

Board of Licensure in Medicine  
137 State House Station, (mailing)  
161 Capitol Street (physical address)  
Augusta, Maine 04333-0137  
Minutes of February 9, 2010

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**State of Maine**  
**Board of Licensure in Medicine**  
**137 SHS, 161 Capitol Street**  
**Augusta, Maine 04333-0137**  
**Minutes of February 9, 2010**

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**BOARD MEMBERS PRESENT**

Sheridan R. Oldham, M.D.  
Gary R. Hatfield, M.D., Board Secretary  
Bettsanne Holmes  
David H. Dumont, M.D.  
Maroulla Gleaton, M.D.  
David D. Jones, M.D.  
David Nyberg, Ph.D.

**BOARD STAFF PRESENT**

Randal C. Manning, Executive Director  
Mark C. Cooper, M.D.  
Dan Sprague, Assistant Executive Director  
Jean M. Greenwood, Board Coordinator  
Tim Terranova, Consumer Assistant  
Maria MacDonald, Board Investigator

**ATTORNEY GENERAL'S OFFICE**

Dennis Smith, Assistant Attorney General  
Detective Peter Lizanecz

Dr. Dreher and Ms. Clukey were excused.

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The Board meets in public session with the exception of the times listed below, which are held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (1 M.R.S.A. §405) and 10 M.R.S.A. §8003-B, and 22 M.R.S.A. § 1711-C.) The Board moved, seconded, and voted the following executive session times. During the public session portions of the meeting actions are taken on all matters discussed during executive session. Discussions are projected on a screen by POWERPoint projection.

**PUBLIC SESSIONS**

9:32 a.m. – 9:35 a.m.  
10:49 a.m. – 10:50 a.m.  
9:34 a.m. – 9:35 a.m.  
10:44 a.m. – 10:52 a.m.  
11:06 a.m. - 11:07 a.m.  
11:47 a.m. - 11:49 a.m.  
1:12 p.m. – 1:12 p.m.  
1:21 p.m. – 2:40 p.m.

**PURPOSE**

Call to order.  
Motions on Assessment & Direction  
Call to Order  
Motions on Assessment & Direction & Progress Reports  
Public Session  
Motion for Informal Conference  
Public Session  
Motions on New Complaints and Public Session

**EXECUTIVE SESSION**

9:35 a.m. – 10:44 a.m.  
11:07 a.m. – 11:47 a.m.  
1:12 p.m. – 1:21 p.m.

Assessment & Direction & Progress Reports  
Informal Conference  
New Complaints

**RECESS**

10:52 A.M. – 11:06 a.m.  
11:49 a.m. – 12:00 p.m.  
12:00 p.m. – 1:12 p.m.

Recess  
Recess  
Noon Recess

I. CALL TO ORDER: Dr. Oldham called the public meeting to order at 9:32 a.m.

A. AMENDMENTS TO AGENDA: (none)

B. SCHEDULED AGENDA ITEMS:  
V. INFORMAL CONFERENCE(S)  
11:00 a.m. CR 09-173/174

EXECUTIVE SESSION

II. ASSESSMENT & DIRECTION

1. AD 09-247

Dr. Jones moved to file AD 09-247. Dr. Nyberg seconded the motion, which passed unanimously.

2. AD 09-365

Dr. Dumont moved to issue a complaint in the matter of AD 09-365 (CR 10-089). Dr. Jones seconded the motion, which passed unanimously.

3. AD 09-556

Dr. Jones moved to issue a complaint in the matter of AD 09-556 (CR 10-090). Dr. Hatfield seconded the motion, which passed unanimously.

4. AD 09-557

Dr. Gleaton moved to issue a complaint in the matter of AD 09-557 (CR 10-091). Dr. Nyberg seconded the motion, which passed unanimously.

5. AD 10-008

Dr. Dumont moved to file AD 10-008. Dr. Jones seconded the motion, which passed unanimously.

