

MAINE STATE LEGISLATURE

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Board of Licensure in Medicine

1995 Annual Report



Enforcement Program



Prepared by:
Thomas C. Dilkes, Student Intern

MAY 4 1999

Analysis of Complaint Activity Calendar Year 1995

Total Number of Complaints Received	158
Total Number of 1995 Complaints Closed	61

Reason for Closure

Dismissed- No Merit	63
- Does Not rise to the Level of Discipline	22
- Insufficient Evidence	3
Filed (No Action Taken By The Board)	4
Administrative	7
Voluntary Surrender With Cause	0
Voluntary Surrender Without Cause	0
Unresolved	41

Total Number of Complaints Closed from Previous Years	19
1992	0
1993	1
1994	18

Reason for Closure

Dismissed- No Merit	12
- Does Not rise to the Level of Discipline	2
- Insufficient Evidence	1
Filed (No Action Taken By The Board)	1
Administrative	1
Voluntary Surrender With Cause	1
Voluntary Surrender Without Cause	1
Reprimand	1

Average Time Before Complaint Reaches Board (months)	4.3
Average Time Between Opening and Closing (months) (for cases closed in 1995)	5.1

1995 Complaints- Sources of Allegation

Board Staff or Board	4
Patient	74
Patient's Family	36
Institutional Provider (Hospital)	4
FSMB/AMA Database	4
Individual Physician	12
Other Government Agency	11
Attorney General	3
Other	5

Allegations

Fraud or Deceit in Obtaining License	5
Fraud or Deceit in Practice or Billing	1
Habitual Use of Alcohol	0
Habitual Use of Drugs other than Alcohol	1
Incompetent Practice	54
Unprofessional Conduct	86
Prescribing for NonTherapeutic Use	1
Diagnosed Mental Impairment of Practice	0
Violation of Medical Practice Act/ Board Rule	1

Incompetent Practice (may be more than one)

Knowledge and Skills- Diagnosis	15
Knowledge and Skills- Treatment	35
Prescribing Practices	14
Ability and Fitness	1
Other	0

Unprofessional Conduct (may be more than one)

Abandonment	13
Diagnosing and Treatment Issues	17
Communication Issues	44
Breach of Confidentiality	3
Prescribing Practices	13
Inappropriate Sexual Contact	5
Medical Records	5
Denial of Privileges	0
Other	15

Type of Impairment

Alcohol	1
Drugs	0
Mental	1
Physical	1

Examinations Ordered By Board

Substance Abuse	0
Mental	1
Physical	1

Letters of Guidance Issued: 30

Consent Agreements Approved: 6

Location of Alleged Activity

Office	74
Hospital	52
Clinic	3
Nursing Home	4
Other	5
Not Applicable	8
Unknown	13

Type of Specialty

Adolescent Medicine	1
Allergy and Immunization	1
Anesthesiology	7
Cardiovascular Diseases	4
Dermatology	1
Emergency Medicine	2
Endocrinology	0
Family/General Practice	28
Gastroenterology	0
Internal Medicine	13
Neonatal Perinatal Medicine	1
Neurology	6
OB/GYN	6
Occupational Medicine	31
Oncology	0
Ophthalmology	4
Orthopedics	4
Otorhinolaryngology	7
Pathology	1
Pediatrics	4
Physical Medicine and Rehabilitation	11
PSAs	0
Psychiatry	22
Radiology	2
Rheumatology	1
Surgery, Cardiovascular	0
Surgery, General	6
Surgery, Neurological	1
Surgery, Orthopedic	2
Surgery, Plastic	1
Surgery, Thoracic	3
Surgery, Urological	6

Complaints Related to IME

Yes	5
No	143

Complaints Related to Malpractice

Yes	7
No	141

1995 Complaints Referred to Attorney General's Office

Investigation	2
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Informal Conferences Held	5
Adjudicatory Hearings Held	1

1995 cases Involving More Than One Health Care Provider

Involving 2 or More MDs	0
Involving 1 MD and Physician Extender	0

Frequency of Complaints Received by Month

January	17
February	7
March	6
April	15
May	8
June	18
July	12
August	14
September	8
October	8
November	24
December	12
Average Number of New Complaints Per Month	12.4

Sources of Allegation in 1995 Adverse Actions

Patient	1
Institutional Provider	2
FSMB/AMA Database	2
Maine Drug Enforcement Agency	0
Citizen, Non-Patient	0
Board/ Board Staff	0
Attorney General's Office	0
Law Enforcement	2
Total Number of 1995 Adverse Actions	7

