

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:)
CATHERINE A. LOCKWOOD, M.D.) CONSENT AGREEMENT
Complaint Nos. CR11-479/CR12-22)
)

This document is an amendment to a Consent Agreement dated November 13, 2012, effective when signed by all parties, regarding discipline imposed upon the license to practice medicine in the State of Maine to Catherine A. Lockwood, M.D. The parties to this amended Consent Agreement are: Catherine A. Lockwood, M.D. ("Dr. Lockwood"), the State of Maine Board of Licensure in Medicine (the "Board") and the Maine Office of the Attorney General.

STATEMENT OF FACTS

1. The Board first issued Dr. Lockwood a medical license on June 2, 2003. Dr. Lockwood specializes in Family Practice.
2. On September 26, 2011, the Board received information from a physician assistant who was concerned about Dr. Lockwood's prescribing of controlled drugs to patient X. According to the physician assistant, on September 23, 2011, he examined patient X, a former patient of Dr. Lockwood's, who appeared to be suffering from medication toxicity. The Board staff subsequently obtained a prescription profile for patient X from the Prescription Monitoring Program (PMP), and a copy of patient X's medical

records.

3. On November 8, 2011, the Board reviewed the foregoing information and voted to initiate a complaint against Dr. Lockwood's Maine medical license pursuant to 32 M.R.S. § 3282-A(2) alleging inappropriate prescribing practices regarding patient X. The Board docketed the complaint as Complaint No. CR11-479 and sent it to Dr. Lockwood for a response.

4. On January 19, 2012, the Board received a response from Dr. Lockwood to Complaint No. CR11-479. According to Dr. Lockwood, during her care and treatment of patient X, the patient never demonstrated any symptoms of medication toxicity with the exception of one occasion when the patient was dehydrated and presyncopal and was transported by ambulance to the hospital. Dr. Lockwood described her care and treatment of patient X, including her medical rationale for prescribing increasing dosages of controlled drugs, which included a combination of narcotics and benzodiazepines.

5. On February 14, 2012, the Board reviewed Complaint No. CR11-479, including Dr. Lockwood's response and all investigative records. Following its review, the Board voted to further investigate the matter by obtaining additional patient records of Dr. Lockwood. The Board staff subsequently obtained through subpoena an additional five (5) patient records for the Board.

6. On February 14, 2012, the Board also reviewed additional information received from the Maine Office of Attorney General and the Maine

Drug Enforcement Agency regarding Dr. Lockwood's prescribing of controlled drugs to patient Y. The information reviewed also included a copy of the PMP regarding patient Y, and a copy of patient Y's medical records. Following its review of this information, the Board voted to initiate a complaint against Dr. Lockwood's Maine medical license pursuant to 32 M.R.S. § 3282-A(2) alleging inappropriate prescribing practices regarding patient Y. The Board docketed the complaint as Complaint No. CR12-22 and sent it to Dr. Lockwood for a response.

7. On April 24, 2012, the Board received a response from Dr. Lockwood to Complaint No. CR12-22. In her response, Dr. Lockwood described her care and treatment of patient Y, including her medical rationale for prescribing increasing dosages of controlled drugs, which included a combination of narcotics and benzodiazepines. In addition, Dr. Lockwood explained that she was no longer practicing primary care medicine, and was practicing urgent care medicine at a new location, which would obviate the need for her to prescribe controlled drugs for the treatment of chronic pain.

8. In May 8, 2012, the Board reviewed Complaint No. CR11-479 and Complaint No. CR12-22, both of which involved Dr. Lockwood's prescribing of controlled drugs for the treatment of chronic pain. During its review, the Board noted that while Dr. Lockwood appeared to care about the pain that her patients suffered, she ended up treating patients using poly-pharmacy without having a sufficient plan in place. In addition, the Board noted that Dr.

