

Maine Board of Osteopathic Licensure
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Minutes of December 10, 2015 Board Meeting – 9 a.m. – 8:45 p.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; Gary Palman, D.O.; Melissa Michaud, PA-C & Marty W. McIntyre, Public Member; John F. Gaddis, D.O.; David Rydell, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Det. James Gioia, Office of the Attorney General; Mark Terison, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association; Michael Cunniff, Esquire; Paralegal Beth Peterson; Gary Winn, D.O.; Willard Stitzell, D.O.; Mary Stitzell, D.O.; Edith Bickford

I. Complaints & Investigations

All complaint reviews are conducted in Public Session without the use of names, unless otherwise noted.

A. CR2015-19

This matter was tabled prior to any review, discussion or action.

B. CR2015-22

Following thorough review of the complaint, response and any other materials gathered, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Gaddis, Case Reporter, did not vote.

C. CR2015-23

Following thorough review of the complaint, response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Gaddis, Case Reporter, did not vote.

D. CR2015-43

Following review of the complaint which was barely legible, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted to dismiss the complaint as it did not merit further Board action. Dr. Piper, Case Reporter, was not yet present.

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no contact from the licensee and that although he is licensed, he is not approved to practice, pursuant to Board Order. No Board action was necessary.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no Consent Agreement compliance issues or other concerns. No Board action was necessary.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted that the licensee had provided some of the information required pursuant to the Consent Agreement. AAG Miller noted that she had contacted the licensee's attorney to inquire regarding outstanding information but that she had not yet heard back. The Board requested further investigation regarding the ongoing matter with the New Hampshire Board of Medicine as reported by the licensee.

III. Minutes/Revenue & Expense Reports

A. Review of Draft October & November 2015 Meeting Minutes

Following review of the October & November minutes, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted unanimously to approve the October & November minutes as written.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

IV. Miscellaneous

A. Federation of State Medical Boards

1. Annual Meeting

Dr. Rydell will represent the Board at the FSMB annual meeting. It was not determined who will represent the Board, staff wise.

2. Grant Opportunity – Interstate Licensure Compact

Board members reviewed the materials received. Recognizing that Governor LePage verbalized his opposition to this concept, no action was taken. Dr. Rydell noted that he may request a meeting with the Governor to discuss the Compact.

B. Chapter 3 – Draft Telemedicine Rule

The Board was notified that the Board of Licensure in Medicine had voted to make some additional changes to the draft rule (AAG Miller outlined most of the changes). Further discussion of the rule (which will be promulgated jointly with the Board of Licensure in Medicine) was tabled until such time as the updated document is available for review.

C. Draft Policies

Board members reviewed the draft policies and took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to approve the following policies: 1) Assessment of Recovery of Investigative Costs; 2) Contact during Application Process; 3) Application Processing Start Date; 4) Data Bank Self-Queries. Full text of the policies can be found on the Board's website.

V. Licensure Matters

A. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Rydell and voted unanimously to approve the permanent licensure applications submitted by: Kathy Horava, D.O.; Dominick Giovanniello, D.O.; Rebecca Schellinger, D.O.; Peter Goldzweig, D.O.; Katherine Hanify, D.O.; David Stein, D.O.; Catherine Langston, D.O.; Andrei Zaslavsky, D.O.; Christian Setzer, D.O.

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One additional application was not yet fully reviewed and would be voted on later in the meeting.

B. Permanent Physician Assistant Applications (PA-C)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Rydell and voted unanimously to approve the applications submitted by Douglas Rhoda, PA-C and John Comis, D.O. (Primary Supervising Physician).

Dr. Rydell was excused from the meeting at this time, not to be returning.

V. Permanent Licensure Applications continued...

Following circulation and review, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Gaddis and voted unanimously to approve the application submitted by Marianne Jacobs, D.O.

There was no other regular business to be conducted.

VI. Adjudicatory Hearing – Gary S. Winn, D.O.

Presiding Officer Mark Terison convened the Adjudicatory Hearing with Gary S. Winn, D.O., represented by Attorney Michael Cunniff, D.O. at 11 a.m. Assistant Attorney General Michael Miller represented the State of Maine. The Board took the following actions:

MOTION: Made by Ms. McIntyre and seconded by Dr. Piper to find that the licensee engaged in fraud and deceit in connection with services rendered within the scope of his license (allegation #1, 11/5/2015 Notice of Adjudicatory Hearing). The motion failed with Dr. Palman, Dr. Gaddis, Ms. Michaud and Ms. McIntyre opposed.

MOTION: Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to find that the licensee had engaged in unprofessional conduct (allegation #2 from the 11/5/2015 Notice of Adjudicatory Hearing).

MOTION: Made by Dr. Palman, seconded by Dr. Piper and voted unanimously to issue a reprimand, based on the second motion.

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to issue a fine of \$500 in addition to applicable hearing costs.

MOTION: Made by Dr. Palman, seconded by Ms. Michaud and voted unanimously to renew the licensee's license to practice.

The meeting/hearing was adjourned at 8:45 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary