

**State Of Maine**  
**Board of Licensure in Medicine**  
**Meeting of May 13, 2008 @ 9:00 a.m.**  
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State of Maine  
Board of Licensure in Medicine  
137 State House Station  
161 Capitol Street  
Augusta ME 04333-0137  
Meeting of May 13, 2008 @ 9:00 a.m.

**BOARD MEMBERS PRESENT**

Sheridan R. Oldham, M.D., Chairman  
Gary R. Hatfield, M.D., Board Secretary  
Cheryl D. Clukey  
George K. Dreher, M.D.  
Maroulla Gleaton, M.D.  
Kimberly K. Gooch, M.D.  
David Nyberg, Ph.D.  
Daniel K. Onion, M.D.

**BOARD STAFF PRESENT**

Randal C. Manning, Executive Director  
Jean M. Greenwood, Administrative Assistant  
Timothy Terranova, Consumer Assistant  
Maria A. MacDonald, Field Investigator  
Dan Sprague, Assistant Executive Director

**ATTORNEY GENERAL'S OFFICE**

Dennis Smith, Assistant Attorney General  
Detective Peter Lizanecz, Attorney General's Office

Ms. Holmes was excused to attend the CAC Annual Meeting.

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). The Board moved, seconded, and voted the following executive session times. All voting takes place in public session.

**EXECUTIVE SESSIONS PURPOSE**

9:16 – 9:37 a.m. New Complaints

**PUBLIC SESSIONS**

9:15 a.m. – 9:16 a.m. Call to Order  
9:37 a.m. – 6:00 p.m.

**RECESS/LUNCH**

9:45 – 9:50 a.m.  
10:45 – 11:11 a.m.  
12:59 p.m. / Noon Recess  
4:30 – 4:33 p.m.

I. Dr. Oldham called the meeting to order at 9:15 a.m.

A. Amendments to Agenda (none)

B. Scheduled Adjudicatory Hearings

1. (9:30 a.m.) Wilner Bonhomme, M.D.
2. 11:00 a.m. Carlos A. Ahumada, M.D.
3. (1:00 p.m.) Albert R. Davis, M.D.

**EXECUTIVE SESSION**

MOTION was made by Dr. Gleaton to enter executive session to discuss one new complaint. Dr. Dreher seconded the motion which passed unanimously.

II. Assessment and Direction (none)

III. Progress reports (none)

IV. New Complaint

Back in public session.

A. (CR 08-005)

MOTION was made by Cheryl Clukey to investigate further CR 08-005. Dr. Dreher seconded the motion, which passed unanimously.

V. New Business (none)

VI. Minutes of April 8, 2008

MOTION was made by Dr. Dreher to approve the minutes of April 8, 2008 as amended. Dr. Gleaton seconded the motion, and it was approved by unanimous vote.

VII. Board Orders and Consent Agreement Monitoring and Approval

A. Board Orders (none)

B. Consent Agreement Monitoring and Approval

1. Karl F. Sitterly, M.D. [See Appendix A Attached]

Dr. Sitterly's Consent Agreement dated April 10, 2007, states that he shall undergo urine testing once a week after returning to active practice. Board staff received a letter from Dr. Sitterly requesting the Board approve an amendment to his Consent Agreement requiring urine testing every two weeks.

MOVED was made by Dr. Gleaton to approve Dr. Sitterly's request for urine testing every two weeks. Ms. Clukey seconded the motion. The motion passed 7-1.

2. Michael W. Kessler, M.D.

Dr. Kessler signed a Consent Agreement on May 20, 2003, which the Board amended effective January 30, 2008. Board staff received a letter from Dr. Kessler requesting a release from the Agreement. Dr. Kessler has complied with the terms of his Consent Agreement.

MOTION was made by Dr. Gooch to release Michael W. Kessler, M.D. from his Consent Agreement. Ms. Clukey seconded the motion, which passed 7-1.

3. John L. Newcomb, M.D.

Dr. Newcomb's Consent Agreement dated December 12, 2006 states that he must complete a Board approved course in ethics. At the November 13, 2006 Board meeting Dr. Newcomb's course was reviewed and the Board voted to deny approval of the chosen course and recommend the course offered by Case Western Reserve entitled *Intensive Course in Medical Ethics*.