Lockwood: increased at times dosages of controlled drugs despite her plan to decrease the dosages; did not consistently conduct pill counts; at times did not conduct urine drug screens; failed to discontinue controlled substance prescriptions when urine drug screens were positive for marijuana (Dr. Lockwood never prescribed marijuana to patients); and the patient treatment records did not evidence the frequency of physical examinations of patients as required to assess the functionality of the patients with chronic pain. Following its review and discussion the Board voted to schedule an informal conference with Dr. Lockwood regarding Complaint Nos. CR11-479 and CR12-22 concerning the following issues: chronic pain management; choice of medications; tools to manage narcotics; use of follow-up plans; use of poly-pharmacy; examinations and documentation of examinations; and general care, treatment and medical record documentation.

9. On October 9, 2012, the Board held an informal conference with Dr. Lockwood regarding Complaint Nos. CR11-479 and CR12-22. Following the informal conference, the Board voted to schedule the matters for an adjudicatory hearing and offer Dr. Lockwood a Consent Agreement to resolve Complaint Nos. CR11-479 and CR12-22 without further proceedings.

10. On November 13, 2012, the parties entered into a consent agreement that resolved Complaint Nos. CR11-479 and CR12-22 without further proceedings. The consent agreement imposed discipline and a restriction upon Dr. Lockwood's ability to prescribe controlled medications for

more than ten consecutive days.

11. On March 28, 2013, the Board received a request from Dr. Lockwood to amend the consent agreement to delete the restriction on her ability to prescribe controlled drugs for more than ten consecutive days. In support of her request, Dr. Lockwood submitted:

a. Documentation that certain third party payers were in the process of de-credentialing her ability to treat patients insured by them, which would result in the termination of her employment;

b. Documentation that she intends to remain in her current employment, an acute care clinic, in which she provides no chronic pain care and would not be prescribing any controlled drugs for the treatment of chronic pain; and

c. Documentation that she intends to obtain continuing medical education regarding principles and practices of pain management.

12. On April 9, 2013, the Board reviewed Dr. Lockwood's request to amend the consent agreement. Following its review, and in complete reliance upon all of the representation that Dr. Lockwood made in her request, the Board voted to amend the consent agreement by deleting the restriction upon Dr. Lockwood's ability to prescribe controlled drugs for more than ten consecutive days.

COVENANTS

The Board and Dr. Lockwood agree to the following:

13. With regard to Complaint Nos. CR11-479 and 12-22 Dr. Lockwood concedes that the Board has sufficient evidence from which it could conclude that she failed to adhere to Board Rule Chapter 21 "Use of Controlled Substances For Treatment of Pain" and to current "Universal Precautions" for the treatment of patients for chronic, non-cancer pain. Dr. Lockwood concedes that such conduct, if proven, would constitute grounds for discipline of her Maine medical license for unprofessional conduct pursuant to 32 M.R.S. § 3282-A(2)(F).

14. As discipline for the conduct admitted above, Dr. Lockwood agrees to:

a. Accept a REPRIMAND. As a medical professional, Dr. Lockwood was responsible for being aware of and complying with accepted standards of care for the diagnosis and treatment of chronic pain with narcotics and benzodiazepines.

b. Reimburse the Board the actual costs of investigation not to exceed Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00). Dr. Lockwood shall ensure that she makes full payment of reimbursement to the Board within eighteen (18) months following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Maine Board of Licensure in Medicine," and be remitted to Maria

MacDonald, Investigator, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

15. To the extent that Dr. Lockwood prescribes any controlled drugs to patients for acute pain, Dr. Lockwood agrees that she shall comply with Board Rule, Chapter 21, "Use of Controlled Substances For Treatment of Pain."

Dr. Lockwood agrees to fully cooperate with the Board and to permit the Board or its agent(s) to inspect her medical practice, including allowing the Board or its agents full access to and copying of the patient medical records of her medical practice as allowed by law.

16. Dr. Lockwood waives her right to a hearing before the Board or any court regarding all findings, terms, and conditions of this amended Consent Agreement. Dr. Lockwood agrees that this amended Consent Agreement is a final order resolving complaint Nos. CR11-479 and CR12-22. This amended Consent Agreement is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This amended 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.

17. The Board and the Maine Office of the Attorney General may communicate and cooperate regarding Dr. Lockwood or any other matter relating to this amended Consent Agreement.

18. This amended 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 amended Consent Agreement constitutes disciplinary and adverse licensing 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).

