




# Notes from Your Licensing Board

Maine Board of Licensure in Medicine Summer 2009

## The Psychiatric Consultation Project

The Maine Association of Psychiatric Physicians, in collaboration with the Maine Academy of Family Physicians, has developed a program to offer psychiatric consultation to primary care practices throughout the State of Maine. Through the Consultation Project, volunteer psychiatrists are paired with primary care practices and are available for "informal" consultation by telephone or E-mail on an ongoing basis.

The project is designed to support practices that do not have access to psychiatrists. It was developed with a grant from the American Psychiatric Association and is supported by a grant from the Maine Department of Health and Human Services, Office of Adult Mental Health Services; there is no charge to participating practices. Any prescribers are eligible to participate, including physicians, nurse practitioners and physician assistants.

For more details or to enroll in the program, contact the Project Coordinator, Cindy Paradis, MSN, at [cindy\\_fox\\_paradis@yahoo.com](mailto:cindy_fox_paradis@yahoo.com) or 207-622-5811. 

*This issue reports the adverse licensing actions taken by the Board of Licensure in Medicine in 2008*

## Incomplete or Erroneous Information on Renewal Forms May Lead to Administrative Fines or Worse


Over the past year and a half many of you have received postcards reminding you that your medical license needs to be renewed. It can be tempting to give the postcard to your office manager/administrator and ask them to submit the renewal on your behalf. STOP! The maintenance of your medical license is your professional responsibility and your official passport to practicing medicine in the State of Maine. When a renewal application is submitted you are affirming that you have answered all questions truthfully. An incorrect answer can have a negative impact on your ability to practice. A growing number of physicians have experienced this first-hand when they have received letters charging them with fraud and deceit in application.

In most cases the answer is the same. The renewal was given to an administrator to fill out and submit. However, the administrators had not been told by the physician that a patient complaint was pending in front of the Board. As a result of these omissions, the Board has been issuing Letters of Guidance to offenders and working on rulemaking to deter this problem. **To this end Chapter 4, which**

**can be found at [http://www.docboard.org/me/administrative/dw\\_rules.htm](http://www.docboard.org/me/administrative/dw_rules.htm), of the Board rules was recently put into effect allowing staff to ad-**

**ministratively fine \$200 for an incorrect answer. The fine is not a discipline (not reportable to NPDB) but is public and will remain part of the physician's public record indefinitely. In addition, the Board reserves the right to issue a formal complaint and pursue reportable discipline.**



Incurring fines and possible discipline can be easily avoided. The next time you receive a renewal postcard take the time to sit down and fulfill your professional obligation personally. 

## New Legislation Allows Physician Assistants to Sign Death Certificates

Just a reminder, there have been some changes in legislation that allow physician assistants to sign death certificates.

According to Margaret Greenwald, MD, Chief Medical Examiner for the State of Maine, "If the death is a natural one in an older patient, with no injury or drug related issues, the death certification is the responsibility of the treating physician (and/or the PA or nurse practitioner office staff who care for them). If the office has not seen the patient for a long time or they have discharged the patient from their practice, we do not expect them to sign."

Dr. Greenwald goes on to state that the OCME will take jurisdiction in natural deaths if the person is young and has little or no history. "In the other cases, with multiple fairly stable natural diseases, the law does not require them to know exactly the cause of death but only to a reasonable degree of medical certainty."

More information can be found at: <http://janus.state.me.us/legis/ros/lom/LOM123rd/PUBLIC56.asp>. The underlined passages highlight the changes to the previous law.

### Revocation, Surrender, Suspension and License Denials

AHUMADA, CARLOS A., M.D. [License # 012657] 06/12/08  
Automatic Suspension of Maine medical license based on non-compliance with Board Order dated June 10, 2008.

ARATO, HOLLY G., M.D. [License # 013391] 12/09/08  
Thirty (30) day summary suspension of Maine medical license based on the imminent threat to the public posed by the licensee's continued practice of medicine.

BABINE, SARAH E., M.D. [License # 016174] 07/08/08  
Revocation of Maine medical license effective July 8, 2008. This action is based on substance abuse issues and violation of a Consent Agreement dated July 10, 2007.

BOBKER, DANIEL, M.D. [License # 013940] 06/25/08  
Automatic Suspension of Maine medical license for positive test for the presence of a prohibited substance while under Consent Agreement for substance abuse monitoring.

