

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

IN RE:	)	TERMINATION OF
David N. Breer, M.D.	)	CONSENT AGREEMENT
Application for Licensure	)	FOR CONDITIONAL
	)	LICENSURE

This document terminates a Consent Agreement effective December 11, 2012, regarding the issuance of a conditional active license to practice medicine in the State of Maine to David N. Breer, M.D. The parties to that Consent Agreement were: David N. Breer, M.D. (“Dr. Breer”), the State of Maine Board of Licensure in Medicine (“the Board”), and the Office of the Attorney General (the “Attorney General”).

BACKGROUND

1. On December 11, 2012, the parties entered into a Consent Agreement For Conditional License based upon Dr. Breer’s prior disciplinary history with the Board and his lack of recent clinical practice.

2. On October 4, 2013, the Board received a written request from Dr. Breer through his attorney to terminate the Consent Agreement For Conditional Licensure. In support of his request, Dr. Breer stated that he has fully complied with the terms of the consent agreement, is successfully employed at Maine General Medical Center, and desires to become Board-certified in psychiatry in 2014. Dr. Breer also indicated that he currently has a group of hospital-based professional colleagues who observe him on a daily basis and would report any signs of relapse to his supervisor. In addition, Dr. Breer submitted letters from the following individuals in support of his request to terminate the restrictions imposed by the Consent Agreement for Conditional Licensure: Amy Tardy, Ph.D. of the Medical Professionals Health Program who indicated that Dr. Breer had

been successfully participating in that program since January 12, 2012, and was not at risk of relapse; Steve Diaz, M.D., Chief Medical Officer at Maine General Medical Center who indicated that Dr. Breer was being actively monitored, excels clinically and professionally and would be adversely affected by being ineligible for national board certification if the restrictions on his Maine medical license remained in place; and Robert Crosswell, M.D., Chief of Psychiatry at Maine General Medical Center and Dr. Breer's clinical supervisor who indicated that he has carefully and regularly monitored Dr. Breer's progress and supported granting him an unrestricted medical license.

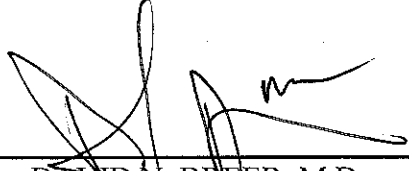
3. On November 12, 2013, the Board reviewed Dr. Breer's written request to terminate the Consent Agreement For Conditional Licensure, his prior compliance with its terms and conditions, his successful practice of medicine thereunder, and all of the letters in support of lifting the restrictions upon his medical license. Following its review, the Board voted to grant Dr. Breer's request to terminate the Consent Agreement For Conditional Licensure.

#### COVENANT

4. Dr. Breer, the Board, and the Office of Attorney General hereby agree to terminate the Consent Agreement For Conditional License dated December 11, 2012.

I, DAVID N. BREER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING TERMINATION TO THE CONSENT AGREEMENT FOR CONDITIONAL LICENSURE AND AGREE WITH ITS CONTENTS AND TERMS. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated: 1/1/14

  
\_\_\_\_\_  
DAVID N. BREER, M.D.


STATE OF MAINE  
BOARD OF LICENSURE IN  
MEDICINE

DATED: 1/8/14

  
\_\_\_\_\_  
MAROULLA S. GLEATON, M.D.,  
Chairman

STATE OF MAINE OFFICE  
OF THE ATTORNEY GENERAL

DATED: 1/8/14

  
\_\_\_\_\_  
DENNIS E. SMITH  
Assistant Attorney General

Effective Date: 1/8/14

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

<u>In re:</u>	)	CONSENT AGREEMENT FOR
David N. Breer, M.D.	)	CONDITIONAL LICENSURE
Application for Reinstatement of	)	
Medical Licensure	)	

INTRODUCTION

This document is a Consent Agreement For Conditional Licensure, which grants a conditional license to practice medicine in the State of Maine to David N. Breer, M.D. The parties to this Consent Agreement For Conditional Licensure are: David N. Breer, M.D. (“Dr. Breer”), 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.A. § 1077 and 10 M.R.S.A. § 8003(5).

