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MAINE
State Government

Spring 2007

Notes from your Licensing Board

Maine Board of Licensure in Medicine

This issue reports the adverse licensing actions taken by the Board of Licensure in Medicine in 2006

WHY DOES THE BOARD OF MEDICINE ASK ME ABOUT OBVIOUSLY FRIVOLOUS COMPLAINTS?

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Many licensees wonder why they are asked by the Board to explain their care of a patient whose complaint seems outrageous to the clinician. The simple answer is that the Board is legally required to investigate ALL complaints. This means, the licensee must be contacted and be given an opportunity to provide their side of the story. Most (75%) complaints are initially dismissed after the Board has heard from each side and reviewed the relevant medical records. Eventually 90% are dismissed. But often enough, although some complaints initially appear groundless, investigation reveals reasonable grounds to support at least some aspects of the complaint. Below are four complaints that were received. Two of them were corroborated following investigation, two were not. See if you can figure out which ones were valid.

(1) A complainant, who states he has been followed around the country by the mother ship working for the CIA, alleged that a physician had forged his name. The complainant stated that he had reported this to the federal government and that they had confirmed the forgery through handwriting analysis, but decided not to do anything about this.

(2) A complainant alleged that the federal government was tracking her, had planted "bugs" in several areas of her home, and had poisoned her dog. The complaint alleged that the physician was working with the government and was entering derogatory information in the medical record.

(3) A complainant who had been married to a physician alleged that the physician had purposely given her drugs, knowing that she had a previous addiction problem, and causing her to experience a relapse.

(4) A complainant, who is on chronic pain medication, went to the emergency department following a minor accident. The complainant was given a drug test which came back negative. The complaint alleged that the test was done incorrectly and that the complainant had been refused appropriate care because of this false negative test.

Examples one and four were found to have merit following an investigation. In the first example, the physician admitted to forging the patient's name because the patient was so paranoid he would not sign the paperwork to authorize payment. The federal government had investigated and proven the allegation, but decided not to proceed because the physician had only charged for services provided. In the fourth example, it was determined that the test used in the emergency department did not test for the medication prescribed to the complainant, resulting in a false negative.

So, the legal requirement that the board investigate all complaints makes sense. The Board members, six seasoned doctors and three sophisticated public members can usually separate the wheat from the chaff once they have the both sides of the story and the relevant medical records.

ADVERSE LICENSING ACTIONS 2006

LOOKING BACK AT 2006

The Board began 2006 with one hundred three (103) complaints carried forward from 2005. In 2006 one hundred eighty-two (182) new complaints were filed for a total of two hundred eight-five (285) complaints for consideration. Of that number the Board dismissed one hundred eighty-eight (188) complaints; twenty-nine (29) with a letter of guidance, took disciplinary action on twenty-three (23), and carried forward seventy-four (74) complaints to 2007.

The Board took disciplinary action against twenty-six (26) physicians and three (3) physician assistants. By percentage 21% actions were based on incompetence, 14% on crime/action by another state, 7% on inappropriate sexual contact, 3% on fraud or deceit in application, 31% on unprofessional conduct and 24% on mental health/substance abuse issues.

ADVERSE LICENSING ACTIONS – 2006 (cont'd)

SUMMARY OF ACTIONS TAKEN BY CATEGORY

Organized by Category of the most serious sanction

SUMMARY SUSPENSION

Sarah E. Babine, M.D. (016174) on September 19, 2006 SUMMARY SUSPENSION thirty (30) days based upon the imminent jeopardy that the continued practice would pose to the public based on substance abuse issues. Earlier on July 11, 2006, at the conclusion of an Adjudicatory Hearing the Board voted to issue a written REPRIMAND to Dr. Babine and placed her Maine medical license on probation for five (5) years based on substance abuse issues.

Richard Brackett PA-C (PA-261) on July 11, 2006, SUMMARY SUSPENSION thirty (30) days based upon incompetence and unprofessional conduct. Also on September 12, 2006, in lieu of proceeding to an Adjudicatory Hearing, Mr. Brackett agreed to the immediate and permanent REVOCATION of his Maine physician assistant license based on incompetence and unprofessional conduct.

Douglas M. Morong, PA-C (PA-503) on December 12, 2006 SUMMARY SUSPENSION thirty (30) days based on the imminent threat to the public posed by continued practice due to alleged fraud or deceit in the provision of medical services, substance abuse, unprofessional conduct and incompetence.

Karl F. Sitterly, M.D. (015041) on January 31, 2006, SUMMARY SUSPENSION thirty (30) based upon substance abuse issues and on February 14, 2006 agreed to continue the SUSPENSION until such time as the matter is fully and finally resolved by the Board.

REVOCATION

Abe N. Pahilan, M.D. (013287) on February 21, 2006 at the conclusion of an Adjudicatory Hearing the Board voted to REVOKE Dr. Pahilan's Maine medical license based on incompetence and unprofessional conduct.

Shafi A. Sultan, M.D. (010177) on February 14, 2006, at the conclusion of an Adjudicatory Hearing, the Board voted to REVOKE Dr. Sultan's Maine medical license based on action taken by the Medical Board of Virginia, which suspended his medical license for a period of not less than one year based upon a finding that he practiced in a manner that endangered the health or welfare of his patients by performing surgical procedures that were beyond his abilities and failing to consult with specialists.

VOLUNTARY SURRENDER

Ardell W. Diessner, M.D. (013418) on September 12, 2006, in lieu of proceeding to an Adjudicatory Hearing, Dr. Diessner agreed to VOLUNTARILY SURRENDER his Maine medical license based on unprofessional conduct.

