



Notes from Your Licensing Board

Maine Board of Licensure in Medicine Spring 2010

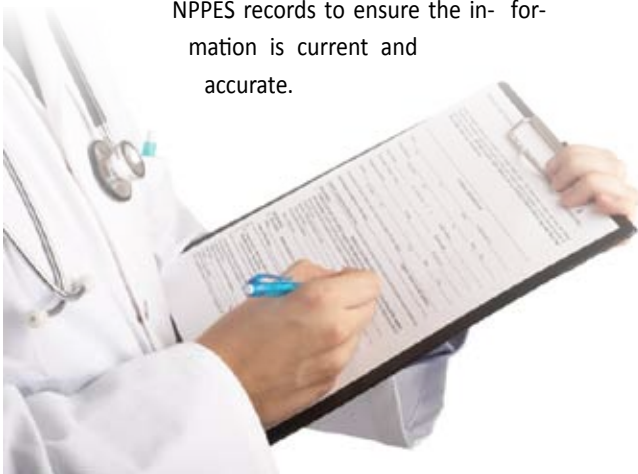
Deactivating Your National Provider Identifier

The National Provider Identifier (NPI) is a unique number given to all health care providers covered by Medicare and Medicaid. The number, which was implemented as a requirement of HIPAA, is assigned by the Centers for Medicare and Medicaid Services (CMS) and is used in all administrative and financial interactions between CMS and the provider. In most cases, a provider's NPI is meant to last throughout his or her career and should remain unchanged even when a change of name, address or provider taxonomy occurs.

The NPI does need to be deactivated when it is no longer in use. Reasons for this include retirement, close of medical practice or death of the health care provider. It is important to deactivate the NPI to ensure it is not used fraudulently by others.

Deactivation does not happen automatically. The NPI Application/Update form must be completed by the provider or, in the case of death, by the provider's Power of Attorney or Executor of the Will. There is a check box for "deactivation" in Section 1 of the form, which can be printed at www.cms.hhs.gov/cmsforms/downloads/CMS10114.pdf.

CMS also recommends that providers who have records in the National Plan and Provider Enumeration System (NPPES) should secure and maintain their own user ID and password, reset their NPPES password at least once a year, and periodically review their NPPES records to ensure the information is current and accurate.



This issue reports the adverse licensing actions taken by the Board of Licensure in Medicine in 2009

Singing the Maine Blues

What are "Blue Papers" for and who can write them?

*George K. Dreher, Jr., M.D.
Member, Maine Board of Licensure in Medicine*

Though often mentioned as a tool to prevent a patient from harming themselves or others, the role of "Blue Papers" is often overstated and the preparation of them misunderstood. They ONLY allow a patient to be kept in a hospital involuntarily for 72 hours or less while judicial approval is being obtained for transfer to a psychiatric unit approved for involuntary admissions. A patient who is felt to be unsafe to leave the hospital for other reasons may be kept there involuntarily through other means if adequate documentation supports that decision. Consult your hospital lawyer regarding this process.

The "Blue Papers" are considered a legal document to involuntarily detain a person only while transferring them to the psychiatric hospital. They have three parts which must all be correctly filled out in order to be acceptable.

The first portion (application) may be completed by any interested party, though usually a law enforcement professional, a health care provider or a family member (promotes that a concern exists in a community setting) fills out this part of the form. The interested party must state his or her reasons for being concerned.

The second portion (certifying examination) can be only be completed by a "licensed physician, physicians assistant, certified psychiatric clinical nurse specialist, nurse practitioner or licensed clinical psychologist" who has examined the patient on the date of the certificate.

Both of these first two portions must state the person has: (1) a mental illness which (2) poses a likelihood of serious harm and (3) the grounds for this belief. These are only brief statements with more detailed information contained in medical documents.

The third portion is a review by a judge of the court or probate or a justice of the peace who must find the certificate "to be regular and in accordance with the law." The judge or justice then endorses the certificate and the holding institution then promptly sends the patient to the admitting psychiatric hospital.

The essential result of the "Blue Paper" is to allow the police to transport the patient to the psychiatric hospital and for the accepting hospital to bring them in for evaluation. From that point on, the involuntary aspect of care may only be continued if the accepting hospital is able to prove the patient continues to meet the three criteria of concern outlined above.

