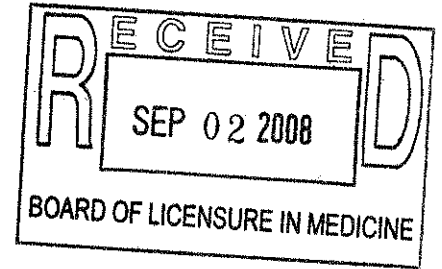


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE



In re:) CONSENT
Joseph D. Ruffner, M.D.) AGREEMENT
Complaint No. CR07-390)

This document is a Consent Agreement, effective when signed by all parties, regarding a disciplinary action concerning and conditions imposed upon the license to practice medicine in the State of Maine held by Joseph D. Ruffner, M.D. The parties to the Consent Agreement are: Joseph D. Ruffner, M.D. ("Dr. Ruffner"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of 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. Dr. Ruffner has held a license to practice medicine in the State of Maine since December 14, 2001. Dr. Ruffner specializes in Psychiatry.
2. On or about December 19, 2007, the Board voted, pursuant to 32 M.R.S. § 3282-A, to initiate a complaint against Dr. Ruffner's Maine medical license based upon information it received that he had sold a firearm to a patient. The Board docketed that complaint as CR07-390.
3. On or about February 19, 2008, the Board received a response from Dr. Ruffner to Complaint CR07-390, together with a copy of the patient's medical records. In his response, Dr. Ruffner admitted selling a firearm to one of his psychiatric patients.

4. On or about May 28, 2008, the Board received a report from Judy A. Burk, M.D. Dr. Burk reviewed the medical records created by Dr. Ruffner regarding the patient to whom he sold the firearm and provided her opinion that Dr. Ruffner's sale of the firearm to his psychiatric patient violated The American Medical Association Code of Medical Ethics, The American Psychiatric Association's The Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry, constituted a boundary violation in the doctor-patient relationship, and violated the accepted standard of care

5. On or about June 10, 2008, the Board reviewed Complaint CR07-390, and voted to schedule the matter for an adjudicatory hearing. In addition, the Board authorized its legal counsel to negotiate a consent agreement with Dr. Ruffner and his legal counsel that resolved Complaint CR07-390 without hearing.

6. This Consent Agreement has been negotiated by counsel for Dr. Ruffner and counsel for the Board in order to resolve complaint CR07-390 without an adjudicatory hearing. Absent Dr. Ruffner's acceptance of this Consent Agreement by signing and dating it in front of a notary and returning it to the Board on or before September 2, 2008, the matter will proceed to an adjudicatory hearing. In addition, absent the Board's acceptance of this Consent Agreement by ratifying it on September 9, 2008, the matter will proceed to an adjudicatory hearing.

7. By signing this Consent Agreement, Dr. Ruffner and his legal counsel waive any and all objections to, and hereby consent to the presentation

of this Consent Agreement to the Board for possible ratification. Dr. Ruffner and his legal counsel also forever waive 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 in this matter, Dr. Ruffner agrees to the following:

8. Dr. Ruffner admits that with regard to complaint CR07-390 the Board has sufficient evidence from which it could reasonably conclude that he sold a firearm to a psychiatric patient under his care and treatment. Dr. Ruffner admits that the Board has sufficient evidence from which it could conclude that such conduct constitutes incompetence and unprofessional conduct and grounds for discipline of his Maine medical license pursuant to 32 M.R.S. § 3282-A(2).

9. For the conduct admitted in paragraph 8 above, Dr. Ruffner agrees to accept, and the Board agrees to issue, the following discipline:

a. A REPRIMAND. Dr. Ruffner agrees that he will never again sell a psychiatric patient under his care and treatment a firearm or any other property.

b. A MONETARY PENALTY of One Thousand Dollars and Zero Cents (\$1,000.00). Dr. Ruffner shall ensure that he pays the monetary

penalty within thirty (30) days following the execution¹ of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to Maria MacDonald, Investigator, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

c. A LICENSE PROBATION for five (5) years following the execution of this Consent Agreement. During the period of probation, Dr. Ruffner shall comply with the following conditions:

(i) Dr. Ruffner's medical practice will be monitored by a physician approved by the Board. The monitoring physician shall be an agent of the Board pursuant to Title 24 M.R.S. § 2511. In complying with this provision, Dr. Ruffner shall, within sixty (60) days of the execution of this Consent Agreement submit for Board approval the name of a licensed Maine physician who shall monitor his practice of medicine. The Board shall have the sole discretion, without hearing, to approve or disapprove any physician monitor proposed by Dr. Ruffner. The monitoring physician must be in direct contact with Dr. Ruffner and observe him within his medical practice, including observing Dr. Ruffner's interaction with patients, pursuant to the following schedule:

(a) For the first year of probation following the

¹ For the purposes of this Consent Agreement, "execution" means the date on which the final signature is affixed to this Consent Agreement.

execution of this Consent Agreement, the monitoring physician shall observe Dr. Ruffner within his medical practice at least once a week;

(b) For the remaining years of probation, the monitoring physician shall observe Dr. Ruffner within his medical practice at least once a month.