BRITO, JOSEPH C., M.D. 11/11/08  
The Board granted the licensee's request to withdraw his appeal of preliminary denial of license. The Board's final denial of the licensee's application for a permanent Maine medical license became effective November 11, 2008.

KAWAMURA, TAKEO M.D. [License # 005412] 01/08/08  
By Consent Agreement, the licensee agrees to the immediate, voluntary permanent surrender of his Maine medical license effective January 8, 2008. This action is based on incompetence and unprofessional conduct.

KESSLER, RONALD W., P.A. -C [License # PA-252] 12/09/08  
Thirty (30) day summary suspension of Maine medical license based on the imminent threat to the public posed by the licensee's continued practice of medicine.

MATTHIAS, WEEZA, M.D. [License # 016662] 02/12/08  
Thirty (30) day summary suspension of Maine medical license based on the imminent threat to the public posed by the licensee's continued practice of medicine. On 04/08/08 the licensee agrees to the immediate and permanent surrender of her Maine medical license effective April 8, 2008. This action is based on incompetence and unprofessional conduct.

MICHALOWSKI, ELLEN E., M.D. [License # 014320] 09/08/08  
By Interim Consent Agreement, the licensee agrees to the temporary suspension of her Maine medical license until such time

as the Board takes final action, either by hearing and decision and order or by Consent Agreement, regarding the licensee's alleged self-prescribing of narcotic medication.

MYERS, JOHN L., M.D. [License # 010511] 06/10/08  
On June 10, 2008 the Board voted to accept the licensee's voluntary surrender of his Maine medical license. The licensee surrendered his license while under investigation for unprofessional conduct and alleged substance abuse issues.

SHINDERMAN, MARC S., M.D. 01/08/08  
The Board granted the licensee's request to withdraw his appeal of preliminary denial of license. The Board's final denial of the licensee's application for a permanent Maine medical license became effective January 8, 2008. This action is based on the licensee's federal felony criminal convictions.

WATERMAN, JANE M.D. [License # 013878] 07/24/08  
The licensee agrees to the temporary suspension of her Maine medical license pending final resolution of a complaint before the Board. The licensee agrees that she will not practice medicine or render any professional health care services to any person in the State of Maine or in any other location under her Maine medical license.

### Restricted Licenses

ANDREWS, ROBERT P., M.D. [License # 005671] 10/14/08  
The Board issued a restricted Maine medical license. This action is based on unprofessional conduct and inappropriate prescribing practices.

GAMMON, DAVID B., M.D. [License # 017705] 02/14/08  
The licensee agreed to accept a conditioned/restricted active license to practice medicine in the state of Maine. On 03/26/08 the Consent Agreement for Conditional Licensure effective February 12, 2008 is amended to allow the licensee to perform reviews of medical records without providing direct patient care outside of a hospital setting.

GIUSTRA, RICHARD A., M.D. [License # 0007280] 11/11/08  
The Board issued the licensee a restricted Maine medical license that limits his ability to practice medicine solely to didactic teaching which does not include the clinical examination or treatment of patients.

*For complete information on these or any disciplinary actions, visit [www.docboard.org/me/discipline/dw\\_actions.html](http://www.docboard.org/me/discipline/dw_actions.html)*

## Probation

BELL, MICHAEL A., M.D. [License # 016124] 12/09/08

By Consent Agreement, the licensee agrees to stipulations and accepts a reprimand from the Board. The licensee will pay a monetary penalty of one thousand dollars (\$1000.00) within thirty (30) days. The license will be on probation for five (5) years. This action is based on unprofessional conduct, fraud or deceit in connection with services rendered within the scope of his license and substance abuse issues.

BERRY, MICHAEL S., M.D. [License # 017153] 10/14/08

By Consent Agreement, the licensee agrees to accept a Warning from the Board and five (5) years probation. This action is based on unprofessional conduct, fraud or deceit in connection with services rendered, substance abuse issues, and conviction of a crime that relates directly to the practice of medicine.

RIFFEL, SERGIO R., M.D. [License # 016873] 09/22/08

By Consent Agreement, the licensee agrees to a license probation for two (2) years. The licensee will comply with the following conditions: 1) the licensee's medical practice will be monitored by a physician ap-

proved by the Board. 2) the licensee shall complete continuing medical education EACH year.