Note that every state has its own laws regarding this process. For more information regarding involuntary hospitalization, refer to Section 3864 of Maine State Law.

Adverse Licensing Actions 2009

Revocation, Surrender, Suspension and License Denials

KESSLER, RONALD W., P.A.-C [License # PA-252] 01/13/09

By Consent Agreement, the licensee agrees to the permanent revocation of his physician assistant's license effective January 13, 2009. 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.

KESSLER, RONALD W., P.A.-C [License # PA-252] 06/09/09

By Consent Agreement, the licensee agrees to the permanent revocation of his Maine physician assistant's license. This action is based on incompetence and unprofessional conduct.

MENDOZA, RENATO C., M.D. [License # TD081078] 11/10/09

By Consent Agreement, the licensee agrees to accept the following: 1) a reprimand; 2) pay a civil penalty of three thousand dollars (\$3,000); and 3) withdraw his pending application for a permanent Maine medical license effective the date of execution of this Consent Agreement and never again apply for medical licensure in the State of Maine. This action is based on fraud or deceit in obtaining a license.

SMITH, BRYAN D., M.D. 07/14/09

By Consent Agreement, the physician agrees to accept a censure and pay a civil penalty of one thousand dollars (\$1,000). Dr. Smith's pending applications for a temporary and permanent Maine medical license are denied because he does not meet the statutory and rule requirements for. This action is based on fraud or deceit in obtaining a license.

STERLING, ROBERT E., M.D. [License # 018216] 09/14/09

Immediate, automatic suspension of Maine medical license following notification of a positive test for and admission to the use of a prohibited substance while under Consent Agreement for substance abuse monitoring.

STERLING, ROBERT E. M.D. [License # 018216] 11/10/09

By Consent Agreement, the licensee agrees to the immediate, permanent and voluntary surrender of his Maine medical license. This action is based on substance abuse issues and violation of a probationary license.

STULC, JAROSLAV P., M.D. [License # 017690] 05/12/09

At the conclusion of an Adjudicatory Hearing, the Board voted to immediately revoke the licensee's Maine medical license. This action is based on fraud or deceit in obtaining a license, incompetence, and unprofessional conduct.

TRIPP, LESLIE N., M.D. [License # 011744] 07/14/09

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.

TRIPP, LESLIE N., M.D. [License # 011744] 07/31/09

By Consent Agreement, the licensee agrees to accept a reprimand from the Board and agrees to the immediate and permanent voluntary surrender of his Maine medical license. This action is based upon unprofessional conduct and sexual misconduct.

Restricted Licenses

DE LOS HEROS, REINALDO O., M.D. [License # 017206] 07/23/09

In lieu of suspending the licensee's Maine medical license, licensee agrees to practice medicine in Maine only under the supervision of a Board-approved psychiatrist. The licensee's practice will be monitored subject to the conditions outlined in the Consent Agreement. The Consent Agreement will remain in effect until the complaint against the licensee can be resolved either by Consent Agreement, Adjudicatory Hearing or until the Board determines that a summary suspension of the licensee's license to practice medicine is necessary to protect the public. This action is based on competence issues.

Probation

BAROODY, ROBERT, M.D. [License # 010439] 09/08/09

By Consent Agreement, the licensee agrees to the following: 1) a reprimand; 2) a monetary fine of one thousand five hundred dollars (\$1,500); 3) a thirty (30) day license suspension; and 4) a five (5) year license probation. This action is based on unprofessional conduct.

BROWN, BENJAMIN M., M.D. [License # 016862] 04/14/09

By Consent Agreement, the licensee agrees to the following: 1) a reprimand; 2) a monetary fine of one thousand dollars (\$1,000) paid within thirty (30) days following the execution of the Consent Agreement; 3) a license suspension of sixty (60) days; and 4) a license probation for five (5) years. This action is based on unprofessional conduct.

FERRERA, PETER C., M.D. [License # 016334] 11/10/09

By Consent Agreement, the licensee agrees to accept 1) a reprimand; and 2) a three (3) year license probation. This action is based on unprofessional conduct.

For complete information on these or any disciplinary actions, visit www.docboard.org/me/discipline/dw_actions.html

NARANJA, ROGELIO J., JR., M.D. [License # 015649] 11/10/09
By Consent Agreement, the licensee agrees to the following: 1) a reprimand; and 2) a license probation for five (5) years subject to conditions as outlined in the Consent Agreement document. This action is based on unprofessional conduct.

