

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re:	)	CONSENT AGREEMENT FOR
Myra Altman, M.D.	)	SURRENDER OF LICENSE
CR12-20/CR12-222	)	

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice as a physician in the State of Maine held by Myra Altman, M.D. The parties to the Consent Agreement are: Myra Altman, M.D. ("Dr. Altman"), the State of Maine Board of Licensure in Medicine ("the Board"), and the State of Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. At all times relevant to the complaint, Dr. Altman was a licensee of the Board. The Board first issued Dr. Altman a medical license on June 20, 1986. Dr. Altman specializes in Internal Medicine and Nephrology.
2. On January 9, 2012, the Board received information from Dialysis Clinic, Inc. (DCI), a Non-Profit Corporation located in Nashville, Tennessee that operates a dialysis clinic in Belfast, Maine that it had permanently suspended the clinical privileges of Dr. Altman for her failure to provide coverage for patients. On January 27, 2012, the Board received further correspondence from DCI clarifying the basis for its suspension of Dr. Altman's privileges: more specifically, that Dr. Altman had: failed to meet the ESRD Conditions for Coverage (42 CFR § 494.90) and DCI medical Staff Bylaws requirements as related to observing and treating her patients; failed to ensure adequate back-

up coverage so that her patients would have uninterrupted access to care per DCI's Medical Staff Bylaws; and failed to request a hearing with DCI regarding these issues.

3. On February 14, 2012, the Board reviewed the information from DCI and voted to initiate a complaint against Dr. Altman's Maine medical license. The Board docketed the complaint as Complaint CR12-20 and sent it to Dr. Altman for a response.

4. On March 6, 2012, the Board received a response from Dr. Altman to Complaint CR12-20. According to Dr. Altman, she was an inpatient at a hospital in Bangor from the end of May until the end of June 2011, when she was transferred to an out-of-state hospital until the end of July 2011. According to Dr. Altman, she was subsequently released from the hospital but "was not released by [her] physician to return to [her] job duties until the end of September 2011." According to Dr. Altman, during her hospitalization and absence from work, her dialysis patients were covered and seen on a weekly basis by another physician nephrologist. Dr. Altman alleged that she was in regular contact with DCI and the covering physician during her hospitalization and after her return home, and that she resigned her position as Medical Director for DCI because it was obvious to her that she "would not be able to continue in that capacity." In her response, Dr. Altman did not disclose the reason for her hospitalization from the end of May to the end of July 2011, or the reason that her physician would not release her to perform her duties as a physician until September 2011.

5. On March 9, 2012, the Board's investigator spoke with Dr. Altman regarding her response to Complaint CR12-20. In particular, the Board's investigator asked Dr. Altman the reason for her hospitalization from May to July 2011. According to the Board's investigator, Dr. Altman stated that:

she did not feel that was what the issue was and then told [the investigator] that they never truly discovered what the problem was... they do not know if the issue was viral or a reaction to something, but she was very ill... she is doing better now and is healthier than she has ever been.

6. On April 10, 2012, the Board reviewed Complaint CR12-20, including Dr. Altman's response and all investigative information, and voted to further investigate the matter. More specifically, the Board voted to request additional information from Dr. Altman, including information regarding her hospitalization from May to July 2011.

7. On May 3, 2012, the Board's investigator contacted the physician identified by Dr. Altman as the physician nephrologist who was covering for her during her hospitalization from May to July 2011. According to the physician, Dr. Altman had asked him earlier in the year to cover for her at DCI for another issue not related to the hospitalization. According to the physician, he did cover for Dr. Altman as the Medical Director for DCI during her hospitalization, and the coverage that he provided was unexpected. In addition, the physician indicated that although he stood in as the Medical Director for DCI, he did not cover Dr. Altman's office patients.

8. On May 17, 2012, the Board's investigator sent Dr. Altman a letter that included the additional questions posed by the Board following its review

on April 30, 2012. In addition to other information, the letter requested further information regarding Dr. Altman's hospitalization from May to July 2012, and specifically included medical releases for Dr. Altman to execute so that the Board could obtain and review her medical records.

9. On August 23, 2012, the Board received a response from Dr. Altman to the Board's request for additional information. In response to the Board's request for additional information regarding her hospitalization from May to July 2011, Dr. Altman replied:

In lieu of releases for my medical records my current treater, Dr. [X], has written to the Board regarding both the fact of my ongoing treatment by him and his opinion about my fitness to practice.