Dr. Newcomb has completed the course the Board recommended and provided proof of completion.

No action was taken.

4. Andrew J. Fletcher, M.D. (approval of providers)

Dr. Fletcher's Consent Agreement dated January 8, 2008, states that he must have the following individual providers approved by the Board: (1) single primary care physician, (2) licensed individual to provide substance abuse treatment and (4) a supervising physician.

Dr. Fletcher proposed James Ostrander, D.O. to serve as his primary care physician (PCP), no supervising physician was submitted, as Dr. Fletcher is not currently employed. Dr. Fletcher proposed Chris Coose, LADC, CCS to provide substance abuse treatment.

MOTION was made by Dr. Gooch to approve both Dr. Ostrander and Mr. Coose to fill the proposed roles. Dr. Dreher seconded the motion, which passed 7-0-0-1 with Dr. Onion recused.

5. Joseph P. Fahey, M.D. (Approval of providers)

Dr. Fahey's Consent Agreement, dated March 11, 2008, states that he must have the following individual providers approved by the Board: (1) single primary care physician, (2) a supervising physician, (3) a licensed individual to provide substance abuse treatment and a licensed individual to provide treatment regarding depression and mental health issues. Dr. Fahey has submitted Thomas McDermott, M.D. as (PCP), Jeffrey S. Ray, D.O. as supervising physician and Mark J. Schlickman, M.D. to provide both substance and psychological treatment.

MOTION was made by Dr. Dreher to approve Dr. McDermott, M.D. as PCP, Jeffrey S. Ray, D.O. as supervising physician and Mark J. Schlickman, M.D. to provide both substance and psychological treatment. Dr. Nyberg seconded the motion which passed unanimously.

6. Ellen Michalowski, M.D. (Non-compliance) – FYI only, no action taken.

VIII. Adjudicatory Hearing(s)

A. 9:30 a.m. Wilner Bonhomme, M.D. via telephone conference.

An Adjudicatory Hearing was held in the matter of Wilner Bonhomme, M.D. James E. Smith, Esq. presided as Hearing Officer, and will prepare an official Board Order for review at the June meeting. The following motions were made.

MOTION was made by Dr. Nyberg that the Board finds Dr. Bonhomme committed fraud and deceit in obtaining a temporary license. Dr. Hatfield seconded the motion which passed 6-2

MOTION was made by Dr. Hatfield to issue a warning to Dr. Bonhomme to resolve the matter. Dr. Gleaton seconded the motion. A discussion of warning versus reprimand was held. The motion passed 7-1. The dissenting vote was in favor of a reprimand.

The hearing concluded at 10:45 a.m.

B. 11:00 a.m. Carlos A. Ahumada, M.D.

An Adjudicatory Hearing was held in the matter of Carlos A. Ahumada, M.D. James E. Smith, Esq. presided as Hearing Officer, Dr. Ahumada appeared pro se, and Dennis Smith, Esq. presented the case for the state. At the conclusion of the hearing the following motions were made. The Hearing Officer will prepare an official Board Order for review at the June meeting.

MOTION was made by Dr. Nyberg that the state proved its case that Dr. Ahumada has engaged in unprofessional conduct. The motion was seconded by Dr. Gleaton and passed 7-1.

MOTION was made by Dr. Nyberg that the state proved its case that Dr. Ahumada engaged in habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. Ms. Clukey seconded the motion which passed 6-2.

MOTION was made by Dr. Hatfield to order Dr. Ahumada to immediately resume a full contract with the Physician Health Program including random urine monitoring and within one month undergo a 3286 substance abuse evaluation at the Talbot Recovery Center, Atlanta, GA or the Farley Center, Williamsburg, VA. If there is non-compliance with the order, Dr. Ahumada's license will be suspended immediately. Ms. Clukey seconded the motion, which passed 8-0.

The hearing concluded at 4:20 p.m.

C. 1:00 p.m. Albert R. Davis, M.D. (Appeal of preliminary denial of license application)

Dr. Davis sent a written request to withdraw his application for a Maine license and the Board accepted.