FACTS

1. The Board first issued Dr. Breer a license to practice medicine in the State of Maine on July 21, 1992. Dr. Breer specializes in Psychiatry.
2. On November 12, 2002, Dr. Breer entered into a Consent Agreement for Discipline and Modification of License based upon unprofessional conduct for obtaining opiates through inappropriate prescribing practices. The consent agreement converted Dr. Breer’s Maine medical license from active to inactive status indefinitely, and included the following conditions in order to convert his license back to active status:
  - a. Demonstration of six (6) months of continuous sobriety by participation in the Physicians Health Program pursuant to a written substance abuse monitoring agreement;

b. Provide authorization to the Board to obtain a summary of treatment and to discuss his treatment with his treating therapist or practitioner.

3. On May 1, 2005, Dr. Breer allowed his Maine medical license to lapse by not filing an application to renew it.

4. On March 26, 2012, the Board received an application from Dr. Breer for the reinstatement of his Maine medical license to active status.

5. On March 27, 2012, the Board received correspondence from the Maine Medical Professionals Health Program (MPHP) confirming that Dr. Breer was an active and continuing participant in that program since January 11, 2012, and that he was being monitored pursuant to a written agreement.

6. On May 8, 2012, the Board reviewed Dr. Breer's application for licensure, and voted to table further action on it pending receipt of information from Dr. Breer's treating therapist, and Dr. Breer's successful passage of the Special Purpose Examination (SPEX) in order to demonstrate his current medical competence.

7. On November 13, 2012, the Board reviewed Dr. Breer's application for licensure, which included:

a. Documentation from the MPHP demonstrating Dr. Breer's active sobriety for at least six months through a written monitoring contract;

b. Documentation of his successful passage of the SPEX; and

c. Documentation regarding Dr. Breer's treatment and on-going therapy, including an opinion that Dr. Breer was fit to return to the active practice of medicine.

Following its review of Dr. Breer's application for licensure, the Board voted to

offer this Consent Agreement for Conditional Licensure to Dr. Breer in order to grant his application for licensure with conditions.

8. Pursuant to Title 32 Chapter 48 the Legislature endowed the Board with the power and duty to regulate the practice of physicians and physician assistants licensed by the Board, including setting standards of practice and investigating complaints. Pursuant to 10 M.R.S. § 8008 the Legislature provided that the sole purpose of the Board is to “protect the public health and welfare” and that “other goals or objectives may not supersede this purpose.”

9. In light of Dr. Breer’s prior conduct and the documentation of his efforts at rehabilitation and abstinence, and in light of the Board’s duty to protect the public, the parties agree to enter in to this Consent Agreement For Conditional Licensure pursuant to the terms and conditions identified below.

#### COVENANTS

10. The Board agrees to issue and Dr. Breer agrees to accept a Maine medical license pursuant to this Consent Agreement for Conditional Licensure, which shall become effective upon the execution<sup>1</sup> of this document. Until this Consent Agreement is modified or rescinded in writing by all of the parties hereto, Dr. Breer’s license to practice as a physician shall be subject to the following conditions:

a. Abstinence. Dr. Breer shall totally refrain from the use or possession of any and all Prohibited Substances except drugs that are dispensed or prescribed by a single primary care physician or drugs that are dispensed or prescribed under circumstances that constitute a genuine medical or surgical emergency. “Prohibited Substances” as used throughout this Consent Agreement shall mean all controlled substances (i.e. benzodiazepines; sedatives; hypnotics or similar drugs; opiates; cocaine), alcohol, and all mood and/or consciousness or mind-altering substances, whether illicit or not. In the event that the Board or Board staff receives a report of use or possession of

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<sup>1</sup> The term “execution” means the date on which the final signature is affixed to this Consent Agreement.

any Prohibited Substance by Dr. Breer, it shall result in the immediate suspension of his Maine medical license, which shall continue to be suspended until the Board holds a hearing on the matter.