Dr. Altman provided a copy of a letter dated August 13, 2012, sent to her by Dr. X, her attending psychiatrist. According to that letter, Dr. X had been Dr. Altman's attending physician since May 2011, and coordinated her care and provided outpatient mental health care. Although the letter indicated that Dr. X had "performed and reviewed assessments and have made diagnoses," it did not identify the results of the assessments nor the diagnoses. In addition, although the letter indicated that Dr. Altman had received care at other facilities, it did not identify them nor identify the reason for her receiving care. The letter also stated that "it is my professional opinion that you are able to practice medicine within your scope of training and certification without restriction." Finally, the letter included the following:

It is expected that you will continue to be followed in this clinic for medication management on a schedule to which we will agree, and that all mental health medications will be directed, but not necessarily prescribed by this clinic until mutually agreed otherwise.

Other than the foregoing information, Dr. Altman did not provide the Board with any information regarding the reason (i.e. medical basis) for her hospitalization from May to July 2011 or for her physician's decision not to allow her to return to the practice of medicine until September 2011.

10. On October 29, 2012, the Board received a letter from the Maine Medical Association Medical Professionals Health Program (MPHP), with whom Dr. Altman had been enrolled since June 1, 2011. According to that letter, on October 17, 2012, Dr. Altman was admitted to Waldo County General Hospital having overdosed on Ambien, a sleep medication, and that this was her second overdose in a year's time on the same medication. The MPHP letter also indicated that Dr. Altman was subsequently admitted to Acadia Hospital from which she was discharged on October 26, 2012. The MPHP letter further stated that the MPHP had learned that Dr. Altman had been prescribed hydrocodone and that she had been seeing patients in her office near the hospital – neither of which facts she had reported to the MPHP. In addition, the MPHP letter indicated that Dr. Altman had not submitted reports as required, and suspended its contract with her until such time as she is prepared to be compliant with the program. Following its receipt of this

information, the Board staff opened a new investigation regarding Dr. Altman and docketed it as AD12-213.

11. On October 30, 2012, the Board obtained copies of medical records regarding two hospitalizations of Dr. Altman at Waldo County General Hospital: May 23, 2011 and October 17, 2012. According to those medical records:

a. Dr. Altman has a history of major depression and multiple hospital admissions for medication overdoses – one on May 23, 2011 and one on October 17, 2012;

b. Dr. Altman has a history of abusing prescription medications;

c. Dr. Altman has a history of obtaining prescription medications from a supplier of medical devices, equipment and pharmaceuticals;

d. Dr. Altman has a history of self-medicating with prescription medications not specifically provided or prescribed to her by her treating physicians, and which she has obtained for her medical practice from a supplier of medical devices, equipment and pharmaceuticals;

e. A physician at Waldo County General Hospital who treated Dr. Altman opined that after two overdose events that the State seriously consider removing Dr. Altman's medical license.

12. On November 13, 2012, the Board reviewed Complaint No. CR12-20 and AD12-213. Following its review, the Board voted to summarily suspend Dr. Altman's Maine medical license pursuant to 32 M.R.S. § 3282-A(2) and 5

M.R.S. § 10004(3) because it concluded that her continued ability to practice medicine constituted an immediate jeopardy to the health and safety of the public and that failure to immediately suspend her license would not adequately respond to the risk. In addition, the Board voted to initiate a new complaint based upon AD12-213, which it docketed as Complaint No. CR12-222, and voted to schedule Complaint No. CR12-12 and CR12-222 for an adjudicatory hearing on December 11, 2012.

13. This Consent Agreement has been negotiated by and between Emily A. Bloch, Esq., legal counsel for Dr. Altman, and legal counsel for the Board in order to resolve this matter without further proceedings. Absent Dr. Altman's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before November 19, 2012, the Board will conduct a consolidated adjudicatory hearing on December 11, 2012.

14. By signing this Consent Agreement, Dr. Altman waives any and all objections to, and hereby consents to allow the Board's legal counsel to present this proposed Consent Agreement to the Board for possible ratification on December 11, 2012. Dr. Altman also forever waives any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

#### COVENANTS

In lieu of further investigations and proceedings in this matter, Dr.