STERLING, ROBERT E., M.D. [License # 018216] 07/09/09
By Consent Agreement, the Board granted the licensee a probationary Maine medical license.

Warnings and Reprimands

DOYLE, ROBERT P., M.D. [License # 007273] 04/14/09
By Consent Agreement, the licensee agrees to accept a reprimand from the Board. This action is based on unprofessional conduct.

GIBBS, RICHARD T., M.D. [License # TD081120] 11/10/09
By Consent Agreement, the licensee agrees to: 1) accept a reprimand; 2) abstain completely from the use of any and all prohibited substances as defined in the Consent Agreement; 3) enroll and participate in the Pennsylvania Physicians' Health Program or the New Mexico Monitored Treatment Program; and 4) within thirty (30) days

of the execution of this Consent Agreement provide copies to licensing authorities/boards, hospitals, medical practices, current or prospective employers, and his primary care provider and other healthcare professionals involved in his care as outlined in the Consent Agreement. This action is based on substance abuse issues.

TARTER, THOMAS A., M.D. [License # EL071028] 09/08/09
By Consent Agreement, the licensee agrees to the following: 1) a reprimand; and 2) a monetary fine of one thousand dollars (\$1,000). This action is based on unprofessional conduct regarding medical records.

TILLMAN, WILLIAM F., M.D. [License # 017201] 05/12/09
By Consent Agreement, the licensee agrees to accept a reprimand from the Board and pay a fine of one thousand (\$1,000). This action is based on alleged fraud or deceit in obtaining a license.

TUDDENHAM, ANN D., M.D. [License # 014495] 02/10/09
By Consent Agreement, the Board granted the licensee's application to reinstate her Maine medical license. The licensee agrees to accept a warning from the Board and pay a monetary fine of one thousand dollars (\$1,000). This action is based on failure to renew her license on time.

Take Responsibility for the Actions of Your Staff

*Mark Cooper, M.D., FACOG
Medical Director, Maine Board of Licensure in Medicine*

Staff interactions with patients are a common source of Board complaints. Such complaints range from rudeness, either in person or on the phone; real or perceived refusal to pass messages on to the clinician; and difficulty in obtaining records. Your staff is, in large part, the "public face" of your practice. You should make a conscious effort to monitor your staff's telephone etiquette and patient interactions. It is important for you to address complaints against staff when brought to your attention.

In the past, this was easier since most all of us were in private practice and they were our employees. Not so any more. The lines of oversight and responsibility have been blurred by physician employment by larger healthcare organizations. The practice manager may be responsible for staff and their actions. Both you and the receptionist may be employed by the same entity and you do not have direct responsibility for his or her job performance. Yet a patient complaint about rudeness or failure to provide records is apt to be lodged against you and your license.

How does the staff interact with a patient who shows up 15 minutes late for her appointment? Are messages brought to your attention in a timely manner? Many actions by staff to "protect the doctor" have just the opposite effect.

Regardless of your employment status it is incumbent on you to take patient complaints against staff seriously. It is important to take note of such complaints and assure the patient his or her concern will be brought to the attention of the appropriate supervisor. A comment such as "we both work for the hospital and I can't help you" could very well end up as a complaint against your license. In the case of medical record delays, this could impact patient care and could be interpreted as incompetent care or unprofessional conduct on a complaint.

Nurses, receptionists and billing clerks all interact with patients, by phone or in person, much more than you do. Even if they are not your direct responsibility, take complaints seriously and bring them to the attention of the responsible individual.

Maine Board of Licensure in Medicine
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ph: 207-287-3601
fx: 207-287-6590

RETURN SERVICE REQUESTED

Presorted First Class Mail
U.S. Postage Paid
Permit No. 8
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 **February 24th at 12:00pm** and **March 25th at 7:30am**. For more information: 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.

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

www.maine.gov/md or
www.docboard.org/me/me_home.htm

If the address is incorrect, simply send a signed note with changes to the Board or submit the new information online at www.maine.gov/online/doclicensing/.

Confidential Help Available

Committee on Physician Health Confidential professional help for substance abuse is available by calling these confidential numbers: **622-3374** or **623-9266**.