b. Enrollment and Successful Participation in the Maine Medical Professionals Health Program. Dr. Breer shall enroll in and fully and successfully participate in the Maine Medical Professionals Health Program (MPHP) pursuant to a written contract approved by the Board. **No later than December 19, 2012,** Dr. Breer shall provide the Board with documentation of his enrollment in and successful participation in the MPHP. Dr. Breer understands and agrees that his written contract with the MPHP must be approved by the Board, and that any changes to his written contract with the MPHP must be approved by the Board. In complying with this provision, Dr. Breer specifically and explicitly waives vis a vis the Board, the Board staff, and the Department of Attorney General any claims of confidentiality regarding: (i) the written contract with the MPHP; (ii) any and all records pertaining to his compliance with his contract with the MPHP; and (iii) any records, including but not limited to substance abuse treatment records and laboratory reports, in the possession of the MPHP regarding Dr. Breer. The MPHP contract must include a condition that Dr. Breer submit to testing or monitoring for the presence of any Prohibited Substances as defined under this Consent Agreement. In complying with this testing or monitoring provision, Dr. Breer agrees to the following:

(i) Immediate, Indefinite, Automatic Suspension for Failure Successfully Participate in the MPHP. Dr. Breer's failure to enroll in and/or successfully participate in the MPHP shall result in the immediate, indefinite, automatic suspension of his Maine medical license, which shall continue until the Board holds a hearing on the matter. At hearing, the Board shall make a determination about whether or not Dr. Breer has enrolled and successfully participated in the MPHP. The suspension shall become effective at the time that Dr. Breer receives actual notice from the Board that a report of violation(s) has been made. Actual notice can be provided by telephone, in person, in writing, by another means or any combination of the above-referenced means.

(ii) Testing/Monitoring. Dr. Breer shall undergo such testing of the type (including but not limited to urine, blood, hair or fingernail analysis) as determined by the MPHP<sup>2</sup> and as frequently and for the duration agreed to in the written contract with the MPHP. Failure to undergo such testing as required by the written contract with the MPHP shall constitute a violation of this Consent Agreement, which shall be immediately reported to the Board within 24 hours by the MPHP, and grounds for the immediate

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<sup>2</sup> The MPHP contract may include a condition that Dr. Breer submit to different types of testing.

suspension of Dr. Breer's Maine medical license pending hearing. The suspension shall become effective at the time that Dr. Breer receives actual notice from the Board that a report of a failure to undergo testing has been made. Actual notice can be provided by telephone, in person, in writing, by another means or any combination of the above-referenced means.

(iii) Immediate Report of Positive Test Results. Any test result which indicates any level of a prohibited substance shall be immediately reported by Dr. Breer and the MPHP to the Board in writing within 24 hours after Dr. Breer and the MPHP receive notice of the positive test. Dr. Breer understands that MPHP has a separate duty to report such a positive to the Board pursuant to existing protocols. By way of clarification, immediate reports will not be required if the tests show a positive result for a mood or mind altering drug that is known to the Board and MPHP to be a drug prescribed by Dr. Breer's treatment provider for a medical condition and the levels appear consistent with the quantity and dosage prescribed.

(iv) Retention of Reports. During the term of this Consent Agreement, all original laboratory data and test reports shall be retained by the MPHP until instructed otherwise by the Board.

(v) Rebuttable Presumption and Admission into Evidence of Test Results. It is agreed and understood that a test evidencing the presence of any Prohibited Substance, shall raise a rebuttable presumption that such substance was in fact used by Dr. Breer. Such a positive test result shall alone, including but not limited to any test result showing the presence of ethyl glucuronide, ethyl sulfate, or phosphatidyl ethanol, be sufficient to prove the use of the Prohibited Substance by Dr. Breer. Dr. Breer further agrees that the result of the test shall be admitted into evidence in any proceeding regarding his Maine medical license, whether before the Board or before a Court of competent jurisdiction.

(vi) Accidental Ingestion/Exposure Not a Defense. Dr. Breer is hereby advised and agrees that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time been raised as a defense to a positive screen result for morphine, opiates and/or alcohol. For that reason, Dr. Breer agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies as a condition of this Consent Agreement. In the event that Dr. Breer has a positive screen for morphine, opiates and/or alcohol, Dr. Breer agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold



medicines shall not constitute a defense to such a positive screen. In addition, Dr. Breer is hereby advised that the use of alcohol-based hand sanitizers has from time to time been raised as a defense to a positive screen result for alcohol. For that reason, Dr. Breer agrees to refrain from using alcohol-based hand sanitizers as a condition of this Consent Agreement, and further agrees that in the event of a positive screen for alcohol that the use of an alcohol-based hand sanitizer shall not constitute a defense to such a positive screen.