6. AD 10-015

Dr. Nyberg moved to issue a complaint in the matter of AD 10-015 (CR 10-092). Dr. Hatfield seconded the motion, which passed unanimously.

III. PROGRESS REPORTS

7. CR 08-421

Dr. Jones moved to have the licensee return for a continuation of an Informal Conference. Dr. Nyberg seconded the motion, which passed unanimously.

8. CR 09-102

Dr. Dumont moved to investigate further CR 09-102. Ms. Holmes seconded the motion, which passed unanimously.

9. CR 09-172

Dr. Jones moved to investigate further CR 09-172. Dr. Nyberg seconded the motion, which passed unanimously.

10. CR 09-198

Dr. Dumont moved to dismiss CR 09-198. Dr. Gleaton seconded the motion, which passed unanimously.

In this case the patient complains that she did not receive appropriate care in the Emergency Department because she attended a methadone clinic. She was seen on two visits complaining of pain and her evaluation appears to have been appropriate although she was subsequently diagnosed with a pelvic fracture at a visit two weeks later. The physician of record on the second Emergency Department visit acknowledges the patient's complaint, and states he has had subsequent additional training in treating the opiate dependent patient. The care otherwise seems appropriate.

11. COMPLAINT STATUS REPORT (FYI)

12. REVIEW DRAFT LETTERS OF GUIDANCE

A. ERIC I. MITCHELL, M.D.

Dr. Gleaton moved to approve the letter of guidance to Eric I. Mitchell, M.D. Ms. Holmes seconded the motion, which passed unanimously.

B. EICK MUKAI, M.D.

Dr. Gleaton moved to approve the letter of guidance to Eick Mukai, M.D. Ms. Holmes seconded the motion, which passed unanimously.

C. GREGORY VAN GUNDY, M.D.

Dr. Gleaton moved to approve the letter of guidance to Gregory Van Gundy, M.D. Ms. Holmes seconded the motion, which passed unanimously.

D. STEPHEN G. WOOD, M.D.

Dr. Gleaton moved to approve the letter of guidance to Stephen G. Wood, M.D. Dr. Nyberg seconded the motion, which passed 6-0-0-1 with Dr. Jones recused.

13. CONSUMER ASSISTANT FEEDBACK FYI

IV. NEW COMPLAINTS

A. CR 09-411

Dr. Hatfield moved to dismiss CR 09-411. Dr. Gleaton seconded the motion, which passed unanimously.

The patient, who resides in an institution, complains of inadequate care for a chronic condition. Review of the medical records shows appropriate medical decision making and recommendations.

B. CR 09-412

Dr. Hatfield moved to dismiss CR 09-412. Dr. Gleaton seconded the motion, which passed unanimously.

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The patient, who resides in an institution, complains of inadequate care for a medical condition. Review of the medical records shows appropriate medical decision making and medications for the condition.

C. CR 09-439

Dr. Gleaton moved to investigate further CR 09-439. Dr. Jones seconded the motion, which passed unanimously.

D. CR 09-442

Dr. Hatfield moved to hold an Informal Conference in the matter of CR 09-442. Dr. Nyberg seconded the motion, which passed 5-0-0-2 with Dr. Gleaton and Dr. Dumont recused.

E. CR 09-456

Dr. Hatfield moved to hold an Informal Conference in the matter of CR 09-456. Dr. Gleaton seconded the motion, which passed unanimously.

F. CR 09-457

Dr. Dumont moved to dismiss CR 09-457. Dr. Nyberg seconded the motion, which passed unanimously.

In this case the patient alleges the physician was rude, did not order appropriate testing and did not respond to her complaints of an allergic reaction. The physician responded with his rationale for treatment, testing and follow-up, which was documented by the medical record. The alleged telephone contact regarding an allergic reaction was not found in the medical record. The physician outlined his office protocol for handling such concerns, which appears appropriate.

G. CR 09-473

Ms. Holmes moved to dismiss CR 09-473. Dr. Jones seconded the motion, which passed unanimously.

