

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
Application of ) FOR  
Robert P. Andrews, M.D. ) CONDITIONAL LICENSURE

INTRODUCTION

This document is a Consent Agreement regarding a licensing action that issues Robert P. Andrews, M.D., a conditional license to practice medicine in the State of Maine. The parties to this Consent Agreement are: Robert P. Andrews, M.D. ("Dr. Andrews"), the State of Maine Board of Licensure in Medicine ("the Board"), and the Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

FACTS

1. The Board first issued Dr. Andrews a medical license on July 7, 1964. Dr. Andrews specializes in Nuclear Medicine.
2. On or about January 18, 2007, the Board received a complaint filed against Dr. Andrew's Maine medical license. According to the complaint, Dr. Andrews had written 49 prescriptions for controlled substances to his girlfriend, D.M., during an 18 month period of time. The Board docketed that Complaint as CR 07-020.
3. Investigation of Complaint CR07-020 revealed that between December 14, 2005 and December 19, 2006, Dr. Andrews provided D.M. with 37 prescriptions for Hydrocodone, a controlled drug and 12 prescriptions for Xanax. Investigation also revealed that, at the time that Dr. Andrews wrote the

prescriptions for D.M., D.M. was already under the care of another physician, who was already prescribing controlled drugs to D.M.

4. On or about February 2, 2007, the Board received a response from Dr. Andrews to Complaint CR07-020. In his response, Dr. Andrews admitted that he was aware that D.M. was under the care of another physician. Dr. Andrews also admitted prescribing controlled drugs to D.M. because D.M.'s physician "was frequently unavailable" when D.M. was reportedly experiencing pain related to chemotherapy. Dr. Andrews indicated that he "was and remain[ed] sensitive to the issue of prescription drug abuse," and that he discontinued prescribing controlled drugs to D.M. when her symptoms subsided "towards the end of 2006." Finally, Dr. Andrews indicated that:

My role was that of a caring and thoughtful provider who recognized the potential for narcotics abuse and did everything I could to help the one I love to get through therapy successfully. I strongly deny any unethical behavior when I worked as a colleague with Dr. [F] to provide relief and support for [D.M.] during the treatment.

5. On or about March 28, 2007, the Board's investigator met with Dr. F, D.M.'s physician. Dr. F advised the Board's investigator that she was aware that Dr. Andrews was dating D.M. In addition, Dr. F informed the Board's investigator that she was not aware of the extent to which Dr. Andrews was prescribing controlled drugs to D.M., and that she was not frequently unavailable as alleged by Dr. Andrews.

6. On June 17, 2007, the Board held an informal conference with Dr. Andrews regarding complaint CR07-020. Specifically, the Board wanted to discuss the following issues with Dr. Andrews:

- a. Prescribing controlled drugs for D.M. in apparent violation of the American Medical Association's Code of Medical Ethics;
- b. Record keeping of the diagnosis, treatment and prescriptions for D.M.; and
- c. Statements Dr. Andrews made to the Board investigator.

During the informal conference, Dr. Andrews offered to surrender his Maine medical license in lieu of any further proceedings regarding Complaint CR07-020. The Board voted to accept Dr. Andrews' proffered license surrender, and reported the matter to the National Practitioner Data Banks and the Federation of State Medical Boards.

7. On April 22, 2008, the Board received an application from Dr. Andrews to reinstate his Maine medical license. In his application for reinstatement, Dr. Andrews reported that his federal DEA registration had been revoked. In addition, Dr. Andrews asserted that the events leading to the surrender of his license occurred because he was "hoodwinked' by a clever and ruthless prescription drug addict." In addition, Dr. Andrews asserted that he later learned that D.M. "was stealing drugs from friends and neighbors at the time and buying drugs from local dealers off the street!" Dr. Andrews stated that he would never knowingly write prescriptions for a drug addict, indicated

that this “one time” failure in judgment has taught him a lesson, and requested reinstatement of his Maine medical license.

8. On September 9, 2008, the Board reviewed Dr. Andrews's application for the reinstatement of his Maine medical license. Following its review, the Board voted to reinstate Dr. Andrews's Maine medical license pursuant to a consent agreement that imposed restrictions on his license.