(vii) Immediate, Indefinite, Automatic Suspension for Positive Test. If any urine or blood test is positive (i.e., in any manner evidences any use of any Prohibited Substance – including a positive result for the presence of ethyl glucuronide, ethyl sulfate, or phosphatidyl ethanol, then the result shall be the immediate, indefinite, automatic suspension of Dr. Breer's Maine medical license, which shall continue until the Board holds a hearing on the matter, unless the Board, or the Board Executive Secretary and the Board's assigned Assistant Attorney General, earlier determine that the report is without merit. The suspension shall become effective at the time that Dr. Breer receives actual notice from the Board that a report of violation(s) has been made. Actual notice can be provided by telephone, in person, in writing, by another means or any combination of the above-referenced means.

(viii) Board Hearing to Determine if Dr. Breer Used Any Prohibited Substance. After receiving a positive report evidencing use by Dr. Breer of any Prohibited Substance, the Board shall investigate the situation, including demanding a response from Dr. Breer. The Board will hold a hearing within 60 days of the automatic suspension or as soon thereafter as practicable (unless both Dr. Breer and the Board agree to hold the hearing later) and it shall be held pursuant to the Maine Administrative Procedure Act.

(ix) Release. Dr. Breer agrees that by executing this Consent Agreement he waives any and all objections to the Board, Board staff, and the Board's assigned Assistant Attorney General having direct contact with the MPHP, including:

- (a) communicating directly with the MPHP regarding his compliance with that program;
- (b) requesting and obtaining copies of any and all documentation regarding his participation in the MPHP, including any and all medical records, evaluations, and reports of monitors and treatment providers;

(c) physically inspecting the MPHP files regarding Dr. Breer's compliance with the MPHP contract.

c. Waiver of Confidentiality and Release of Records. Dr. Breer agrees and understands that the Board and the Department of Attorney General shall have complete access to his present and future personal medical and counseling records, including: records regarding chemical dependency; recording regarding mental health issues; and to all otherwise confidential data pertaining to treatment or monitoring of Dr. Breer for substance abuse and/or mental health issues either within or outside of the MPHP. Dr. Breer waives any privileges concerning such information, reports, or records, and agrees to execute any and all releases necessary to permit the Board or the Department of Attorney General access to such information. All releases must, in addition to waiving any relevant State law privileges or immunities, provide the Board and the Department of Attorney General with access to all material covered by 42 C.F.R., Part 2. In the event that the releases are not sufficient to obtain access to any information which the Board considers relevant, Dr. Breer agrees to personally obtain such information and furnish it to the Board, to the extent permitted by law.

d. Board-Approved Physician Monitor. Prior to his return to the active practice of medicine, Dr. Breer must have a Board-approved practice monitor who shall monitor his medical practice. In complying with this requirement, Dr. Breer shall submit to the Board for its approval the name of a proposed practice monitor, whom the Board has the sole discretion to approve or deny. The monitoring physician must be in direct contact with Dr. Breer and observe him within his medical practice at least once a week, and inform the Board if Dr. Breer demonstrates any issues with regard to isolation, inappropriate boundaries or decision-making, ability to concentrate, absenteeism, substance abuse, incompetence, unprofessionalism or any other concerns. The monitoring physician shall report such information to the Board by telephone and in writing within 24 hours or as soon thereafter as possible. Dr. Breer understands that the monitoring physician will be an agent of the Board pursuant to Title 24 M.R.S. § 2511. Dr. Breer shall permit the monitoring physician full access to his medical practice, including but not limited to all patient information. The Board-approved monitor shall provide the Board with reports regarding Dr. Breer's medical practice every ninety (90) days following the execution of this Consent Agreement. Dr. Breer shall not actively practice medicine until the Board has approved a physician monitor pursuant to this provision. After one (1) year of successful medical practice under this monitoring, Dr. Breer may request that the Board delete this condition of this Consent Agreement. The Board has the sole discretion to grant or deny Dr. Breer's request.

e. Notification to Medical Employer(s)/Potential Medical Employers/Licensing Jurisdictions. Dr. Breer shall provide a copy of this Consent Agreement to any medical employers or potential medical employers, and to any jurisdiction in which he holds or seeks a medical license.

f. Notification of Change of Address/Contact Information. Dr. Breer shall within ten (10) days following the execution of this Consent Agreement provide the Board staff with an address, telephone number and e-mail address by which the Board staff may contact him regarding this Consent Agreement. In addition, Dr. Breer shall provide the Board staff with any changes regarding his address, telephone number and e-mail address within ten (10) days of any such change(s).

11. Violation of any of the terms or conditions of this Consent Agreement by Dr. Breer shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

12. Pursuant to 10 M.R.S. § 8003(5)(B) the Board and Dr. Breer agree that the Board has the authority to issue an order, following hearing, imposing discipline upon his Maine medical license, including but not limited to modifying or revoking his license in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

13. Dr. Breer waives his right to a hearing before the Board or any court regarding all facts, terms and conditions of this Consent Agreement. Dr. Breer agrees that this Consent Agreement is a final order. 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. Dr. Breer may file a written request, together with any supporting documentation to modify the terms and conditions of this Consent Agreement. The Board retains the sole discretion to: (a) deny Dr. Breer's request; (b) grant Dr. Breer's request; and/or (c) grant Dr. Breer's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Dr. Breer's request to modify this Consent Agreement need not be made pursuant to a hearing and is not appealable to any court.

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

15. 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.

16. This Consent Agreement constitutes adverse action and may be reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

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

18. Dr. Breer 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, DAVID N. BREER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT FOR CONDITIONAL LICENSURE AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS CONSENT 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:

11/23/12


  
\_\_\_\_\_  
DAVID N. BREER, M.D.

STATE OF Maine

Kennebec, S.S.


Personally appeared before me the above-named David N. Breer, 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: 11-23-12


  
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: \_\_\_\_\_  
THERESA L. BLISS  
Notary Public, Maine  
My Commission Expires May 25, 2013

DATED: 12/11/12

  
GARY R. HATFIELD, Chairman  
Maine Board of Licensure in Medicine

DATED: 12/11/12

  
DENNIS E. SMITH  
Assistant Attorney General

Effective Date: 12/11/12

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

IN RE: David N. Breer, M.D.            )     CONSENT AGREEMENT  
  )     FOR DISCIPLINE AND  
  )     MODIFICATION OF LICENSE

This document is a Consent Agreement and Order, effective when signed by all parties, regarding discipline and the modification of a license to practice medicine in the State of Maine held by David N. Breer, M.D. (the "Licensee"), the State of Maine Board of Licensure in Medicine (the "Board") and the Maine Department of Attorney General.

FACTUAL BACKGROUND

1. The Licensee has been licensed to practice medicine in the State of Maine since 1992. He has specialized in the practice of psychiatry.
2. During 2000 and 2001, the Licensee obtained controlled substances, namely opiates, through inappropriate prescribing practices. The Licensee's spouse is also a physician and he obtained controlled substances by writing prescriptions for her and using them himself.
3. On May 14, 2001, the Board issued a complaint against the Licensee for unprofessional conduct.

DISCIPLINE

Based on the Licensee's determination not to actively practice medicine and his continuing treatment of his psychiatric problems, the Board will issue and the Licensee will agree to accept the following discipline and modifications to his license:

1. The status of the Licensee's medical license will be changed from active to inactive on the effective date of this Agreement. The Licensee's medical license may remain inactive for as long as the Licensee desires.
2. In order to apply to reinstate the Licensee's medical license to active status, the Licensee must first document six (6) months of continuous sobriety through participation in the Physicians Health Program. If, during the period of monitoring, the Licensee has a urine test that documents use of alcohol or use of a controlled substance not prescribed by a physician knowledgeable of his Consent Agreement, then the Licensee must restart the six (6) month period of documented sobriety. There is no required date by which the Licensee must commence this process, nor is there any

deadline by which the Licensee must have completed documentation of the six (6) months of continued sobriety.

