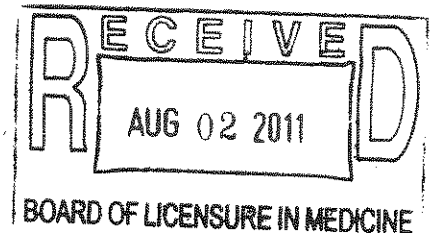


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE



In re:) CONSENT
Dan W. Joachim, M.D.) AGREEMENT
CR11-062)

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 Dan W. Joachim, M.D. The parties to the Consent Agreement are: Dan W. Joachim, M.D. ("Dr. Joachim"), 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. Joachim was a licensee of the Board. The Board first issued Dr. Joachim a Maine medical license on March 17, 2009. Dr. Joachim specializes in Neurology.

2. On or January 28, 2011, the Board staff received a Disciplinary Alert from the Federation of State Medical Boards (FSMB) indicating that the State of Louisiana State Board of Medical Examiners had suspended Dr. Joachim's medical license effective December 6, 2010. Board staff subsequently obtained a copy of a document entitled "Interim Consent Order" from the Louisiana State Board of Medical Examiners, a copy of which is attached hereto and incorporated into this Consent Agreement as Attachment A. According to that interim consent order, Dr. Joachim agreed, without

admitting or acknowledging any wrongdoing, to the indefinite suspension of his Louisiana medical license following his indictment for receiving and possessing sexually explicit visual depictions of child pornography in violation of federal law.

3. On February 8, 2011, the Board reviewed the foregoing information and voted to initiate a complaint against Dr. Joachim's Maine medical license pursuant to 32 M.R.S. § 3282-A. The Board docketed the complaint as CR11-062.

4. On June 14, 2011, the Board reviewed complaint CR11-062, and voted to schedule the matter for an adjudicatory hearing. In addition, the Board authorized its legal counsel to negotiate this Consent Agreement in order to resolve complaint CR11-062 without an adjudicatory hearing.

5. This Consent Agreement has been negotiated by Dr. Joachim and legal counsel for the Board in order to resolve this matter without further proceedings. Absent Dr. Joachim'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 August 9, 2011, the Board will conduct further investigations and proceedings.

6. By signing this Consent Agreement, Dr. Joachim waives any and all objections to, and hereby consents to allow the Board's assigned legal counsel to present this proposed Consent Agreement to the Board for possible ratification. Dr. Joachim 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. Joachim agrees to the following disposition.

7. Dr. Joachim does not admit or acknowledge any impropriety or wrong-doing or any violation of federal or state law. However, Dr. Joachim agrees that, if true, his receipt and possession of sexually explicit visual depictions of child pornography in violation of federal law could constitute unprofessional conduct and grounds to discipline his Maine medical license pursuant to 32 M.R.S. § 3282-A(2)(F).

8. As discipline for the conduct described in paragraphs 1-7 above Dr. Joachim agrees to the IMMEDIATE and VOLUNTARY SURRENDER of his Maine medical license.

9. Nothing in this Consent Agreement shall prohibit Dr. Joachim from, at reasonable intervals, petitioning the Board for reinstatement of his Maine medical license. Upon petitioning the Board for reinstatement, Dr. Joachim shall bear the burden of demonstrating that: (a) his Maine medical license should be reinstated; and (b) that the resumption of his practice of medicine would not pose a risk to the public; and (c) that no grounds exist for the Board to deny his application for reinstatement. The Board, upon receipt of any such petition for reinstatement from Dr. Joachim, may direct that he undergo whatever testing and evaluations that it deems appropriate. In

addition, Dr. Joachim shall execute any and all releases so that the Board, Board staff, and Office of Attorney General may obtain copies of his medical, psychological, and counseling records and evaluations. Following its receipt of a petition for reinstatement from Dr. Joachim, and its review of any records, evaluations and investigative information, the Board shall retain the sole discretion to grant or deny the petition and/or grant Dr. Joachim a license subject to restrictions and/or conditions pursuant to 32 M.R.S. § 3282-A(2) and 10 M.R.S. § 8003(5).

10. Dr. Joachim waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Joachim agrees that this Consent Agreement and Order is a final order resolving the pending investigation before the Board. 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.

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

12. 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).

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

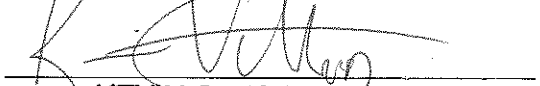
14. Dr. Joachim acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions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

I, DAN W. JOACHIM, 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: 7-18-2011 
DAN W. JOACHIM, M.D.

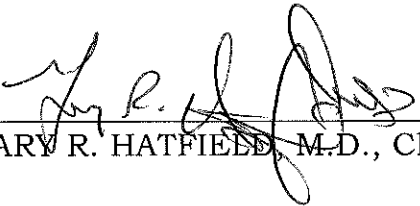
STATE OF Louisiana
Parish of St. Bernard, S.S.