MOTION was made by Dr. Nyberg, after discussion among members of the Board to accept Dr. Davis's request to withdraw his application for a Maine license to resolve the matter. Dr. Gleaton seconded the motion, which passed 7-1 to allow Dr. Davis to withdraw his application.

IX. Remarks of Chairman (none)

X. Executive Director's Monthly Report.

The Board accepted the written report of the Executive Director.

A. Annual Meeting Report

FSMB ANNUAL MEETING, May 1-3, 2008

Ms. Clukey as delegate and Mr. Manning attended the 2008 Federation of State Medical Board's Annual meeting. The attendees reported there were three days of meetings with varying degrees of stimulating discussion. Among the highlights was the opening plenary lecture by Reed Tuckson, M.D., Exec. VP and CMA for United Health Group. He called on Boards to set higher standards for maintenance of competence. He called for more transparency of board services and actions. This topic included the suggestion that medical boards must step up to the plate and act more quickly to discipline physicians because the hospitals are relying the state medical boards.

The highlight of the meeting for the Board of Licensure in Medicine was the presentation of an Honorable Mention Award to the Maine Board of Licensure in Medicine for "BEST OF BOARDS." These awards are presented to medical boards for innovative actions to improve board services or operations. Our submittal was for the pro-active effort made by the board last fall to evaluate its investigative processes using the FSMB model Act as an evaluation platform. AIM, as primary sponsor of the evaluation, also encouraged other Boards to consider this pro-active effort to effect improvements in process and performance. The winning submittal, from Virginia, was for their success in making an introduction to medical regulation a part of the medical school curriculum in all medical schools in Virginia.

Both Mr. Manning and Ms. Clukey were able to make contacts with a number of vendors who do physician evaluations.

The Saturday morning sessions included a presentation by Dr. Sundwall, of the Utah Dept of Health. He sits on a special committee of the National Governor's Conference, which is examining the spectrum of issues regarding "e-health" and the future of medicine. Among the proposals, which will be addressed in the near future by AIM, the FSMB, and likely many state medical boards, will be improvements in the regulatory process. This group calls for standardized license applications, online licensing, reciprocity or mutual recognition, among its recommendations. This discussion was thought provoking. The details of the recommendations will be obtained and shared at a future board meeting.

B. AIM Investigator Training / Las Vegas (Approve Investigator MacDonald)

MOTION was made by Dr. Dreher to send Investigator Maria A. MacDonald to this valuable Certified Investigator Training Program in Las Vegas July 8-10, 2008. Dr. Nyberg seconded the motion, which passed 8-0.

XI. Remarks of Assistant Attorney General (none)

XII Secretary's ReportA.....List A. (Licenses for Ratification)

1. M.D. List A

The following license applications have been approved Board Secretary Gary R Hatfield, MD without reservation:

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Al-Sanouri, Ibrahim	Internal Medicine	Not Listed
Anderson, John P	Radiology	Augusta
Baker, K. Drew	Pediatrics	Augusta
Batt, Lorien C	Pediatrics	Farmington/Franklin Cty
Clary, Patrick L	Family Practice	York County
Ferraz, Francisco M	Neurological Surgery	Bangor
Hachiya, Kiyomi A	Pediatrics	Not Listed
Jarvis, James W	Family Medicine	Bangor
Kroll, Rhonda F	Internal Medicine	Waterville
Lee, Hans J	Internal Medicine	Lewiston
Lin, Sabrina M	Pediatrics	Farmington
Owen, Adam W	Anesthesiology	Auburn
Riley, Gayle E	Family Practice	Portland
Rothe, Elizabeth	Family Medicine	Not Listed
Sharp, Sherrie L	Child/Adolescent Psychiatry	Portland/Westbrook
Shuler, William H	Emergency Medicine	Unknown
Siegel, Matthew S	Child Psychiatry	Cumberland Cty
Silverman, Scott B	Neurology	York
Smalls, Norma M	Surgery	Not Listed
Smith, Mitchell T	Diagnostic Radiology	Not Listed
Thompson, Michael F	Family Medicine	Not Listed
Wendorf, Kira A	Diagnostic Radiology	York
Whiting, Albert S	Ophthalmology	Caribou

MOTION was made by Dr. Gooch to ratify the applications on List A for a Maine Medical License. Dr. Gleaton seconded the motion which passed unanimously.