(ii) Dr. Ruffner shall ensure that the duties of his monitoring physician include: on-going, regular supervision; a review of ten (10) percent of his patient charts; a review of the efficacy of diagnosis, treatment, and any prescribed medications; and consultation with other physicians or medical providers involved in the care rendered to patients by Dr. Ruffner. In complying with this requirement, Dr. Ruffner shall permit his monitoring physician full access to all patient information;

(iii) If Dr. Ruffner's monitoring physician identifies any concerns regarding any aspect of Dr. Ruffner medical practice, he/she shall immediately notify the Board in writing about such concerns;

(iv) Dr. Ruffner shall permit the Board or its agent(s) complete access to his medical practice, including but not limited to all patient records. In complying with this condition, Dr. Ruffner shall provide the Board with copies of any medical records requested by the Board or its agent(s);

(v) Dr. Ruffner shall complete the following continuing medical education within the twelve (12) months following the execution of this Consent Agreement:

(a) A Board-approved course in ethics;

(b) A Board-approved course in doctor-patient boundaries.

(vi) Dr. Ruffner shall, pursuant to 10 M.R.S. § 8003(5), bear all costs incurred in complying with the conditions of probation.

10. Dr. Ruffner waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Ruffner agrees that this Consent Agreement is a final order resolving Complaint CR07-390. This Consent Agreement is not appealable. 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. Requests for amendments by Dr. Ruffner shall be made in writing and submitted to the Board. Dr. Ruffner may, at reasonable intervals, petition the Board for amendment of the terms and conditions of this Consent Agreement. Upon making such a petition, Dr. Ruffner shall bear the burden of demonstrating that the Board should amend the Consent Agreement. The Board shall have the sole discretion to: (a) deny Dr. Ruffner's petition; (b) grant Dr. Ruffner's petition; and/or (c) grant Dr. Ruffner's petition in part as it deems appropriate to ensure the protection of the public. Any decision by the Board on this issue need not be made pursuant to a hearing and is not appealable.

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

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

13. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.

14. This Consent Agreement constitutes disciplinary action that is reportable to the National Practitioner Data Bank (NPDB), the Healthcare Integrity and Protection Data Bank (HIPDB), and the Federation of State Medical Boards (FSMB).

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

16. The Board and Dr. Ruffner agree that no further agency or legal action will be initiated against him by the Board based upon the facts described herein, except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above in the event that similar true allegations are brought against Dr. Ruffner in the future. The Board may also consider the fact that

discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Dr. Ruffner's license.

17. The term of this Consent Agreement is FIVE (5) YEARS from the date of execution, and remains in full force and effect until such time expires or it is modified in writing by agreement of the parties.

18. Dr. Ruffner shall provide a copy of this Consent Agreement to: (i) his monitoring physician; (ii) any employer; (iii) the Chief Executive Officer (CEO) of any hospital where he holds or seeks privileges to practice medicine; and (iv) the licensing authority of any jurisdiction where he holds or seeks a medical license.

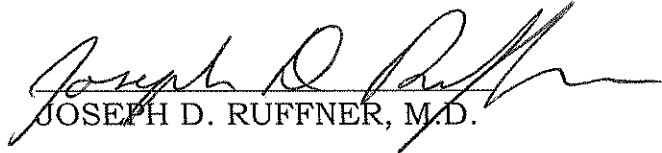
19. Dr. Ruffner shall, pursuant to 32 M.R.S. § 3282-A(1), notify all patients whom he treats of this probation and conditions under which he is practicing medicine.

20. Dr. Ruffner 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.

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

I, JOSEPH D. RUFFNER, 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: 8.29.08


JOSEPH D. RUFFNER, M.D.


STATE OF Maine
Cumberland, S.S.

Personally appeared before me the above-named Joseph D. Ruffner, 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: 8-29-2008


~~NOTARY PUBLIC/ATTORNEY~~
Kenneth W. Lehman, Bar # 3283
~~MY COMMISSION ENDS: _____~~

DATED: 8-29-2008


KENNETH W. LEHMAN, ESQ.
ATTORNEY FOR DR. RUFFNER

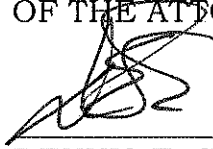
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 9/8/2008


SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 9/9/08



DENNIS E. SMITH
Assistant Attorney General

Effective Date: