

Maine Board of Osteopathic Licensure  
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**Minutes of January 14, 2021 Board Meeting – 9:30 a.m. – 3:25 p.m.**

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

Others Present: Susan E. Strout, Executive Secretary; Lisa Wilson, Assistant Attorney General; Nikolette Alexander, Consumer Assistant; Det. Michael Durham, Office of the Attorney General; Emily Bloch, Esquire; Amanda Richards, Executive Director, Maine Osteopathic Association; Gordon Smith, Director of Maine's Opioid Response

**I. Welcoming of New Public Member**

Dr. Thomas took a moment to introduce the Board's new public member, Peter Michaud, to the meeting. Mr. Michaud, an attorney, filled a public member slot which has been empty for quite some time.

**II. Review of Complaint and Investigative Matters**

**A. CR2020 26**

Board members reviewed feedback from the complainant who noted never having received the licensee's response (which had been mailed via 1<sup>st</sup> Class Mail w/o ability to track). Following discussion, Board members took this action:

**MOTION:** Made by Ms. McIntyre and seconded by Dr. Thomas with the vote, via roll call, being unanimous to provide the complainant with a copy of the licensee's response but to do so via e-mail with delivery and read receipts and further to notify the complainant that the decision to dismiss the complaint stands. Mr. Michaud abstained from voting.

**B. CR2020 34**

Board members reviewed the materials presented and following discussion, took this action:

**MOTION:** Made by Ms. Michaud and seconded by Dr. Brewer with the vote, via roll call, being unanimous to dismiss the complaint as it did not rise to a level which would warrant action against the licensee. Both Dr. Gaddis (Case Reporter) and Mr. Michaud abstained from voting.

**C. CR2020 35**

Ms. McIntyre, Case Reporter, provided an overview of the complaint and response. Following review and discussion, the Board took this action:

**MOTION:** Made by Dr. Gaddis and seconded by Ms. Michaud with the vote, via roll call, being unanimous to move to an adjudicatory hearing but authorizing AAG Wilson to negotiate a Consent Agreement if possible, in lieu of a hearing. Board members provided suggested terms for a Consent Agreement if the licensee is willing to consider. Both Ms. McIntyre (Case Reporter) and Mr. Michaud abstained from voting.

**D. IN2020 41**

Dr. Brewer, Case Reporter provided an overview of the materials presented. Following review and discussion, the Board took the following action:

**MOTION:** Made by Ms. McIntyre and seconded by Dr. Gaddis with the vote, via roll call, being unanimous to issue a complaint regarding alleged unprofessional conduct and violation of Board rule regarding self and family prescribing. Both Dr. Brewer (Case Reporter) and Mr. Michaud abstained from voting.

**E. CR2020 43**

Board members reviewed the materials presented and following discussion, took this action:

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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 but to issue a Letter of Guidance suggesting that the licensee become more familiar and stay up to date with reimbursement strategies. Both Ms. Michaud (Case Reporter) and Mr. Michaud abstained from voting.

Prior to the start of the following matter, Ms. Michaud recused herself from any participation in the matter and was placed in the virtual Waiting Room.

**F. IN2021-01**

Following their review of the materials presented, the Board took this action:

**MOTION:** Made by Ms. McIntyre and seconded by Dr. Brewer with the vote, via roll call, being unanimous to order that the licensee undergo a mental health evaluation pursuant to statute and to further investigate this report. Mr. Michaud abstained from voting. Case Reporter not yet assigned.

Ms. Michaud re-entered the meeting following the above vote.

**III. Minutes/Revenue & Expense Reports**

**A. November & December 2020 Meeting Minutes**

Following review, the Board took this action.

**MOTION:** Made by Dr. Pisini and seconded by Dr. Gaddis with the vote, via roll call, being unanimous to approve the minutes of the November and December 2020 meetings as written. Mr. Michaud abstained from voting.

**B. Review of November 2020 (Period 5) Revenue & Expense Reports<sup>1</sup>**

Board members reviewed and accepted the revenue and expense reports.

**IV. Old & New Business/Miscellaneous**

**A. Review of Proposed Policy regarding Administrative Hold Issues**

Following review and 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 adopt the policy and to make it available on the Board's website.

**B. Federation of State Medical Boards**

Dr. Thomas noted that the FSMB has notified members Boards that the 2021 Annual Dues will be waived.

**C. Maine Osteopathic Association**

Dr. Thomas noted that the Maine Osteopathic Association is working in conjunction with other groups to assist with vaccinations for Maine's health care professionals.

**V. Permanent Licensure Applications**

**MOTION:** Made by Ms. McIntyre and seconded by Ms. Michaud with the vote, via roll call, being unanimous to approve the permanent licensure applications submitted by: Cathy Fanning, D.O., Justin Crivelli, D.O., Will Jaffee, D.O., Tai Kalayjian, D.O., Andrew Kaplan, D.O., Max Schaefer, D.O. and Daniel Zipin, D.O. Mr. Michaud abstained from voting.

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<sup>1</sup> Department of Administrative & Financial Services

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**VI. Gordon Smith, Director of Opioid Response, Office of the Governor**

Mr. Smith provided an overview of new strategies and noted that he will be sending updated information on a more regular basis in the future, noting that he may want to address the Board at the April meeting.

At this time, the Board voted (Ms. McIntyre, 2<sup>nd</sup> by Dr. Brewer with the roll call vote being unanimous) to go into Executive Session pursuant to 32 MRS §2591-A (1). Once again in Public Session (Ms. McIntyre, 2<sup>nd</sup> by Dr. Thomas with the roll call vote being unanimous) and following discussion, the Board took this action:

**VII. Informal Conference**

**MOTION:** Made by Ms. McIntyre and seconded by Dr. Thomas with the vote, via roll call, being unanimous to approve the permanent licensure application submitted by Emily Harvey-Garcia, D.O. Mr. Michaud abstained from voting.

The Board took a 30-minute lunch break, returning at 12:30 p.m.

**VIII. Review of Draft Statutory Language – Stakeholder Meeting/Open to the Public**

Dr. Thomas welcomed all Board members and the public to the review and discussion regarding draft changes to the Board's statute. While the meeting was open to the public and those attending were welcome to speak, Dr. Thomas and AAG Wilson stressed that comments specific to the draft language should be submitted in writing, addressed and e-mailed to the Executive Secretary. A re-draft with suggestions made both during the meeting by Board members and those received in writing following the meeting will be incorporated into the final draft reviewed at the Board's February 11, 2021 meeting and finalized following the vote. The final draft will be available on the Board's website prior to the meeting.

**IX. Nominating Committee**

It was noted that the Nominating Committee will be reaching out to members regarding the upcoming election.

Prior to adjournment, Dr. Thomas noted that the Board seat filled by Ryan Smith, D.O. (psychiatrist) since May 2017 had been recently appointed to a different physician. Dr. Thomas, other Board members and staff alike thanked Dr. Smith for his consistent attendance, fair and thoughtful reviews and his invaluable insight into all cases but particularly those related to mental health.

**X. Adjournment**

The meeting was adjourned, via unanimous roll call vote, at 3:25 p.m.

Respectfully submitted,

Susan E. Strout, Executive Secretary