. **CR17-230**

    Mr. Ross moved to table the matter. Dr. Sacchetti seconded the motion, which passed unanimously.

11. **CR17-237**

    Ms. Weinstein moved to table the matter. Dr. Sullivan seconded the motion, which passed 6-0-0-1. Dr. Waddell was recused from the matter and left the room.
12. CR17-253

Dr. Gleaton moved to investigate further. Dr. Sullivan seconded the motion, which passed unanimously.

13. CR18-6

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

**MOTION:** A patient complains that the neurologist falsified her record with an incorrect history of her symptoms and did not perform or mention the test she was expecting to be done. Review of the records shows thoughtful and reasonable care.

14. CR18-7

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

**MOTION:** A patient complains that her new psychiatrist would not prescribed medications in the same combination as her previous treating psychiatrist. The physician did not agree with some components of the medication combination, but planned to undertake his own workup and management of the patient’s issues. The relationship fell apart because of a disagreement between the patient and the physician over this issue. Review of the records indicates that appropriate care was provided.

15. CR18-17

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

**MOTION:** A patient has multiple complaints regarding the care he received from the physician including the physician’s refusal to prescribe stimulant medication, side effects of antihypertensive medication, physician use of cell phone during the visit, and excessive wait times to see the physician on more than one occasion. Review of the records and physician’s response to the complaint reveals appropriate care, acknowledgement and apology for appointment delays, appropriate documentation and appropriate cellphone use for patient care purposes.

16. CR18-16

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

**MOTION:** A patient has multiple complaints regarding the care he received from the physician including the physician’s refusal to prescribe stimulant medication, inaccurate
recording of blood pressure and physician use of a cellphone during the visit. Review of the records and the physician’s response to the complaint reveals appropriate care and recording of blood pressure measurements, appropriate use of cellphone for dosage calculation, and appropriate documentation of treatment rationale and alternatives offered to the patient.

17. CR18-26

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

**MOTION:** A patient complains about the care he received from his primary care physician assistant. The patient felt the physician assistant did not continue to prescribe his longstanding sleep medication despite it working well from the patient's point of view. Review of the record reveals thoughtful, reasonable care along with medical concerns about the patient continuing a benzodiazepine. The physician assistant followed universal precautions and sought out the assistance of pharmacy to taper the patient appropriately and reasonably asked the patient to take part in a mandatory controlled substance psychoeducation program offered by the Veterans Administration (VA). The patient refused to attend. When the patient violated the terms of his agreement for controlled substance use, further prescriptions for his sleep medication ceased as was recommended by the VA controlled substance committee. The physician assistant, with the support of her physician supervisor, tried hard to work with the patient to help him through the difficulties of tapering off a dependent medication.

18. CR18-27

Ms. Dench moved to set the matter for an Informal Conference. Ms. Weinstein seconded the motion, which passed 6-1.

19. CR18-43

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

**MOTION:** The father of a nineteen-year-old patient alleges that an emergency physician mismanaged her care by missing her diagnosis and prescribing an opioid analgesic following a motor vehicle accident. The patient’s initial evaluation revealed no significant injury by exam or x-ray and she was directly observed by medical staff for nearly two hours before being discharged with a prescription for a small quantity of tramadol. Two-and-a-half days after the accident, the patient and her family sought care at a different emergency department where the patient, still somewhat unsteady and achy, was diagnosed with a concussion. While the patient’s condition may have evaded detection early on, this is not atypical of a mild concussion.
20. CR17-161 Peter G. Marshall, M.D.

Dr. Sacchetti moved to dismiss the complaint with a letter of guidance. Ms. Weinstein seconded the vote, which passed 6-0-0-1. Dr. Waddell was recused from the matter and left the room.

MOTION: In this case, a patient complained that the physician’s behavior and communications were unprofessional, and that he proceeded to perform an injection without warning, causing the patient severe pain. In his response, the physician explained the procedure in his office for obtaining consent. The physician later clarified that he had obtained verbal consent from the patient and then written consent later.

The letter of guidance will advise the physician to: 1) recognize the importance of empathetic communication with patients; 2) recognize that respect, attention to the patient’s dignity, and informed participation are important components of treatment; and 3) avail himself of appropriate education and/or counseling regarding improved communication with patients.

21. CR17-236

Dr. Sullivan moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include the requirement that the physician obtain a clinical competence assessment from the Center for Personalized Education for Physicians (CPEP), and in the interim comply with modifications of his medical staff privileges. Ms. Dench seconded the motion, which passed 6-0-0-1. Dr. Waddell was recused from the matter and left the room.

22. Intentionally left blank

23. Intentionally left blank

V. Assessment and Direction

24. AD18-21

Dr. Sullivan moved to issue a complaint (CR18-89). Ms. Weinstein seconded the motion, which passed 6-1.

25. AD18-11

Ms. Dench moved to approve the physician’s request for an emeritus status license. Mr. Ross seconded the motion, which passed 6-0-0-1. Dr. Sacchetti was recused from the matter and left the room.

26. AD18-59

Ms. Dench moved to issue a complaint (CR18-90) and order the physician to undergo a § 3286 evaluation. Mr. Ross seconded the motion, which passed unanimously.
27. AD18-48

Dr. Waddell moved to issue a complaint (CR18-91). Dr. Sacchetti seconded the motion, which passed unanimously.

28. AD18-49

Ms. Dench moved to issue a citation and administrative fine in the amount of $200.00 based on the physician assistant’s failure to notify the Board of a change of primary supervising physician and the termination of a plan of supervision within 10 days. Dr. Sacchetti seconded the motion, which passed 6-0-0-1. Mr. Ross was recused from the matter and left the room.

29. AD18-50

Dr. Sacchetti moved to issue a citation and administrative fine in the amount of $200.00 based on the physician’s failure to notify the Board of the termination of a plan of supervision or supervisory relationship with a physician assistant within 10 days. Ms. Dench seconded the motion, which passed 6-0-0-1. Mr. Ross was recused from the matter and left the room.

30. AD18-65

Dr. Sacchetti moved to issue a citation and administrative fine in the amount of $200.00 based on the physician assistant’s failure to notify the Board of a change of primary supervising physician and the termination of a plan of supervision within 10 days. Dr. Sullivan seconded the motion, which passed unanimously.

31. AD18-66

Dr. Sacchetti moved to issue a citation and administrative fine in the amount of $200.00 based on the physician’s failure to notify the Board of the termination of a plan of supervision or supervisory relationship with a physician assistant within 10 days. Ms. Dench seconded the motion, which passed unanimously.

32. AD18-75

Mr. Ross moved to table the matter and approve the physician assistant’s request to place her license in inactive status until the resolution of an investigation in another state. Ms. Weinstein seconded the motion, which passed unanimously.

33. Intentionally left blank

34. Intentionally left blank

35. Pending Adjudicatory Hearings and Informal Conferences Report
The Board reviewed pending adjudicatory hearings and discussed meeting an additional day in August to conduct a hearing.

36. Consumer Assistance Specialist Feedback

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

37. Other Items for Discussion (none)

VI. Informal Conference (none)

VII. Minutes for Approval

A. April 9, 2018

Dr. Sacchetti moved to approve the minutes of the April 9, 2018 meeting. Ms. Dench seconded the motion, which passed unanimously.

B. April 10, 2018

Dr. Sacchetti moved to approve the minutes of the April 10, 2018 meeting. Ms. Weinstein seconded the motion, which passed unanimously.

VIII. Board Orders & Consent Agreement Monitoring

A. Board Orders

1. Order of Dismissal re: Ghinwa Hassan, M.D. and Kathy Bouton-Semmel, P.A. [Appendix A]

Ms. Weinstein moved to accept the Order of Dismissal. Ms. Dench seconded the motion, which passed 5-0-0-2. Dr. Waddell and Mr. Ross were recused from the matter and left the room.

2. CR16-262 Kathy L. Bouton-Semmel, P.A.

Ms. Weinstein moved to dismiss the complaint with a letter of guidance. Ms. Dench seconded the motion, which passed 5-0-0-2. Dr. Waddell and Mr. Ross were recused from the matter and left the room.

MOTION: This matter involved allegations of unlicensed practice between January 29, 2016 and September 7, 2016 when the physician assistant failed to register a change of her primary supervising physician with the Board. She explained that she and her supervisor completed the paperwork at the time of the change and that she had consistently been supervised. She relied upon her employer’s credentialing office to submit the paperwork to the Board as they had always done in the past.
The letter of guidance will advise the physician assistant that it is necessary to take personal responsibility for reporting any change in her supervision, ensure that her supervisor has been approved, and that she has been certified by the Board.

B. Monitoring Reports

1. Donald B. Shea, M.D.

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

2. Mark E. Cieniawski, M.D.

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

3. William P. Carter, M.D.

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

4. Kevin M. Kendall, M.D.

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

5. Thomas D. Hayward, M.D.

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

6. Intentionally left blank

IX. Adjudicatory Hearing (none)

X. Remarks of Chair

A. Annual FSMB Meeting

   Dr. Gleaton, Ms. Weinstein, Ms. Dench, and Mr. Terranova reported on their recent attendance at the annual FSMB meeting.

XI. Remarks of Executive Director

A. Public Board Member Recruitment Efforts

   Mr. Smith reported on efforts to notify the public of the vacant public member seat on the Board.

B. Use of Milestone Data By External Entities
This material was presented for informational purposes. No Board action was required.

XII. Assistant Executive Director’s Report

A. Complaint Status Report

As of May 1, 2018, there are ninety-five complaints outstanding. Thirteen complaints were opened during the month of April and twenty-five were closed.