RUFFNER, JOSEPH D., M.D. [License # 015766] 09/09/08

In lieu of proceeding to an Adjudicatory Hearing, the licensee agrees to accept a Reprimand from the Board and agrees to pay a monetary penalty of one thousand dollars (\$1,000) within thirty (30) days of the execution of this Consent Agreement. In addition, the licensed Maine medical license will be placed on probation for a period of five (5) years. This action is based on incompetence and unprofessional conduct.

## Warnings and Reprimands

BONHOMME, WILNER, M.D. [License # TD071059] 05/13/08

At the conclusion of an Adjudicatory Hearing held on May 13, 2008, the Board voted to give the licensee a warning. This action is based on fraud or deceit.

DIERING, SCOTT, M.D. [License # 016678] 02/12/08

At the conclusion of an Adjudicatory Hearing held on January 8, 2008, the Board voted to reprimand the licensee. The licensee's Maine medical license shall be allowed to lapse. This action is based on fraud or deceit, substance abuse issues and unprofessional conduct.

TRAYNOR, ANN E., M.D. [License # 017505] 09/09/08

By Consent Agreement, the licensee agrees to accept a Warning from the Board and pay a penalty of one thousand dollars (\$1,000) within thirty (30) days. This action is based on alleged fraud or deceit.

## Monitoring

FAHEY, JOSEPH P., M.D. [License # 017732] 03/11/08

By Consent Agreement, the Board issued a conditional license. This action is based on substance abuse issues.

FLETCHER, ANDREW J., M.D. [License # 016680] 01/08/08

By Consent Agreement, the Board issued a conditional license. This action is based on substance abuse issues. On 12/24/08 the licensee requested by letter dated September 20, 2008 that the Consent Agreement for Conditional Licensure be amended. After review, the Board agreed to amend the Consent Agreement dated January 8, 2008 by deleting the following language: "In complying with this provision, Dr. Fletcher agrees that he will not self-diagnose or self-treat himself for any medical issues." This amendment is effective December 24, 2008.

TIEMANN, WILLIAM E., M.D. [License # 017069] 06/10/08

By Consent Agreement, the licensee agrees to accept modifications to and conditions imposed on his license. This action is based on unprofessional conduct and substance abuse issues.

## David Jones, MD, Joins the Board of Licensure in Medicine

David Jones, MD, was born in Boston and grew up in the suburbs. He earned his medical degree from the University of Vermont and completed his residency in Family Practice at the Maine Dartmouth Family Practice Residency Program in Augusta, Maine.

He moved to Presque Isle in 1982 and, together with Bruce Alexander, MD, he started Aroostook Family Practice. The successful practice became a program of The Aroostook Medical Center in 2005, where Dr. Jones continues to work with a group of family physicians, FNP's and PA's in outpatient family practice. He also works at the local nursing home and serves as medical director for Hospice of Aroostook.

Dr. Jones has a long history of emergency medicine and continues to work at least 48 hours a month at Northern Maine Medical Center's emergency department. He has been active in hospital governance and physician and patient advocacy, serving as past medical staff president and board member at The Aroostook Medical Center, and currently as a board member of Maine Academy of Family Practice.

In his spare time, Dr. Jones enjoys fishing, trapping, horticulture, running and spending time with his family at his camp on Square Lake.

Maine Board of Licensure in Medicine  
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Augusta, ME

## Upcoming Webinars

### Prescription Monitoring Program (PMP)

To combat prescription drug abuse in Maine, all prescribing MD's and Physician Assistants are urged to register with the Maine Office of Substance Abuse, Prescription Monitoring Program. Upcoming training sessions are scheduled for August 4th at 12:00pm and September 3rd at 12:00pm. For more information: <http://www.maineppmp.org>

## Notify the Board of Address Changes Immediately

Many people experience problems at renewal time because they have neglected to notify the Board of an address change. To prevent delays or even loss of license due to lapse, notify the Board immediately of any change in your mailing address. Simply send a signed note with changes to the Board.

To verify that the Board has your correct mailing address on file, visit either of the following sites:

[www.maine.gov/md](http://www.maine.gov/md) or

[www.docboard.org/me/me\\_home.htm](http://www.docboard.org/me/me_home.htm)

If the address is incorrect, simply send a signed note with changes to the Board.

## Confidential Help Available

Committee on Physician Health Confidential professional help for substance abuse is available by contacting Dr. David J. Simmons at **622-3374** or **623-9266**.