

Maine Board of Osteopathic Licensure
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Minutes of June 8, 2023 Board Meeting – 9:30 a.m. – 12 p.m.

Members Present: Melissa Michaud, PA-C, Board Chair; John Brewer, DO, Board Secretary; Lisa Ryan, DO; Christine Munroe, DO; Brian Gillis, DO; Peter Michaud, Public Member. Members Excused: John Gaddis, DO, Vice-Chair; Gust Stringos, DO

Others Present: Susan E. Strout, Acting Executive Secretary; Savannah Okoronkwo, Consumer Assistance Specialist; Lisa Wilson, Assistant Attorney General, Office of the Attorney General; Det. Lauren Edstrom, Office of the Attorney General; Emily Bloch, Esquire; Elizabeth Campbell, Esquire; Frank Zach Mazone, DO.

Complaint and investigation reviews are held in Public Session without the use of any names unless otherwise noted.

I. Review of Complaints, Investigations and Compliance Matters

COMPLAINTS

A. CR2022 27 – Dr. Brewer, Case Reporter

AAG Wilson updated the Board that the licensee is unwilling to enter into a Consent Agreement as voted at the May 2023 meeting (to resolve the Board's concerns regarding violations of Board Rule Chapters 16¹ & 21² and failure to review the patient prescription monitoring profile). Following discussion, the Board took this action:

MOTION: Made by Dr. Ryan and seconded by Ms. Michaud with the vote, via roll call, being unanimous to proceed to an adjudicatory hearing on a future meeting date. Dr. Brewer, Case Reporter, abstained from voting.

B. CR2022 29 – Dr. Brewer, Case Reporter

Dr. Brewer provided a thorough overview of the case and following discussion, Board members took this action:

MOTION: Made by Ms. Michaud and seconded by Dr. Ryan with the vote, via roll call, being unanimous to offer the licensee a 3-year Consent Agreement based on unprofessional conduct and incompetence to include continuing medical education regarding pediatric endocrinology and completion of an evaluation offered by either Vanderbilt University or Affiliated Monitors, Inc. Based on the recommendations of the evaluation, monthly practice monitoring by a pediatric specialist with reports to the Board. Dr. Brewer, Case Reporter, abstained from voting.

¹ Treatment of Self and Family Members;

² Use of Controlled Substances for Treatment of Pain

C. CR2023 08 – Dr. Munroe, Case Reporter

Dr. Munroe provided a thorough overview of the case and following discussion, Board members 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 any action against the licensee. Dr. Munroe, Case Reporter, abstained from voting.

D. CR2023 09 – Dr. Brewer, Case Reporter

Dr. Brewer provided a brief overview and AAG Wilson then noted that the licensee had signed the Consent Agreement offered as a result of the Board's prior review and vote. Following a brief discussion, the Board took this action:

MOTION: Made by Mr. Michaud and seconded by Ms. Michaud with the vote, via roll call, being unanimous to approve the Consent Agreement as signed by the licensee and to issue the license renewal (which was pending the results of this matter). Dr. Brewer, Case Reporter, abstained from voting.

E. CR2023 10 – Dr. Gillis, Case Reporter

As Dr. Stringos (originally assigned as Case Reporter) was unable to attend, Dr. Gillis kindly served in the role of Case Reporter and provided a thorough overview of the matter and following discussion, the Board took this action:

MOTION: Made by Mr. Michaud and seconded by Dr. Ryan with the vote, via roll call, being unanimous to close the complaint without prejudice and to refer the matter, including all materials, to the NY State Office of Professional Medical Conduct as that is where both the licensee and patient were residing. Dr. Gillis, Case Reporter, abstained from voting.

F. CR2023 21 – Dr. Ryan, Case Reporter

Dr. Ryan provided a thorough overview of the case and following discussion, the Board took this action:

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

G. CR2023 24 – Mr. Brewer, Case Reporter

Dr. Brewer provided an overview of the complaint and following discussion, the Board took this action:

MOTION: Made by Mr. Michaud and seconded, with the vote, via roll call, being unanimous to table the matter for further investigation. Dr. Brewer, Case Reporter, abstained from voting.

H. CR2023 28 – Dr. Stringos, Case Reporter³

AAG Wilson updated the Board that the licensee had signed an Interim Consent Agreement to continue his license suspension until the matter has been resolved. Following discussion, the Board took this action:

³ Absent from the meeting.

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MOTION: Made by Mr. Michaud and seconded, with the vote, via roll call, being unanimous to accept the Interim Consent Agreement as signed by the licensee, continuing the license suspension. The Case Reporter was not present.

At this time, the Board voted (Dr. Brewer, Ms. Michaud) to go into Executive Session based on 10 MRS §8003-B(1). Once again in Public Session (Dr. Ryan, Mr. Michaud), the Board took this action:

MOTION: Made Ms. Michaud and seconded by Mr. Michaud with the vote, via roll call, being unanimous to offer a Consent Agreement including the terms as discussed: based on violation of the Board’s telehealth rule⁴, incompetence, unprofessional conduct, giving a false answer on a license renewal application, offering a 6 months license suspension, after which the licensee would be on probation for 5 years with prescribing restrictions on controlled substances for a minimum of 2 years with the provision that if the licensee wants to regain his controlled substances prescribing ability, he will need to successfully complete an evaluation for Board review. It was noted that the false answer on the renewal application was material in nature, not a mistake on an address or such – it was a question of whether the licensee was under investigation. The Case Reporter was not present.

INVESTIGATIONS

I. IN2023 27 – Dr. Ryan, Case Reporter

Dr. Ryan provided a thorough overview of the case and following discussion, the Board took this action:

MOTION: Made by Ms. Michaud and seconded by Mr. Michaud with the vote, via roll call, being to issue a complaint for violations of the Board’s rule on opioid treatment⁵ and for having discipline in another state and to further investigate, as discussed. Dr. Gillis, who had stepped away for a moment, did not vote. Dr. Ryan, Case Reporter, abstained from voting.

COMPLIANCE

J. Samuel Moss, DO – Mr. Michaud, Case Reporter

The Board noted receipt of a report from the treatment provider and that it was positive. No Board action was necessary.

II. Board Meeting Minutes/Revenue & Expense Reports

A. Board Meeting Minutes

Following review of the May 2023 meeting minutes, the Board took this action:

MOTION: Made by Dr. Brewer and seconded by Dr. Ryan with the vote, via roll call, being unanimous to accept the minutes of the May 2023 meeting as written.

B. Revenue & Expense Reports⁶

Board members reviewed and accepted the revenue and expense report for FY23, Period 10.

⁴ Chapter 6 - Joint Rule Regarding Telehealth Standards Of Practice (which was still in effect when the licensee prescribed to Maine patients)

⁵ Chapter 12, Joint Rule Regarding Office Based Treatment of Opioid Use Disorder

⁶ Prepared and distributed by DAFS (Dept of Administrative & Financial Services)

III. Other Business

A. Federation of State Medical Boards (FSMB)

Ms. Michaud noted that there were no updates this month from the FSMB.

B. Drexel Refresher Re-Entry Program

Board members noted the information provided; no Board action was necessary. Ms. Michaud noted that she has a list of programs, from the FSMB, which she will provide to the Executive Secretary for future reference.

C. Prescription Monitoring Program Announcement re DEA⁷ Alert

Board members noted the alert; no Board action was necessary. It was noted that the Board would still like to meet with and have a presentation by Elizabeth Fowlie Mock, MD of the PMP when available.

IV. Licensure Matters

A. Review of Permanent Licensure Applications

Following review and discussion regarding applications, the Board took these actions:

MOTION: Made by Ms. Michaud and seconded by Mr. Michaud with the vote, via roll call, being unanimous to table review of the applications for permanent licensure until the officers of the Board have fully reviewed and approved them.

V. Malcolm Leary, Public Member

Mr. Michaud recognized and noted, as did other members, their colleague Malcolm Leary, who passed away recently following illness. Due to his illness, he was not able to join Board meetings often but was prepared for and participated when able.

VI. Adjournment

MOTION: Made by Mr. Michaud and seconded by Dr. Brewer with the vote, via roll, call being unanimous to adjourn the meeting at 12 p.m.

Respectfully submitted,

Susan E Strout, Executive Secretary

⁷ Drug Enforcement Administration