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

20. The Board and Dr. Lockwood agree that no further agency or legal action will be initiated against her by the Board based upon Complaint Nos. CR11-479 and CR12-22, except or unless she fails to comply with the terms and conditions of this amended Consent Agreement.

21. Dr. Lockwood acknowledges that, pursuant to Title 10 M.R.S. § 8003(5)(B), her failure to comply with any of the terms or conditions of this amended Consent Agreement shall constitute grounds for additional disciplinary action against her Maine medical license, including but not limited to an order, after hearing, suspending or revoking her license.

22. Dr. Lockwood acknowledges and agrees that, pursuant to Title 10 M.R.S. § 8003(5), the Board has the authority to suspend or revoke her medical license in the event that she fails to comply with any terms or conditions of this amended Consent Agreement.

23. Dr. Lockwood has been represented by Kenneth W. Lehman, Esq., who has participated in the negotiation of this amended Consent Agreement.

24. Dr. Lockwood acknowledges by her signature hereto that she has

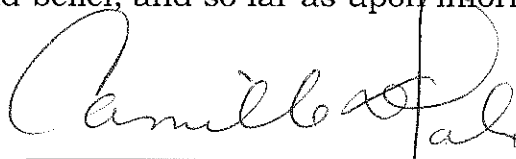
read this amended Consent Agreement, that she has had an opportunity to consult with an attorney before executing this amended Consent Agreement, that she executed this amended Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

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

Dated: 4/16/13 
CATHERINE A. LOCKWOOD, M.D.

STATE OF New York, S.S.

Personally appeared before me the above-named, Catherine A. Lockwood, 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.

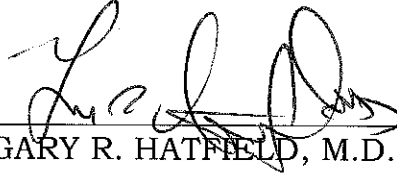
Dated: 4-16-13 
NOTARY PUBLIC/ATTORNEY CAMILLE DI SALVO
Notary Public, State of New York
No. 01D14752073
Qualified in Westchester County
Commission Expires 2-28-14
MY COMMISSION ENDS: 2/28/14

Dated: 4.17.2013 
KENNETH W. LEHMAN, ESQ.
Attorney for Catherine A. Lockwood, M.D.

STATE OF MAINE BOARD OF
LICENSURE IN MEDICINE

Dated:

4/23/13



GARY R. HATFIELD, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF ATTORNEY GENERAL

Dated:

4/23/13



DENNIS E. SMITH
Assistant Attorney General

Effective Date:

4/23/13

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:)	CONSENT AGREEMENT
CATHERINE A. LOCKWOOD, M.D.)	FOR DISCIPLINE AND
Complaint Nos. CR11-479/CR12-22)	RESTRICTED LICENSE
)	

This document is a Consent Agreement For Discipline and Restricted Licensure, effective when signed by all parties, regarding discipline imposed upon and the issuance of an active restricted license to practice medicine in the State of Maine to Catherine A. Lockwood, M.D. The parties to this Consent Agreement are: Catherine A. Lockwood, M.D. (“Dr. Lockwood”), the State of Maine Board of Licensure in Medicine (the “Board”) and the Maine Office of the Attorney General.

STATEMENT OF FACTS

1. The Board first issued Dr. Lockwood a medical license on June 2, 2003. Dr. Lockwood specializes in Family Practice.
2. On September 26, 2011, the Board received information from a physician assistant who was concerned about Dr. Lockwood’s prescribing of controlled drugs to patient X. According to the physician assistant, on September 23, 2011, he examined patient X, a former patient of Dr. Lockwood’s, who appeared to be suffering from medication toxicity. The Board staff subsequently obtained a prescription profile for patient X from the Prescription Monitoring Program (PMP), and a copy of patient X’s medical

records.

3. On November 8, 2011, the Board reviewed the foregoing information and voted to initiate a complaint against Dr. Lockwood's Maine medical license pursuant to 32 M.R.S. § 3282(A)(2) alleging inappropriate prescribing practices regarding patient X. The Board docketed the complaint as Complaint No. CR11-479 and sent it to Dr. Lockwood for a response.