Brian Gallagher, M.D. (013759) on December 12, 2006, the Board voted to accept the VOLUNTARY SURRENDER of Dr. Gallagher's Maine medical license while under investigation for unprofessional conduct based on inappropriate prescribing practices.

Robert F. Savadove, M.D. (006955) on March 14, 2006 the Board voted to accept the VOLUNTARY SURRENDER of Dr. Savadove's Maine medical license while under investigation for alleged sexual misconduct.

George D. Williamson, M.D. (TD-061032) on December 19, 2006, in lieu of proceeding to an Adjudicatory Hearing Dr. Williamson agreed to VOLUNTARILY SURRENDER his Maine medical license based on fraud and deceit in obtaining a license.

SUSPENSION

Bernard P. Vigna, Jr., M.D. (012559) On May 9, 2006, at the conclusion of an Adjudicatory Hearing this clinician received a REPRIMAND, his medical license was SUSPENDED for six (6) months and his medical license was put on PROBATION for a period of ten (10) years. This action is based on unprofessional conduct, incompetence, sexual misconduct and inappropriate prescribing practices. On November 11, 2006, the six (6) month suspension of Dr. Vigna's Maine medical license, which began on May 9, 2006, ended but he will continue to be on probation for ten (10) years.

ADVERSE LICENSING ACTIONS – 2006 (cont'd)

REPRIMANDS

Thomas R. Defanti, M.D. (011764) on October 10, 2006, in lieu of proceeding to an Adjudicatory Hearing, Dr. Defanti agreed to accept a written REPRIMAND and permanent RESTRICTION (modification) of his medical license based on incompetence. Under the consent agreement Dr. Defanti is restricted from performing six (6) types of gynecological surgical procedures and his practice is restricted to an office based practice.

Osama El Sayed A. El-Silimy, M.D. (014725) on September 12, 2006, at the conclusion of an Adjudicatory Hearing the Board voted to issue a written REPRIMAND to Dr. El-Silimy based on unprofessional conduct and a criminal conviction.

Henry J. Fisk, M.D. (009190) on December 12, 2006, in lieu of proceeding to an Adjudicatory Hearing, Dr. Fisk agreed to accept a written REPRIMAND and to engage in counseling, including anger management counseling, based on a criminal conviction.

Joel I. Franck, M.D. (012095) on July 11, 2006, in lieu of proceeding to an Adjudicatory Hearing, the Dr. Franck agreed to accept a written REPRIMAND and successfully complete a Board-approved course in general ethics and boundaries and provide a report with proof of completion, based on unprofessional conduct.

Cesar O. Garcia, M.D. (015094) on November 14, 2006, in lieu of proceeding to an Adjudicatory Hearing, Dr. Garcia agreed to accept a written REPRIMAND based on unprofessional conduct.

Takeo Kawamura, M.D. (005412) on February 14, 2006, by Consent Agreement, Dr. Kawamura agreed to accept a REPRIMAND based on violation of patient confidentiality and unaccepted therapy modalities, unprofessional conduct and incompetence and must stop treating family members except where they are in conjoint family therapy and treatment.

Michelle S. Lee, M.D. (TD-04-006) on August 29, 2006, in lieu of proceeding to an Adjudicatory Hearing, Dr. Lee agreed to accept a written REPRIMAND based on incompetence and unprofessional conduct and enroll in a Board-approved course in diagnosing and treating critically ill patients.

John L. Newcomb, M.D. (007862) on December 12, 2006, in lieu of proceeding to an Adjudicatory Hearing, Dr. Newcomb agreed to accept a REPRIMAND and twelve (12) months SUSPENSION of his Maine medical license (which will be suspended if he remains in compliance with terms of probation) based on unprofessional conduct and incompetence.

David A. Thanhauser, M.D. (008007), on October 10, 2006, in lieu of proceeding to an Adjudicatory Hearing, Dr. Thanhauser agreed to accept a written REPRIMAND based on inappropriate sexual contact with a patient.

RESTRICTED PRACTICE

Bruce H. Davis, M.D. (015279) after an Adjudicatory Hearing on May 16, 2006, the Board voted to place his Maine medical license on PROBATION for five (5) years with conditions based on Substance abuse issues.

Reinaldo O. De Los Heros, M.D. (017206) on July 11, 2006, by consent agreement, licensee shall restrict his practice to working in a supervised relationship; the supervising/monitoring physician shall provide on-going, regular supervision. This action is based on disciplinary action by another state medical board and substance abuse issues.

Jeffrey W. Fuson, M.D. (009849) on January 10 and November 14, 2006, by Consent Agreement, Dr. Fuson's Maine medical license was renewed in Active status but restricted to a limited, closely supervised ambulatory practice due to an illness which raised concerns regarding the licensee's cognitive and motor difficulties.

David F. Sturdevant, M.D. (002561) on July 11, 2006, in lieu of proceeding to an Adjudicatory Hearing, Dr. Sturdevant agreed to cease prescribing schedule II and/or schedule III controlled substances for any patient for chronic use. Dr. Sturdevant has closed his practice but if he returns to practice must immediately notify the Board and abide by the prescribing prohibitions set forth in the Consent Agreement. This action is based on inappropriate prescribing practices.

Some actions taken in 2006 may have been amended in 2007, for more detailed information of each discipline please see our public internet site at http://www.docboard.org/me/me_home.htm.



**Maine Board of Licensure in
Medicine**

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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.

Check out our website at http://www.docboard.org/me/me_home.htm to verify that the Board has your correct mailing address on file. If the address is incorrect, simply send a signed note with changes to the Board.

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