The patient's complaint focuses on: (1) alleged problems scheduling follow-up appointments with the physician's practice and, therefore, unnecessarily having to go without needed medications; (2) an allegation that the physician was untruthful with her when he told her that he had reviewed her medical file; and (3) an allegation that the physician asked her if she diagnosed herself and that the physician did not know the appropriate medications to prescribe for her.

The physician asserted that: (1) the patient failed to appear for several appointments; (2) the patient was not scheduled to see a provider on the date that he saw and treated her; (3) the patient did not go without medications; (4) he did review her medical file and explained his decision to prescribe the type and dosage of medications for the patient.

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A review of the patient's medical records and the report from the prescription monitoring program contradict the patient's allegations and corroborate fully the physician's response.

H. CR 09-491

Dr. Jones moved to dismiss CR 09-491. Dr. Nyberg seconded the motion, which passed unanimously.

In this case, the patient alleges the physician did not follow a nurse practitioner's recommendation for a specialist referral and did not appropriately treat his pain. A review of the medical record revealed that the treatment was appropriate. The patient was repeatedly reassessed and appropriate referral was made.

I. CR 09-493

Dr. Gleaton moved to dismiss CR 09-493. Dr. Nyberg seconded the motion, which passed unanimously.

The patient complains that his physician no longer will prescribe pain medications, that he has been discharged from the practice, and that the physician sent a letter to his primary care provider, who now will not prescribe pain medications either. The patient also offers a specious allegation of improper prescribing to another (unnamed) patient. The complainant has a history of failed urine screens dating back to 2004, and he twice recently submitted tampered (diluted) specimens to the physician named in this complaint.

In his rebuttal, the patient goes on at some length about how his medications were stolen by a neighbor, but he does not address the issue of tampering with his specimens. The alleged theft is suspicious and unconfirmed upon police investigation. Medical records support the physician's conduct in this matter.

J. CR 09-496

Dr. Dumont moved to dismiss CR 09-496. Dr. Hatfield seconded the motion, which passed unanimously.

The patient, who resides in an institution, alleges that the physician failed to treat his pain by not prescribing him narcotics as he requested, and refusing to authorize his request for a second mattress. The physician asserted that he appropriately evaluated and treated the patient's pain with non-narcotic medication. In addition, the physician indicated that he ordered additional diagnostic studies regarding the patient's claim of pain. The physician also denied any recollection of speaking with the patient regarding an extra mattress, and denied having any control over what mattresses are provided to patients at the facility. A review of the medical records, including an MRI result, corroborates the physician's response.

K. CR 09-498

Dr. Dumont moved to investigate further CR 09-498. Dr. Jones seconded the motion, which passed unanimously.

L. CR 09-361

Dr. Hatfield moved to hold an Informal Conference in the matter of CR 09-361. Dr. Gleaton seconded the motion, which passed unanimously.

V. INFORMAL CONFERENCE

A. CR 09-173/174

1. CR 09-173

Dr. Jones moved to dismiss CR 09-173. Dr. Dumont seconded the motion, which passed unanimously.

The patient felt misinformed, or at least under-informed concerning a lung CT scan ordered by the consultant. The patient has multiple medical problems, many medicines and many physicians. It is clear, after reviewing the large volume of medical records made available to the Board, that this patient has many health concerns and misconceptions. He has had multiple procedures and is very fearful of cancer. His consultant may have partially failed in communication, but not in medical care.

It is clear that the patient did not understand the role of the CT scan, what question the scan could answer, and what the answer was. This physician needs to address his weakness in patient communication and weakness in charting office visit discussions and patient education. He needs to work at improving his explanation of why tests are needed, what they can answer, and afterwards, what all of the results are and what they mean. He also needs to strive to send his referring physicians copies of all testing.

2. CR 09-174

Dr. Jones moved to dismiss CR 09-173. Dr. Dumont seconded the motion, which passed unanimously.