4. On January 19, 2012, the Board received a response from Dr. Lockwood to Complaint No. CR11-479. According to Dr. Lockwood, during her care and treatment of patient X, the patient never demonstrated any symptoms of medication toxicity with the exception of one occasion when the patient was dehydrated and presyncopal and was transported by ambulance to the hospital. Dr. Lockwood described her care and treatment of patient X, including her medical rationale for prescribing increasing dosages of controlled drugs, which included a combination of narcotics and benzodiazepines.

5. On February 14, 2012, the Board reviewed Complaint No. CR11-479, including Dr. Lockwood's response and all investigative records. Following its review, the Board voted to further investigate the matter by obtaining additional patient records of Dr. Lockwood. The Board staff subsequently obtained through subpoena an additional five (5) patient records for the Board.

6. On February 14, 2012, the Board also reviewed additional information received from the Maine Office of Attorney General and the Maine

Drug Enforcement Agency regarding Dr. Lockwood's prescribing of controlled drugs to patient Y. The information reviewed also included a copy of the PMP regarding patient Y, and a copy of patient Y's medical records. Following its review of this information, the Board voted to initiate a complaint against Dr. Lockwood's Maine medical license pursuant to 32 M.R.S. § 3282-A(2) alleging inappropriate prescribing practices regarding patient Y. The Board docketed the complaint as Complaint No. CR12-22 and sent it to Dr. Lockwood for a response.

7. On April 24, 2012, the Board received a response from Dr. Lockwood to Complaint No. CR12-22. In her response, Dr. Lockwood described her care and treatment of patient Y, including her medical rationale for prescribing increasing dosages of controlled drugs, which included a combination of narcotics and benzodiazepines. In addition, Dr. Lockwood explained that she was no longer practicing primary care medicine, and was practicing urgent care medicine at a new location, which would obviate the need for her to prescribe controlled drugs for the treatment of chronic pain.

8. In May 8, 2012, the Board reviewed Complaint No. CR11-479 and Complaint No. CR12-22, both of which involved Dr. Lockwood's prescribing of controlled drugs for the treatment of chronic pain. During its review, the Board noted that while Dr. Lockwood appeared to care about the pain that her patients suffered, she ended treating patients using poly-pharmacy without having a sufficient plan in place. In addition, the Board noted that that Dr.

Lockwood: increased at times dosages of controlled drugs despite her plan to decrease the dosages; did not consistently conduct pill counts; at times did not conduct urine drug screens; failed to discontinue controlled substance prescriptions when urine drug screens were positive for marijuana (Dr. Lockwood never prescribed marijuana to patients); and the patient treatment records did not evidence the frequency of physical examinations of patients as required to assess the functionality of the patients' chronic pain. Following its review and discussion the Board voted to schedule an informal conference with Dr. Lockwood regarding Complaint Nos. CR11-479 and CR12-22 concerning the following issues: chronic pain management; choice of medications; tools to manage narcotics; use of follow-up plans; use of poly-pharmacy; examinations and documentation of examinations; and general care, treatment and medical record documentation.

9. On October 9, 2012, the Board held an informal conference with Dr. Lockwood regarding Complaint Nos. CR11-479 and CR12-22. Following the informal conference, the Board voted to schedule the matters for an adjudicatory hearing and offer Dr. Lockwood this Consent Agreement to resolve Complaint Nos. CR11-479 and CR12-22 without further proceedings.

10. This Consent Agreement has been negotiated by and between legal counsel for Dr. Lockwood and the Maine Office of the Attorney General in order to resolve Complaint Nos. CR11-479 and CR12-22 without an adjudicatory hearing. Absent Dr. Lockwood'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 December 10, 2012, the Board will resolve this matter by holding a consolidated adjudicatory hearing at a later date.

11. By signing this Consent Agreement, Dr. Lockwood 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. Dr. Lockwood 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 proceeding to an adjudicatory hearing the Board and Dr. Lockwood agree to the following disposition.