Personally appeared before me the above-named Dan W. Joachim, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 7/18/11 
NOTARY PUBLIC
KEVIN S. VOGELTANZ
Notary Public
Bar # 32746 / Notary ID # 91408
State of Louisiana
My Commission is Issued for life

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE


DATED: 7/28/11



GARY R. HATFIELD, M.D., Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 8/17/11



DENNIS E. SMITH
Assistant Attorney General

Effective Date: 8/17/11

Louisiana State Board of Medical Examiners

Mailing Address: P.O. Box 30250, New Orleans, LA 70190-0250
Physical Address: 1515 Poydras Street, Suite 2700, New Orleans, LA 70112

Phone: (504) 568-6820

Fax: (504) 568-5754

Web site: <http://www.lsbme.louisiana.gov>



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: **In The Matter of** :
: :
: :
: **DAN WILLIAM JOACHIM, M.D.** :
: **(Certificate No. 019070)** :
: :
: :
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No. 10-I-696

INTERIM
CONSENT ORDER

An on-going investigation is being conducted by the Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board") of Dan William Joachim, M.D. ("Dr. Joachim") a physician licensed to practice medicine in this state who at all times pertinent has been engaged in practice in Covington, Louisiana.

On or about August 12, 2010, Respondent was indicted by a federal grand jury sitting in the United States District Court for the Eastern District of Louisiana, with one felony count each of receiving and possessing sexually explicit visual depictions of child pornography, in violation of Title 18, United States Code, Section 2252(a)(2) and 2252(a)(4)(B) (the "criminal charges:").¹

Pursuant to La. Rev. Stat. §§37:1285(A)(1)-(31), the Board has the authority to suspend, revoke or take other action against the license of a physician upon a finding of any infraction of the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §§37:1261-1292. Investigation of the physician's conduct is on-going and continuing.

Respondent understands that by entering into this Interim Consent Order, he is not admitting or acknowledging any impropriety, wrong-doing or violation of federal or state law or the Board's rules, and he specifically reserves the right to contest any and all allegations against him in criminal, civil or administrative proceedings. In addition, as evidenced by his subscription hereto Dr. Joachim acknowledges the right to have written notification of any charges that may be asserted against him, as well as the right to have adjudication of such charges during an administrative hearing at which time he will be entitled to be represented by legal counsel, to call witnesses and to present evidence in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 *et seq.*

¹ *United States of America v. Dan W. Joachim, M.D.*, Crim. No. 10-223, Sect. F, Mag, 1, U.S. Dist. Ct., ED LA (Aug. 12, 2010).

Irrespective of such rights, Dr. Joachim agrees that he shall not engage in the practice of medicine in this state until resolution of the criminal charges and a hearing and decision or another resolution of this matter is reached by the Board. Accordingly, he consents to the indefinite suspension of his license to practice medicine in this state, with reinstatement thereof subject to the terms and conditions of this Order. In addition, Dr. Joachim authorizes the Investigating Officer to present this Interim Consent Order to the Board for its consideration and to fully discuss with and disclose to the Board the nature and extent of such charges and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Joachim expressly acknowledges that disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to prosecute any administrative charges that may be filed in this matter following completion of the current investigation or to the Board's capacity to adjudicate such charges. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Dan William Joachim, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 019070, be and the same is hereby, effective as of the date hereof, *suspended indefinitely*.

IT IS FURTHER ORDERED that Dr. Joachim shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves upon him a written decision reinstating his license to practice following: (1) resolution of the criminal charges pending against him; (2) a meeting with the Investigating Officer for the Board; and (3) the conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed against him in this proceeding; alternatively, (4) by the Board's acceptance of another disposition of the investigation.

IT IS FURTHER ORDERED that any violation or failure to comply with the terms of this Order by Dr. Joachim shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation, cancellation or such action against Dr. Joachim's license to practice medicine in this state as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Interim Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana on and effective this 6th day of Dec, 2010.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:

Mark H. Dawson

MARK H. DAWSON, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF St. Bernard

I, DAN WILLIAM JOACHIM, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 23 day of NOVEMBER, 2010.

[Signature]
DAN WILLIAM JOACHIM, M.D.

WITNESSES:

[Signature]
Signature

[Signature]
Signature

PATRICIA CLIDRESS
Typed Name

SOZAN C BOND JR
Typed Name

1900 Paris Rd.
Address

630 Camp
Address

CHALMERS, LA - 70043
City/State/Zip Code

N.O., LA - 70131
City/State/Zip Code

Sworn to and subscribed before me this _____ day of _____, 2010, in the presence of the two stated witnesses.

Notary Public (Signature and Seal)

Printed Name/Notary or Bar Number