B. Licensing Feedback

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

XIII. Medical Director’s Report (none)

XIV. Remarks of Assistant Attorney General (none)

XV. Rulemaking

A. Draft Chapter 12 Joint Rule Regarding Office Based Treatment of Opioid Use Disorder

The Board reviewed the draft rule.

XVI. Policy Review (none)

XVII. Requests for Guidance

A. Chapter 21 Universal Precautions Question

The Board reviewed a question regarding the use of universal precautions in nursing homes and skilled nursing facilities and requested additional information.

XVIII. Standing Committee Reports

A. Licensure and CME Committee

1. Licensing Status Report [Appendix B]

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

XIX. Board Correspondence (none)

XX. FSMB Material (none)

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

XXII. Other Business (none)

XXIII. Adjournment 5:15 p.m.

Respectfully submitted,

Maureen S. Lathrop
Administrative Assistant
In Re: Ghinwa Hassan, M.D. &  
Kathy Bouton-Semmel, P.A.  
CR16- 266 & CR16-262

ORDER OF DISMISSAL

The Maine Board of Licensure in Medicine ("Board") met in public session at the Board's offices in Augusta, Maine, on April 10, 2018, for an adjudicatory hearing to address the allegations identified in Amended Notices of Hearing issued to Ghinwa Hassan, M.D., and Kathy Bouton-Semmel, P.A., ("Licensees") on March 14, 2018.\(^1\) The Amended Notices of Hearing alleged that both Licensees committed multiple violations by failing to obtain Board approval of Dr. Hassan's supervision of Ms. Bouton-Semmel because the Board did not receive the required documentation and that Ms. Bouton-Semmel committed an additional violation by failing to inform the Board in a timely manner of the termination of her supervision by Warren Shearer, M.D.

A quorum of the Board was in attendance during all stages of the proceeding. Participating and voting members were Board Chair Maroulla Gleaton, M.D.; David H. Dumont, M.D.; Peter J. Sacchetti, M.D.; and Lynne M. Weinstein, Public Member. Christopher R. Ross, P.A.-C., case reporter for this matter, and Susan Dench, Public Member, recused themselves but remained in the building and available for Board business. The Licensees were present during all stages of the proceedings and were represented by Kelly Hoffman, Esq. Michael Miller, Esq., Assistant Attorney General, represented the State. Rebekah Smith, Esq., present under the terms of a contract with the Board, presided as administrative hearing officer.

The parties provided written opening statements. State Joint Exhibits #1 to #18 and Licensees Joint Exhibits #1 to #6 were admitted without objection. The State called Timothy

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\(^1\)At hearing, the State withdrew allegation P in the Notice of Hearing relating to Ms. Bouton-Semmel.
Terranova, Assistant Executive Director of the Board, and the Licensees as witnesses. The Licensees called Sharon King, Administrator of Care Transition, Quality, and Risk at St. Joseph’s Hospital, as a witness. The parties made closing arguments. Thereafter, the Board deliberated, and dismissed the allegations against the Licensees.²

The Board also, by a vote of 3 to 1, ordered that a non-disciplinary letter of guidance be issued to Ms. Bouton-Semmel and be maintained in her file for a period of 10 years keep and, by unanimous vote, granted Ms. Bouton-Semmel’s application for renewal of licensure.

Dated: 5/8/18, 2018

Maroulla S. Gleaton, M.D., Chair
Board of Licensure in Medicine

² All the allegations against Dr. Hassan were dismissed by unanimous vote. The allegations against Ms. Bouton-Semmel were also dismissed by unanimous vote, with the exception of allegation B which was dismissed by a vote of 3 to 1.
BOARD OF LICENSURE IN MEDICINE

DATE: MAY 1, 2018
TO: BOARD MEMBERS
CC:
FROM: TIMOTHY TERRANOVA
RE: LICENSING STATUS REPORT AND LISTS

The following information is included:

A summary of all new licenses granted in April 2018 by license type (84);
A list of all individuals granted a new license in April 2018 by license type;
A summary of all pending applications by license type (259);
A list of online vs. paper renewals in April 2018 by license type (89.96%);
The number of licenses expired April 30, 2018 (37);
The number of licenses lapsed for date 1/31/2018 (34*); and
The list of licenses withdrawn in April 2018 (7).

In addition, the overall licensing statistics include:

The number of active MD licenses (not including EC) May 1, 2018 (58547);
The number of active MD licenses with a Maine address (not including EC) on May 1, 2018 (3485);
The number of active PA/PAN licenses on April 2, 2018 (848);
The number of active PA/PAN licenses with a Maine address on May 1, 2018 (776); and
The number of licenses pending renewal on May 1, 2018 (39).

We look forward to your feedback.

*Actual change from expired to lapse will take place on 5/2/18. The number included is the number in the queue.
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<p>| SUMMARY BY LICENSE STATUS    |                         |        | 84    | 84       |
| A - Active                   |                         |        |       |          |
| TOTAL ALL LICENSES:          |                         |        | 84    |          |</p>
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