## 2. P.A. List A

### PHYSICIAN ASSISTANT LIST A for May 13, 2008

The following Physician Assistant license application has been approved by the Board Secretary Gary R Hatfield, MD without reservation:

<u>NAME</u>	<u>LICENSE</u>	<u>PSP</u>	<u>LOCATION</u>
Paul Roberts	Inactive	None	

MOTION was made by Dr. Gooch and seconded by Dr. Onion to ratify the approval of the application of the physician assistant on List A above. The motion passed unanimously.

## B. List B Applications for Individual Consideration

### 1. Jennifer L. Crook, M.D.

Dr. Crook's temporary application is being presented for review because of a yes answer to question 7:

#### SINCE YOUR LAST RENEWAL APPLICATION:

Have you been charged, summonsed, indicted, arrested, or convicted of any criminal offense (including motor vehicle offenses but not including minor traffic or parking violations)?

Dr. Crook states that there was a single issue on her record in May of 2003 and no subsequent problems since. The Licensure Committee reviewed reports received as part of the application and recommended Dr. Crook for licensure without hesitation.

MOTION was made by the Licensure Committee to approve the temporary application of Jennifer L. Crook, M.D. The motion passed 7-1.

2. Jeffrey M Halter, MD

Dr. Halter's permanent application is being presented because it took him more than 7 years to pass all three steps of the USMLE. A waiver request and a completed application were reviewed. The Licensure Committee considered the waiver request and license application, and recommended granting the waiver and approving the license application.

MOTION was made by the Licensure Committee to approve the waiver as well as the permanent license application of Jeffrey M. Halter, M.D. The motion passed 8-0.

3. Charles C. Hoo, MD

Dr. Hoo's permanent application was presented because the Board Secretary would like a discussion of Teleradiology vs. radiology. Dr. Hoo's application is being cited as an example for discussion in light of the 4/1/08 letter from Virtual Radiologic Professionals, LLC.

The committee looked at whether an application for Teleradiology requires any different kind of evaluation and process as radiology, and after some discussion found they were not really any different. The letters of backing for Dr. Hoo are all positive, and the committee found not other information to suggest a problem.

MOTION was made by the Licensure Committee to approve the application for a permanent Maine license for Charles C. Hoo, M.D. The motion passed 8-0.

4. Seth I Rosenthal, MD

Dr. Rosenthal's permanent application is being presented for review because the Florida Department of Health reports that Dr. Rosenthal was fined for "Failure to document CME credits for initial licensure within the 6 month extension.

Dr. Rosenthal explained that when he arrived in Tampa, Florida, he was required by the state to complete several CME courses, mandated to all newly licensed Florida practitioners. Unfortunately, he was unaware of the requirement, having either never received, or misplaced the notification. When notified he had not completed the requirement, after the deadline had passed, he immediately completed the courses but because he had missed the deadline the fine was imposed.

MOTION was made by the Licensure Committee to approve the license application of Seth I. Rosenthal, M.D. The motion passed 8-0.

C. List C MAY 13, 2008-Application for Reinstatement.

The following license reinstatement application has been approved Board Secretary Gary R Hatfield, MD without reservation:

<u>NAME</u>	<u>SPECIALTY</u>
Eric J Frehm, M.D.	Neonatology

MOTION was made by Dr. Gooch to approve the reinstatement of Eric J. Frehm, M.D. Dr. Onion seconded the motion which passed unanimously.

D. List D Withdrawals

1. List D (1) Withdraw License Application (none)
2. List D (2) Withdraw License from Registration

The following physicians have applied to withdraw their licenses from registration as of May 13, 2008 and have been approved by Board Secretary Gary Hatfield, M.D.

<u>NAME</u>	<u>LICENSE NUMBER</u>
Reed, Kathleen	014639
Ohri, Goverdhan Lal	008820
Dweik, Husni	017270
Fliesser, Jeffrey M.	017059
Gewirtz, Andrew E.	016157
Neal, Mary	014007
Nishiyama, Ronald H.	010065

MOTION was made by Dr. Gleaton to approve the physicians above to withdraw their licenses from registration. Dr. Dreher seconded the motion which passed unanimously.