12. With regard to Complaint Nos. CR11-479 and CR12-22 Dr. Lockwood concedes that the Board has sufficient evidence from which it could conclude that she failed to adhere to Board Rule Chapter 21 "Use of Controlled Substances For Treatment of Pain" and to current "Universal Precautions" for the treatment of patients for chronic, non-cancer pain. Dr. Lockwood concedes that such conduct, if proven, would constitute grounds for discipline of her Maine medical license for unprofessional conduct pursuant to 32 M.R.S. § 3282-A(2)(F).

13. As discipline for the conduct admitted above, Dr. Lockwood agrees

to:

a. Accept a REPRIMAND. As a medical professional, Dr. Lockwood was responsible for being aware of and complying with accepted standards of care for the diagnosis and treatment of chronic pain with narcotics and benzodiazepines.

b. Reimburse the Board the actual costs of investigation not to exceed Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00). Dr. Lockwood shall ensure that she makes full payment of reimbursement to the Board within eighteen months (18) months following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Maine Board of Licensure in Medicine," and be remitted to Maria MacDonald, Investigator, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

c. Effective upon the execution of this Consent Agreement, accept the following license restriction, which shall remain in effect unless or until this Consent Agreement is rescinded or amended by all of the parties hereto: Dr. Lockwood may prescribe controlled substances for no more than ten (10) consecutive days to treat acute conditions. In addition, to the extent that Dr. Lockwood prescribes any controlled drugs to patients for acute pain, Dr. Lockwood agrees that she shall comply with Board Rule, Chapter 21, "Use of Controlled Substances For Treatment of Pain."

14. In order to ensure her compliance with the restriction on her ability to prescribe controlled drugs for the treatment of chronic pain, Dr. Lockwood agrees to fully cooperate with the Board and to permit the Board or its agent(s) to inspect her medical practice, including allowing the Board or its agents full access to and copying of the patient medical records of her medical practice as allowed by law.

15. Dr. Lockwood waives her right to a hearing before the Board or any court regarding all findings, terms, restrictions and conditions of this Consent Agreement. Dr. Lockwood agrees that this Consent Agreement is a final order resolving complaint Nos. CR11-479 and CR12-22. 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.

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

17. 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 and adverse licensing 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).

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

19. The Board and Dr. Lockwood agree that no further agency or legal action will be initiated against her by the Board based upon Complaint Nos. CR11-479 and CR12-22, except or unless she fails to comply with the terms and conditions of this Consent Agreement.

20. Dr. Lockwood acknowledges that, pursuant to Title 10 M.R.S. § 8003(5)(B), her failure to comply with any of the terms or conditions of this Consent Agreement shall constitute grounds for additional disciplinary action against her Maine medical license, including but not limited to an order, after hearing, suspending or revoking her license.

21. Dr. Lockwood acknowledges and agrees that, pursuant to Title 10 M.R.S. § 8003(5), the Board has the authority to suspend or revoke her medical license in the event that she fails to comply with any terms or conditions of this Consent Agreement.

22. Dr. Lockwood has been represented by Kenneth W. Lehman, Esq., who has participated in the negotiation of this Consent Agreement.

23. Dr. Lockwood 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.

I, CATHERINE A. LOCKWOOD, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING IT, 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: 11/13/12


CATHERINE A. LOCKWOOD, M.D.


STATE OF MAINE
CUMBERLAND, S.S.

Personally appeared before me the above-named, Catherine A. Lockwood, 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: NOVEMBER 13, 2012


NOTARY PUBLIC/ATTORNEY
MAINE BAR LIC. 3283
MY COMMISSION ENDS: _____

Dated: NOVEMBER 13, 2012


KENNETH W. LEHMAN, ESQ.
Attorney for Catherine A. Lockwood, M.D.

STATE OF MAINE BOARD OF
LICENSURE IN MEDICINE

Dated:

11/13/12

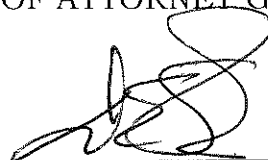


GARY R. HATHFIELD, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF ATTORNEY GENERAL

Dated:

11/13/12



DENNIS E. SMITH
Assistant Attorney General

Effective Date:

11/13/12