The patient complains to the board that his consultant CR 09-173 and his family physician CR 09-174 did not notify him of his diagnoses of emphysema and thyroidmegally found on a lung CT scan. The family physician did not receive a copy of the lung CT scan done on his patient by the consultant, only his consultant's note. It is not the standard of care for referring physicians to seek out all test results produced by a consultant, although good medical care would certainly support this. The referring physician expects the consultant to discuss with the patient the results of tests, diagnoses, and treatment options that arise out of the consult.

The family physician has no responsibility for notifying the patient about his thyroidmegally, as he was not informed of it himself. The patient should have had emphysema placed on his problem list, by his primary care physician, and it should have been discussed at future visits, such as his physical exam following the consult. That the patient has asthma is moot due to the fact that he also has emphysema. The family physician stated in his letter to the Board that he did not need to inform this patient of his diagnosis of emphysema. However, it is not a physician's choice to decide what diagnoses a patient is entitled to or needs to know about. Physicians have a responsibility to inform patients fully whether they think the patient will benefit from knowing their diagnoses or not. The overall care of this patient was excellent.

NOON MEAL

PUBLIC SESSION

VI. MINUTES OF JANUARY 12, 2010

Dr. Gleaton moved to accept the minutes as amended. Dr. Nyberg seconded the motion, which passed unanimously.

VII. NEW BUSINESS

VIII. BOARD ORDERS & CONSENT AGREEMENT MONITORING & AND APPROVAL

A. BOARD ORDERS (NONE)

B. CONSENT AGREEMENT MONITORING & APPROVAL

1. CR 06-127 KARL F. SITTERLY, M.D. CONSENT AGREEMENT FYI

IX. ADJUDICATORY HEARING

A. CR 08-315 ELLEN E. MICHALOWSKI, M.D. (CONTINUATION GRANTED)

X. REMARKS OF CHAIRMAN (NONE)

XI. EXECUTIVE DIRECTOR'S MONTHLY REPORT

The Board accepted the report of the Executive Director.

A. COMPLAINT STATUS REPORT (FYI)

B. REPORT TO BRED REGARDING RESOLVE R. 2009, C. 56

The Board submitted a mandated report to the Business, Research and Economic Development Committee regarding the Resolve R. 2009, C. 56 which tasked the Board of Licensure in Medicine to convene stakeholders to "Establish Uniform Protocols for the Use of Controlled Substances. The resulting proposed Chapter 21 rules was attached as part of the report. Chapter 21 is a joint rule with the Board of Dental Examiners, The Board of Osteopathic Licensure, The State Board of Nursing, the Board of Podiatric Licensure and the Board of Licensure in Medicine.

C. ANNUAL REPORT TO THE BRED COMMITTEE REGARDING DISCIPLINES (FYI)

XII. MEDICAL DIRECTOR'S REPORT

The Medical Director reported receiving inquiries from drug companies regarding whether the Board has taken a position on the issue of physician's selling drugs from their practice. The Medical Director and staff will research the issue and report back with proposed policy language for consideration in March.

XIII. REMARKS OF ASSISTANT ATTORNEY GENERAL (NONE)

XIV. SECRETARY'S REPORT

A. LIST A

1. M.D. LIST A LICENSES FOR RATIFICATION

Dr. Gleaton moved to ratify the physicians on List A below for licensure. Dr. Dumont seconded the motion, which passed unanimously.

