

Minutes of November 10, 2022 Board Meeting – 9:30 a.m. – 2:30 p.m.

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

Others Present: Susan E. Strout, 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; Maureen M Sturtevant, Esquire; Amanda Richards, Executive Director, Maine Osteopathic Association; Kenneth Lehman, Esquire; Michael Landrum, DO; Tamara Boots, DO; Emily Allen; Braden Beard, Esquire; Matthew Spooner; Joline (last name unknown); Stephen Curtin, DO

Complaint and investigative 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. CR2021 38 – Dr. Ryan, Case Reporter

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

MOTION: Made by Dr. Gaddis and seconded by Dr. Stringos with the vote, via roll call, being unanimous to offer a Consent Agreement which would incorporate the terms discussed during the meeting, including but not be limited to continuing medical education on certain topics, a practice monitor for one year (must be approved by the Board) and comment forms for patients to complete which would be reviewed by the practice monitor and sent to the Board with the monthly report from the practice monitor. The Case Reporter abstained from voting.

B. CR2022 09 – Mr. Michaud, Case Reporter

Mr. Michaud provided an overview of the case and following discussion, the Board took this action:

MOTION: Made by Dr. Gaddis and seconded by Ms. Michaud, to table any further review or discussion pending receipt of a full report from the evaluator and with the understanding that the Board will want a signed Consent Agreement as soon as possible.

AMENDMENT TO MOTION: Made by Dr. Gaddis, seconded by Dr. Ryan and accepted by Ms. Michaud (who seconded the original motion), to amend the motion to include a substance misuse evaluation based on a statement made in the case materials. The vote, via roll call, on the amended motion was unanimous to approve the motion. The Case Reporter abstained from voting.

C. CR2022 19 – Mr. Michaud, Case Reporter

Mr. Michaud provided an overview of the case, noting the evaluator's report and following discussion, the Board took this action:

D. CR2022 19 – Mr. Michaud, Case Reporter

Mr. Michaud provided an overview of the case, noting the evaluator's report and following discussion, the Board took this action:

MOTION: Made by Dr. Gaddis and seconded by Dr. Stringos with the vote, via roll call, being unanimous to dismiss the complaint and issue a new Letter of Guidance regarding the importance of maintaining timely, accurate medical records as is her professional responsibility. The Letter of Guidance is to remain on file for a period of ten (10) years. The Case Reporter abstained from voting.

At this time, the Board noted that it was time for the scheduled Informal Conference and suspended the remainder of review of Complaint matters.

III. CR2021 44 – Informal Conference

Having confirmed that the licensee preferred (as allowed by law) that the following Informal Conference be held in Executive Session, the Board voted (Mr. Michaud/2nd by Dr. Munroe w/all in favor) to go into Executive Session for the following Informal Conference, held via Zoom. Once back in Public Session (Mr. Michaud/2nd by Ms. Michaud w/all in favor) the Board took this action:

MOTION: Made by Dr. Gaddis and seconded by Dr. Brewer with the vote, via roll call, being unanimous to dismiss the matter as it did not rise to a level which would warrant Board action. The original Case Reporter, whose term expired, is no longer on the Board.

Continuation of Item 1 (from the top of this page...)

E. CR2022 32 – Dr. Brewer, Case Reporter

Dr. Brewer provided an 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 Board action. The Case Reporter abstained from voting.

F. CR2022 33 – Dr. Brewer, Case Reporter

Dr. Brewer provided an overview of the case and following 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 dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter abstained from voting.

G. CR2022 38 – Consumer Feedback

Board members reviewed the feedback submitted; no action required.

H. CR2021 18¹ – Dr. Gillis, Case Reporter

Dr. Gillis and AAG Wilson provided an overview of the case and following discussion, the Board took this action:

MOTION: Made by Dr. Ryan and seconded by Mr. Michaud to deny the application for permanent licensure based on fraudulent, unlicensed practice for 10+ years.

¹ Listed, in error, as IN2021 18 on the agenda

AMENDMENT TO MOTION: Made by Dr. Stringos and seconded by Mr. Michaud to include having misled patients regarding finances. The vote, via roll call, on the amended motion was to pass the motion. Dr. Gaddis was opposed. The Case Reporter abstained from voting.

Following additional review and discussion, the Board took this action:

MOTION: Made by Dr. Brewer and seconded by Mr. Michaud with the vote, via roll call, being to refer this matter to the Office of the Attorney General. Dr. Gaddis abstained from voting, as did the Case Reporter.

At this time, the Board noted that it was time for the second scheduled Informal Conference and again suspended the remainder of Complaint matters. Roman numerals will be out of order at times from this point on but all items are from the agenda.

VI. Informal Conference – Licensure Application Matter

Having confirmed the licensee’s preference for Executive Session (as allowed by law), the Board voted (motion: Mr. Michaud, second: Ms. Michaud w/all in favor) to go into Executive Session for the following Informal Conference, via Zoom. Once back in Public Session (motion: Dr. Ryan, second: Ms. Michaud w/all in favor) the Board took this action:

MOTION: Made by Mr. Michaud and seconded by Dr. Stringos with the vote, via roll call, being unanimous to approve the application submitted by Regis Burlas, D.O.