9. Absent acceptance of this Consent Agreement by Dr. Andrews by signing and dating it in front of a notary and returning it to Vickie Plummer, Licensure Specialist, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before October 23, 2008, the Board will deny Dr. Andrews's application for the reinstatement of his Maine medical license.

#### COVENANTS

10. Dr. Andrews admits that, in light of the investigative information in CR07-020 and his previous surrender of licensure in lieu of further proceedings, the Board has sufficient evidence to deny his application for reinstatement pursuant to 32 M.R.S. §§ 3271(5) & 3282-A(2). Dr. Andrews admits that he inappropriately prescribed controlled drugs to D.M., who, contrary to Dr. Andrews's earlier assertions, used her relationship with him to obtain narcotic drugs. Dr. Andrews admits that his prescribing of controlled drugs to D.M. constituted unprofessional conduct pursuant to 32 M.R.S. § 3282-A(2)(F).

11. In light of the admission in paragraph 10 above, the Board agrees to issue and Dr. Andrews agrees to accept a Maine medical license subject to the following conditions, which conditions shall remain in full force and effect unless or until modified by the Board in its sole discretion:

a. A restricted Maine medical license that limits his ability to prescribe medications as follows:

- i. Dr. Andrews shall not apply for nor obtain a federal DEA registration; and
- ii. Dr. Andrews shall not prescribe any controlled substances to any individual(s) in the State of Maine. For the purpose of this Consent Agreement, the term “controlled substances” means any drug listed on Schedules I, II, III, IV & V by the U.S. Drug Enforcement Administration.

b. Complete the following continuing medical education courses, which must be pre-approved by the Board, within nine (9) months following the execution<sup>1</sup> of this Consent Agreement:

- i. Ethics and boundaries; and
- ii. Prescribing practices.

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<sup>1</sup> For the purposes of this Consent Agreement, “execution” shall mean the date on which the final signature is affixed to this Consent Agreement.

The foregoing continuing education shall not be creditable towards the continuing education required for the renewal of Dr. Andrews's Maine medical license.

12. Violation by Dr. Andrews of any of the terms or conditions of this Consent Agreement or the restrictions imposed upon his Maine medical license shall constitute grounds for discipline, including modification, suspension, or revocation of licensure or the denial of re-licensure.

13. Pursuant to 10 M.R.S. § 8003(5)(B) the Board and Dr. Andrews agree that the Board has the authority to issue an order modifying, suspending, revoking his license in the event that he fails to comply with any of the terms, conditions, or restrictions of this Consent Agreement.

14. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto. Dr. Andrews waives his right to a hearing before the Board or any court regarding all facts, terms and conditions of this Consent Agreement. Dr. Andrews agrees that this Consent Agreement is a final order resolving his application for reinstatement of his Maine medical license. This Consent Agreement is not appealable and is effective until modified or rescinded 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. Any decision by the Board as a result of Dr. Andrews's request to modify this

Consent Agreement need not be made pursuant to a hearing and is not appealable to any court.

15. The Board and the Attorney General may communicate and cooperate regarding Dr. Andrews's practice or any other matter relating to this Consent Agreement.

16. 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.

17. This Consent Agreement is reportable to the National Practitioner Data Bank and the Healthcare Integrity Protection Data Bank because it places restrictions upon Dr. Andrews's Maine medical license.

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

19. Dr. Andrews 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, ROBERT P. ANDREWS, 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: 30 Sept 2008 Robert P Andrews MD  
ROBERT P. ANDREWS, M.D.

STATE OF Maine  
Piscataquis, S.S.

Personally appeared before me the above-named Robert P. Andrews, 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: 9-30-08 Emily Roberts  
NOTARY PUBLIC/ATTORNEY  
MY COMMISSION ENDS: 02-13-2010

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 10/14/08 Sheridan R. Oldham MD  
SHERIDAN R. OLDHAM, M.D., Chairman



STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: 10/14/08



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DENNIS E. SMITH  
Assistant Attorney General

Effective Date:

12 June 07

I wish to surrender my Maine  
Medical License @ this time in  
lieu of further proceedings

Robert P. Pedersen MD