The following license applications have been approved by Board Secretary Gary R. Hatfield, M.D. and staff without reservation:

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Barczak, Sylvester	Emergency Medicine	Telephone medical review
Bootorabi, Baktash	Radiology	Ellsworth
Chamsuddin, Abbas A.	Diagnostic Radiology	Teleradiology
Clemens, Elizabeth A.	Internal Medicine	Inland Hospital, Waterville
Cohn, Kenneth H.	Surgery	Pittsfield/Somerset County
Crane, Jean V.	Family Medicine	Locum Tenens
Damle, Sagar S.	General Surgery	Not Listed
Davis, Michael T.	Orthopedic Surgery	Presque Isle
Dewan, Sanjiv	General Surgery	Not Listed
Dias, Celso E.	Surgery	Presque Isle
Dimkpa, Okechukwu	Internal Medicine	DownEast Community Hospital
Ganeshappa, Kanchana	Anesthesiology	Portland
Godley, Joanne	Gastroenterology	Brunswick
Gray, David M.	Pathology	Portland
Hardin, Carl W.	Diagnostic Radiology	Telemedicine
Jane D'Othee, Bertrand	Radiology	Lewiston
Joseph, Jr., Emanuel	Occupational Medicine	Presque Isle
Kelln, Kenneth L.	Internal Medicine	Bangor
Lotfizadeh, Seyed H.	Neurology	Not Listed
Mahmoodi, Mandana	Anatomic/Clinical Pathology	Dermatopathology Across state lines
Moore, Maria G.	IM/Oncology/Hematology	Bangor
Mugnaini, Emiliano N. G.	IM Hematology/Oncology	Bangor
Newsom, Jeffrey W.	Family Medicine	Belfast
Robbins, Gary	Radiology	Ellsworth
Robinson, David B.	Neurology	Not Listed
Shah, Swati J.	OB/GYN	Caribou/Cary Medical Center
Sood, Mridula	Internal Medicine	Aroostook Medical Center
Toevs, Christine	General Surgery	Brunswick/Locum Tenens
Urquia, David C.	Orthopedic Surgery	Augusta/Waterville
Van Leeuwen, Dirk J.	Gastroenterology	Bangor/St Josephs Hospital
Wesley, Alexandra A. L.	Radiology	Ellsworth
Yun, Jiyon	Internal Medicine	Portland
<u>Administrative</u>		
Matera, Andrew J.	Family Medicine	Not Listed

## 2. P.A. LIST A LICENSES FOR RATIFICATION

Dr. Gleaton moved to ratify the physician assistants on List A below for licensure. Dr. Dumont seconded the motion, which passed unanimously.

The following Physician Assistant license applications have been approved by the Board Secretary Gary R Hatfield, M.D. without reservation:

<u>NAME</u>	<u>LICENSE</u>	<u>PSP</u>	<u>LOCATION</u>
Megan Bridgeo, PA-C	Inactive	None	
Elaine Cadorette, PA-C	Active	Philip Abraham, MD	Sanford
Kathleen Ballentin, PA-C	Inactive	None	

B. LIST B – APPLICATIONS FOR INDIVIDUAL CONSIDERATION

1. BENOIT BLONDEAU, M.D. (TABLE)

2. GEORGE H. BUTLERS, M.D.

The Licensure Committee moved to require Dr. Butlers to pass the SPEX prior to further consideration of his application. The motion passed unanimously.

3. NANCY EPIFANO, M.D.

The Licensure Committee moved to approve the permanent application of Nancy Epifano, M.D. The motion passed 6-0-0-1 with Dr. Oldham recused.

4. JOEL A. HENDLER, M.D.

The Licensure Committee moved to approve the permanent application of Joel A. Hendler, M.D. The motion passed 6-1.

5. ANTHONY T. NG, M.D.

The Licensure Committee moved to approve the permanent application of Anthony T. Ng, M.D. The motion passed unanimously.

6. KATHLEEN A. WILLIAMS, M.D.

The Licensure Committee moved to approve the permanent application of Kathleen A. Williams, M.D. The motion passed unanimously.

7. KARISSA FAHNESTOCK, PA-C

The Licensure Committee moved to approve the permanent application of Karissa Fahnestock, PA-C. The motion passed unanimously.

8. TIMOTHY TOTO, PA-C (TABLE)

C. LIST C APPLICATIONS FOR REINSTATEMENT (INDIVIDUAL CONSIDERATION)

1. JOAN F. TRYZELAAR, M.D.

The Licensure Committee moved to approve the reinstatement application of Joan F. Tryzelaar, M.D. The motion passed unanimously.