Continuation of Item 1 (from the Pages 1 & 2)

I. IN2022 04 – Dr. Munroe, Case Reporter

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

MOTION: Made by Ms. Michaud and seconded by Dr. Stringos with the vote, via roll call, being unanimous to file a complaint on the Board’s own motion to include the concerns discussed. The Case Reporter abstained from voting.

Dr. Stringos was excused from the meeting at this time.

J. IN2022 45 – Ms. Vose, Case Reporter

In the absence of the Case Reporter, AAG Wilson provided an overview of the matter and following discussion, the Board took this action:

MOTION: Made by Ms. Michaud and seconded by Dr. Ryan with the vote, via roll call, being unanimous to table any discussion and/or action pending additional information. Ms. Vose was not present for this meeting.

COMPLIANCE

K. Elliot Gruen, DO – Dr. Brewer, Case Reporter

Board members reviewed the monthly compliance report which indicated no concerns and the closure of the licensee’s practice. Following discussion, the Board took this action:

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MOTION: Made by Mr. Michaud and seconded by Ms. Michaud with the vote, via roll call, being unanimous to require that the licensee continue to follow the terms of the Consent Agreement until such time as he has fulfilled the requirements regarding the closure of his practice and requesting termination of the Consent Agreement. The Case Reporter abstained from voting.

II. Board Meeting Minutes/Revenue & Expense Reports

A. Board Meeting Minutes

Following review of the August 11 and October 13, 2022 meeting minutes, the Board took this action:

MOTION: Made by Ms. Michaud and seconded by Dr. Brewer with the vote, via roll call, being unanimous to approve the minutes of the August 11 and October 13, 2022 meetings as written.

B. Revenue & Expense Reports

Board members reviewed the reports which are created and provided by the Division of Administrative & Financial Services. No Board action was necessary.

V. Other Business

A. Board Policies

Board members, not having received the materials thought to have been sent along to them, took this action:

MOTION: Made by Mr. Michaud and seconded by Ms. Michaud with the vote, via roll call, being unanimous to table this matter for review at the December meeting and to draft a policy for review regarding additional materials to be reviewed by the Board being received by no later than the Monday prior to a Thursday meeting.

Following additional discussion regarding the draft Veterans Policy, Board members took this action:

MOTION: Made by Mr. Michaud and seconded by Ms. Michaud with the vote, via roll call, being unanimous to approve the Veterans Policy.

It was noted that the Chaperone Policy was not finished and will hope to be ready for the December or January meeting.

IV. Federation of State Medical Boards

Multiple notices from the FSMB were reviewed and noted; some related to the 2023 Annual Meeting and Chair Michaud noted that she plans to attend. No Board action was necessary.

VI. Licensure Matters

A. Review of Permanent Licensure Applications

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

MOTION: Made by Dr. Gillis and withdrawn to table the application submitted by Cathy Anderson, D.O., for further information regarding the nature of a malpractice case.

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Following further discussion, the Board took this action:

MOTION: Made by Dr. Brewer and seconded by Ms. Michaud with the vote, via roll call, being unanimous to approve the application submitted by Cathy Anderson, D.O., pending receipt of a second reference (following review by Ms. Michaud, Dr. Gaddis or Dr. Brewer).

MOTION: Made by Ms. Michaud and seconded by Dr. Brewer with the vote, via roll call, being unanimous to approve the licensure applications submitted by Jessica Cicoria, D.O. and Cameron Douglas, D.O.

MOTION: Made by Dr. Ryan and seconded by Mr. Michaud with the vote, via roll call, being unanimous to table any action on the licensure application submitted by Timothy Carey, D.O. pending the receipt of information from the AK Board of Medical Licensure which will be brought back to the Board once received.

VII. Adjournment

MOTION: Made by Dr. Ryan and seconded by Dr. Gillis with the vote, via roll, call being unanimous to adjourn the meeting at 2:30 p.m.

Respectfully submitted,

Susan E Strout, Executive Secretary



Thursday, November 10, 2022 – 9:30 a.m. Meeting Agenda

Zoom Meeting Link: <https://mainestate.zoom.us/j/89582784205>

1. Complaint/Investigations/Compliance

Complaints

- A. CR2021 38
- B. CR2022 09
- C. CR2022 19
- D. CR2022 32
- E. CR2022 33
- F. CR2022 38

Investigations

- G. IN2021 18
- H. IN2022 04
- I. IN2022 45

Compliance

- J. Elliot Gruen, DO – Monthly Compliance Report

2. Minutes & Revenue/Expense Reports

- A. Review of August & October 2022 Draft Meeting Minutes
- B. Review of Revenue & Expense Reports – FY23, Period 3¹

3. 11 a.m. – CR2021 44 – Informal Conference – Executive Session

4. Federation of State Medical Boards Materials

5. Other Business

- A. Board Policies – Suggestions/Updates
- B. Draft Chaperone Policy

6. License Application Matters

- A. Review of Jeffrey Ficano, DO Re-Entry to Practice Plan
- B. Review of Permanent Licensure Applications

7. 12:15 p.m. Informal Conference – Executive Session

8. Adjournment

¹ Generated & Provided by DAFS (Division of Administrative & Financial Services)