3. When the Licensee begins the six (6) month period of documented sobriety, he will participate in the Physicians Health Program, pursuant to the terms of a written substance abuse monitoring Consent Agreement.

4. The Licensee has represented that he is receiving ongoing psychotherapy and that he plans to continue in psychotherapy. The Licensee agrees that if he seeks to reinstate his active medical license, he will provide authorization to the Board to obtain a summary of treatment and to discuss his treatment with his treating therapist or practitioner.

#### CONDITIONS FOR REINSTATEMENT OF ACTIVE LICENSURE

The Licensee and the Board agree and understand that reinstatement and maintenance of an active license shall be conditioned upon the Licensee's compliance with terms and conditions of licensure that shall be agreed upon at that time by the parties to a written Consent Agreement. Until such time as terms and conditions for reinstatement of active licensure are agreed to by the parties, the Licensee may hold only an inactive medical license.

#### MISCELLANEOUS PROVISIONS:

A. Notice. Unless otherwise specified in this Consent Agreement, written notice shall be deemed served upon mailing by first class mail, postage prepaid.

i. Notice to the Board:

State of Maine Board of Licensure in Medicine  
Attention: Assistant Executive Director  
137 State House Station  
Augusta, Maine 04333-0137  
Telephone: (207) 287-3601

ii. Notice to the Licensee:

David N. Breer, M.D.  
220 South Main Street  
Lewiston, ME 04210

Copy to: Beth Dobson, Esq.  
Verrill & Dana, LLP  
P.O. Box 586  
Portland, Maine 04112-0586

B. Address Change. If the Licensee changes jobs, moves his residence or changes telephone numbers at work or at home, the Licensee shall provide notice to the Board within two weeks after such occurrence.

C. Costs. All costs incurred in performance of the Modifications and Conditions of this Consent Agreement shall be borne by the Licensee. If a violation of this Consent Agreement is proven to have occurred, regardless of the sanctions imposed, the Board may require the Licensee to reimburse the Board for all costs and attorney's fees incurred in proving such violation.

D. Hearings. Unless otherwise specified, hearings shall be held consistent with the Maine Administrative Procedure Act.

E. Severance. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

F. Amendment of Consent Agreement.

This Consent Agreement cannot be amended orally. It can be amended only by a writing signed by the parties hereto and approved by the Department of Attorney General.

1. Requests for amendments made by the Licensee shall be made in writing submitted to the Board.

2. The Board may also propose amendments by sending a written proposal to the Licensee.

G. Advice of Counsel.

The Licensee has been informed that he has the right to legal counsel. He has consulted with an attorney who has negotiated this Consent Agreement on his behalf.


H. Waiver of Right to Appeal.

In regard to all terms and conditions of this Consent Agreement, the Licensee waives any further hearings or appeal to the Court regarding the Conditional License issued hereunder. The Licensee agrees that this Consent Agreement and Order is a final order resolving the Licensee's Licensure status.



I, DAVID N. BREER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT 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: 11/7/02

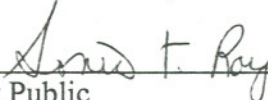
  
David N. Breer, M.D.

STATE OF MAINE


Androscoggin County, ss.

Dated: 11/7/02

Personally appeared before me the above named David N. Breer, 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.

  
Notary Public  
My Commission Expires: \_\_\_\_\_  
SONIA T ROY  
MY COMMISSION EXPIRES  
AUGUST 26, 2006

Dated: 11/4/02

  
Beth Dobson, Counsel to Dr. David N. Breer

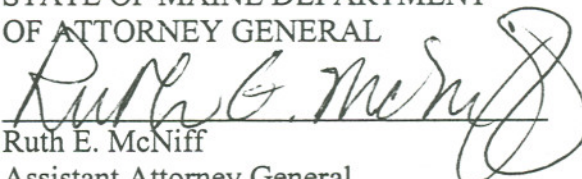
STATE OF MAINE BOARD OF  
LICENSURE IN MEDICINE

Dated: 11/12/02

  
Edward David, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF ATTORNEY GENERAL

Dated: 11/12/02

  
Ruth E. McNiff  
Assistant Attorney General

EFFECTIVE DATE: 11/12/02