Actions Taken

Reprimand			4		
Non-Renewal			2		
Voluntary Surrender With Cause			1		
Permanent License denied			0		
Reinstatement of License denied			0		
Suspension			0		
Issued Conditional License			0		
Probation			1		
	1991	1992	1993	1994	1995
Total Number of Complaints Received	70	100	128	106	158
Total Number of Current Year's Complaints Closed	24	46	47	30	61
Total Number of Prior Year's Complaints Closed			43	32	
Reason For Closure of Current Year's Complaints					
No Merit	17	30	28	20	63
Does Not rise to Discipin	3	3	7	5	22
Insufficient Evidence		3	4	1	3
Administrative	2	3	2	0	7
Accusation Filed		3	3	4	4
Warning		1			
Censure					
Reprimand			2		4
Fine		1	3		
Probation			1		1
Suspension		1	1		
NonRenewal		1	1		2
License Modified	1	2	1		
No Jurisdiction	1				
Voluntary Surrender With Cause	1	1			1
Voluntary Suspension With Cause			1		
Average Time Before Complaint Reaches Board (months)			3.2	4.9	4.3
Average Time Complaint Open (months)	4.9	5.2	5.8	5.7	5.1
Allegations					
Incompetence	30	26	42	34	65
Unprofessional Conduct	43	54	73	57	115
Fraud/Deceit in Billing or Practice	2	8	5	11	3
Fraud/Deceit in Obtaining License	1				3
Non-Therapeutic Prescribing	2	2	2		1
Habitual Drug Use		1	1	1	1
Habitual Alcohol Use		1			
Violation of Board Rule or Law		1	1		1
Physical/Mental Impairment			1	3	
False Advertising			2		

Impairment	1991	1992	1993	1994	1995
Alcohol			1		
Drugs			1	1	1
Mental			1	1	1
Physical				1	1
Board Ordered Exams					
Physical			1	2	1
Mental			1	4	1
Substance Abuse			1	2	
SPEX				1	
Letters Of Guidance Issued			10	8	30
Consent Agreements Approved			4	9	6
IME Complaints			6	7	5
Informal Conferences Held			5	2	5
Adjudicatory Hearings Held			2		1
Average Number of New Complaints Received Per Month			10.6	8.5	12.4
Sources of Allegations					
Patient	43	60	77	47	74
Patient's Family	17	11	24	26	36
Institutional Provider	5	7	9	3	4
Other Health Care Provider		2	1		6
National Database	2	7	6	10	4
Committee on Physician Health	1				
Other State Agency	1	2	2	3	3
Individual MD		5	3	2	12
Law Enforcement Agency		2	2	6	3
Other State Medical Board		1		1	
Non State Agency		1	2		
Board/ Board Staff		1	4	3	4
Other	1	1		5	1
Sources Of Allegations In This Year's Disciplinary Cases					
Patient			2	2	1
Institutional Provider			2	1	2
Computer Databank			1	4	2
State Agency			1		2
Individual, Non-Patient			1		
Maine DEA				2	
Board/ Board Staff				6	
Attorney General				1	
Physician Intelligence Reports Received				7	
Physicians Under Board Monitoring				6	
Written Complaints Referred to Other State Agencies				23	
Volunteer Surrender of DEA Certificate				3	

**Maine Board of Licensure in Medicine
Adverse Licensing Actions - 1995**

Physician/Licensee	Adverse Action & Effective Date	Description
John L. Archambault, M.D. License #006157	03/14/95; Letter of Warning.	Breach of Patient Confidentiality.
Debra K. Rainey, M.D. License #012879	03/14/95; License modified with conditions of Consent Agreement.	Piggyback on action in Wyoming.
David E. Anderson, M.D. License #007476	6/6/95; Three reprimands and \$2,000 fine	Inappropriate prescribing practices. Failure to maintain control over prescription pads. Failure to maintain adequate medical records.
Patrick J. M. Ryan, M.D. License #006427	06/14/95; License modified with conditions by Consent Agreement.	Establish relationship with Maine Committee on Physician Health.
Anthony W. Salem, M.D. License #013987	06/08/95; License modified with conditions by Consent Agreement.	Board concerned with the number of medical malpractice cases reported at the time of initial application.
Robert W. Chagrasulis, M.D. License #012162	07/11/95; Suspension through Consent Agreement.	Fraud/ Deceit in Application. Unprofessional Conduct.
David F. Scullion, M.D. License #010513	08/21/95; Reinstatement of Modified License with Conditions.	Substance Abuse.
Bert I. Beverly, M.D. License #012762	09/05/95; Suspension. 09/12/95; Reinstated.	Violation of terms of Consent Agreement.
Cor deHart, M.D. License #005586	11/14/95; Permanent surrender of license with cause.	Unprofessional Conduct.
Kestutis Kemezys, M.D. License #005072	11/15/95; Emergency Summary Suspension.	Incompetence.
Ras Masood, M.D. License #011081	12/31/95; Emergency Summary Suspension.	Incompetence. Unprofessional Conduct. Fraud/ deceit in practice of Medicine.

Number of Complaints by Year