3. List D (3) Withdraw License from Registration - Individual Consideration (none)

E. List E Licenses to lapse by operation of law

The deadline for dispersing materials to Board members for review occurred prior to the closure date which allows the computer system to run a lapse list this month. Therefore, this month's lapse list will be presented at the next Board meeting.

F. List F Licensees requesting to convert to active status (none)

G. List G Renewal applications for review

1. Mahmoud Mohamed, MD

The Board reviewed Dr. Mahmoud Mohamed's renewal at the February 12, 2008 Board meeting and ordered an evaluation by an expert at a cost of \$1,400. Dr. Mohamed has requested installment payments.

MOTION was made by the Licensure Committee to renew his license and allow Dr. Mohamed to pay of the 3286 evaluation in installments of \$200 for seven months. The motion passed unanimously.

H. List H. Delegated Practitioner Schedule II Request Ratification

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

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Michael Gauthier, PA-C	Jamie Loggins, MD	Lewiston, ME
Neil Robertson, PA-C	John Garofalo, MD	Waterville, ME
Alison Wood, PA-C	D. Kent Clark, MD	Belfast, ME
Lawrence Tonzi, FNP	Philip McFarlane, MD	Houlton, ME
Nancy Putnam, FNP	Philip McFarlane, MD	Houlton, ME
Jamie Bell, PA-C	Andrew Hertler, MD	Waterville, ME

MOTION was made by Dr. Dreher and seconded by Dr. Gleaton to ratify the approval by Board Secretary Hatfield for the above requests for Schedule II prescribing authority. The motion passed -0.

XIII. Standing Committee Reports

- A. Personal & Administrative Committee (none)
- B. Legislative & Regulatory Committee (none)
- C. Public Information Committee (none)
- D. Licensure Committee

Dr. Dreher reported the Licensure Committee had a request to have a license backdated. The Committee wants to send a strong message that the Board of Licensure in Medicine will "never" backdate a license for any reason.

- E. Joint Conference Committee with Nursing (none)
- F. Physician Assistant Advisory Committee

Dr. Onion gave a report from the PA Advisory committee and presented the minutes, which included a discussion by the committee to the full Board. Dr. Onion reported that many of the issues bear more extensive discussion by the committee.

- The Board referred the Schedule II and Methadone prescribing issues and use of the Office of Substance Abuse's Prescription Monitoring Program (PMP) back to the committee for further consideration.
- The PA Committee wants the Board to consider that the Committee take a more active role in the evaluation of Plans of Supervision. The Board encouraged the discussions to continue.
- Dr. Onion asked for Board guidance regarding the committee's request to add a new PA seat on the committee since one current committee member wants to take a one year sabbatical. The Board's response was to not add another seat and to invite the chairman of the committee to reconsider the sabbatical request and to report back to the Board.
- Mr. Sprague discussed the PA Committee's proposal to standardize types of PA and APRN Schedule II Prescribing Authority. Dr. Onion requested and the Board concurred that the proposal goes back to the Committee for more work.

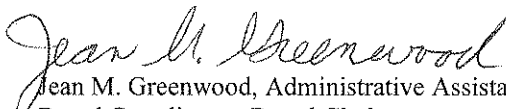
- G CME Committee (none)
- H Ethics Committee (none)
- I Special Projects Committee (none)
- XIV. Board Correspondence (none)
- XV. FYI
- XVI. FSMB Material
- XVII. Other Business

- A. Gordon Smith, Esq., Executive VP for MMA reported on the "Pain Education Project"

Mr. Smith would like to report to the Board in June with Noel Genova, PA.C who is doing the work on the third prong of the project which was funded by the Board. Mr. Smith and Ms. Genova will bring a manual with him in June which explains what they will do for a practice. Ms. Genova has also put together a committee of experts to consult with them about the in home study course which they plan to give 2 hours of CME credit.

XVIII. Adjournment (6:00 p.m.)

Respectfully submitted,

  
Jean M. Greenwood, Administrative Assistant  
Board Coordinator, Board Clerk