2. CLAUDIA SHEDD, PA-C

The Licensure Committee moved to approve the reinstatement application of Claudia Shedd, PA-C. The motion passed unanimously.

D. LIST D WITHDRAWALS

Dr. Gleaton moved to approve the licensees on List D to withdraw their licenses from registration. Dr. Jones seconded the motion, which passed unanimously.

The following physicians have applied to withdraw their licenses from registration:

<u>NAME</u>	<u>LICENSE NUMBER</u>
Cieurzo, Christopher	017113
Holdredge, Timothy	015004
Joshi, Sanat K.	009932
Khasani, Sina	016781
Kimball, Reid	013298
Libby, John T.	006077
Mason, Susan	017056
Perlman, Marc	014547
Radmore, Barbara J.	013301
Ramakrishnan, Thiruvengadam	007811
Steiman, Roy	016160
Wallam, Mohammed	016080
Wassef, Cybele	011446
Wilson, Geniene	017168

E. LIST E LICENSES TO LAPSE BY OPERATION OF LAW (FYI)

The following physician licenses lapsed by operation of law effective January 5, 2010.

<u>NAME</u>	<u>LICENSE NUMBER</u>
Aierstok, Mark D.	017655
Cho, Sung-Hae	018097
Daftary, Mahmoud	009506
Francis Jr., Robert B.	018181
Green, Robert F.	018181
Harrah Jr., John D.	016295
Jones, Grenville H.	015280
Koo, Haesoo	011381

Lebar, Randi D.	013779
Mangonon, Virgilio	010376
Manktelow, Anne	018005
Mullins, Mark	016553
Sadik, Abdul R.	008299
Sfaxi, Mohamed	016702
Trembly, Bruce	005568
Verma, Anupam R.	016869
Wilson, William S.	006583

F. LIST F LICENSEES REQUESTING TO CONVERT TO ACTIVE STATUS (NONE)

G. LIST G RENEWAL APPLICATIONS FOR REVIEW.

1. VINCENT CALLANAN, M.D. (TABLE)

H. LIST H – DELEGATED PRACTITIONERS SCHEDULE II REQUESTSS

Dr. Dumont moved to ratify the physician assistants on List H below for Schedule II privileges. Dr. Jones seconded the motion, which passed unanimously.

The following new requests for Schedule II prescribing authority have been approved by the Board Secretary Gary R. Hatfield, M.D.

NEW APPLICATIONS

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Bruce Wing, PA-C	D. Kent Clark, MD	Belfast – WCGH-Inpatient
Bruce Wing, PA-C	Howard Jones, MD	Belfast – WCGH- ER Dept

XV. STANDING COMMITTEE REPORTS

A. ADMINISTRATION, POLICY & RULES COMMITTEE

The FY 2010 second quarter financial report was reviewed.

B. LEGISLATIVE & REGULATORY COMMITTEE

Mr. Manning reported on bills the Board will be following.

C. PUBLIC INFORMATION COMMITTEE

Dr. Dumont reported the 2010 spring newsletter is in the mail.

D. PHYSICIAN ASSISTANT ADVISORY COMMITTEE

Dr. Jones reported the PA Committee will meet in March and invited issues he could bring to the PA Committee.

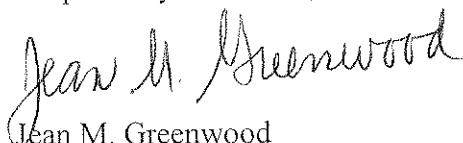
XVI. BOARD CORRESPONDENCE (FYI)

XVII. FYI

XVIII. FSMB MATERIAL (FYI)

XIX. ADJOURNMENT 2:40 p.m.

Respectfully submitted,



Jean M. Greenwood  
Administrative Assistant  
Board Coordinator