Altman agrees to the following:

15. Dr. Altman admits that with regard to Complaint CR12-20 and CR12-222 the Board has evidence from which it could conclude by the preponderance of the evidence that she has engaged in conduct that constitutes grounds for discipline and violations of the following Board statutes:

a. 32 M.R.S. § 3282-A(2)(C) – A professional diagnosis of a mental or physical condition that is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients;

b. 32 M.R.S. § 3282-A(2)(E) – Incompetence by engaging in conduct that evidences a lack of fitness to discharge the duty owed by the licensee to the general public;

c. 32 M.R.S. § 3282-A(2)(F) – Unprofessional conduct by engaging in conduct that violates a standard of professional behavior that has been established in the practice of medicine.

16. As discipline for the conduct described in paragraphs 1-15 above, Dr. Altman agrees to the IMMEDIATE SURRENDER of her Maine medical license effective upon the execution of this Consent Agreement. In complying with this provision, Dr. Altman shall immediately return her Maine medical license to the Board.

17. Nothing in this Consent Agreement shall prohibit Dr. Altman from, at reasonable intervals, petitioning the Board for reinstatement of her Maine



medical license. Upon petitioning the Board for reinstatement, Dr. Altman shall bear the burden of demonstrating that: (a) her Maine medical license should be reinstated; and (b) that the resumption of her practice of medicine would not pose a risk to the public; and (c) that no grounds exist for the Board to deny her application for reinstatement. The Board, upon receipt of any such petition for reinstatement from Dr. Altman, may direct that she undergo whatever testing and evaluations that it deems appropriate. In addition, Dr. Altman shall execute any and all releases so that the Board, Board staff, and Office of Attorney General may obtain copies of her medical, psychological, substance abuse, and counseling records and evaluations. Following its receipt of a petition for reinstatement from Dr. Altman, and its review of any records, evaluations and investigative information, the Board shall retain the sole discretion to: (a) deny the petition; (b) grant the petition; or (c) grant Dr. Altman a license subject to restrictions and/or conditions pursuant to a consent agreement under the authority of 32 M.R.S. § 3282-A(2) and 10 M.R.S. 8003(5). Any decision made by the Board pursuant to this paragraph need not be pursuant to a hearing and is not appealable or reviewable by any Court because this Consent Agreement may only be amended or rescinded by the agreement of all of the parties pursuant to 10 M.R.S. § 8003(5)( ).

18. Dr. Altman waives her right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Altman agrees that this Consent Agreement and Order is a final order resolving pending Complaint Nos. CR12-20 and CR12-222. This Consent

Agreement is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General.

19. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Altman or any other matter relating to this Consent Agreement.

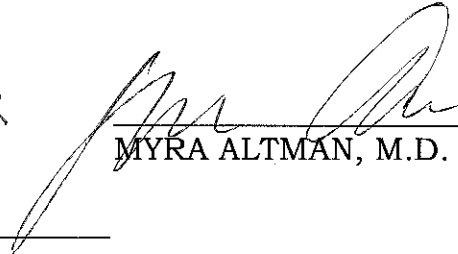
20. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408. This Consent Agreement constitutes disciplinary action that is reportable to the Federation of State Medical Boards (FSMB), the National Practitioner Data Bank (NPDB), and the Healthcare Integrity and Protection Data Bank (HIPDB).

21. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

22. Dr. Altman acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

23. For the purposes of this Consent Agreement, "execution" means the date on which the final signature is affixed to this Consent Agreement.

I, MYRA ALTMAN, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: Nov 16, 2012   
MYRA ALTMAN, M.D.

STATE OF \_\_\_\_\_  
\_\_\_\_\_, S.S.

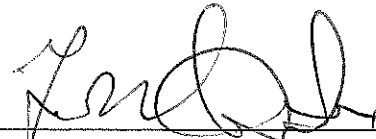
Personally appeared before me the above-named Myra Altman, M.D., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED: 11/16/12   
NOTARY PUBLIC / ATTORNEY

MY COMMISSION ENDS:  
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DATED: 11/16/12   
EMILY A. BLOCH, ESQ.  
Attorney for Dr. Altman

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 12/11/12   
GARY R. HATFIELD, M.D., Chairman

STATE OF MAINE OFFICE  
OF THE ATTORNEY GENERAL

DATED: 12/11/12



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DENNIS E. SMITH  
Assistant Attorney General

Effective Date: 12/11/12