

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) SECOND CONSENT
John P. Driscoll, M.D.) AGREEMENT
Complaint No. CR04-065)

This document is a Second 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 John P. Driscoll, M.D. The parties to the Second Consent Agreement are: John P. Driscoll, M.D. ("Dr. Driscoll"), 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 Second Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. At all times relevant to the complaint, Dr. Driscoll was licensed as a physician in the State of Maine. The Board first issued a medical license to Dr. Driscoll on March 11, 1980. Dr. Driscoll is Board certified in Internal Medicine and Cardiovascular Disease, and has been practicing as a cardiologist in the State of Maine.
2. In June 2004, the Board initiated a complaint against Dr. Driscoll's Maine medical license based upon unprofessional conduct and habitual substance abuse that included the use of cocaine.
3. On February 8, 2005, Dr. Driscoll entered into a Consent Agreement with the Board and the Attorney General in which he agreed to completely abstain from the use of any "prohibited substances," including

cocaine. In addition, the Consent Agreement provided that any future use of “prohibited substances” could result in the revocation of his Maine medical license. A copy of that Consent Agreement is attached to and incorporated into this Second Consent Agreement as “Exhibit A.”

4. On or about January 3, 2007, the Board received a letter from Dr. David J. Simmons, M.D., Clinical Director of the Maine Medical Association Committee on Physician Health, which reported that Dr. Driscoll’s urine had tested positive for the presence of cocaine. In addition, that letter indicated that Dr. Driscoll had admitted to Dr. Simmons that he had used cocaine.

5. On January 3, 2007, the Board, pursuant to the Consent Agreement, notified Dr. Driscoll of the immediate, indefinite suspension of his Maine medical license.

6. This Second Consent Agreement has been negotiated by legal counsel for Dr. Driscoll and legal counsel for the Board in order to resolve this matter without an adjudicatory hearing. Absent ratification of this proposed Second Consent Agreement by a majority vote of the Board on February 13, 2007, the matter will proceed to an adjudicatory hearing on a later date.

7. By signing this Consent Agreement, Dr. Driscoll and his legal counsel waive any and all objections to, and hereby consent to the presentation of this proposed Second Consent Agreement to the Board for possible ratification. Dr. Driscoll 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 Second Consent Agreement.

8. Absent Dr. Driscoll's acceptance of this Second Consent Agreement by signing it, dating it, having it notarized, and returning it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before February 12, 2007, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Dr. Driscoll agrees to the following :

9. Dr. Driscoll admits that he used a "prohibited substance" to wit: cocaine, in violation of the terms and conditions of the original Consent Agreement attached as "Exhibit A." Dr. Driscoll admits that such conduct amounts to habitual substance abuse and unprofessional conduct, and constitutes grounds for discipline pursuant to 32 M.R.S.A. § 3282-A(2)(B) & (F).

10. As discipline for the conduct admitted in paragraph 9 above, Dr. Driscoll agrees to the IMMEDIATE REVOCATION his license to practice medicine in the State of Maine.

11. Nothing in this Second Consent Agreement shall prohibit Dr. Driscoll from, at reasonable intervals, petitioning the Board for reinstatement of his Maine medical license. However, Dr. Driscoll agrees that he shall not petition the Board for reinstatement until one (1) year after the execution¹ of this Second Consent Agreement. Upon petitioning the Board for reinstatement, Dr. Driscoll shall bear the burden of

¹ For the purposes of this Second Consent Agreement, the term "execution" shall mean the date on which the last signature is affixed to this Second Consent Agreement.

demonstrating that: (a) his Maine medical license should be reinstated; and (b) that the resumption of his practice of medicine would not pose a threat to himself or 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. Driscoll, may grant or deny the petition and/or may grant Dr. Driscoll a license subject to restrictions and/or conditions pursuant to 10 M.R.S.A. § 8003(5).

12. Dr. Driscoll waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Second Consent Agreement. Dr. Driscoll agrees that this Second Consent Agreement and Order is a final order resolving his pending violation of the original Consent Agreement. This Second Consent Agreement is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This Second 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.

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

14. This Second 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.

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

16. The Board and Dr. Driscoll 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 Second Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Dr. Driscoll in the future. The Board may also consider the fact that discipline was imposed by this Second Consent Agreement in determining whether or not to grant any application by him for reinstatement of his Maine medical license, including but not limited to conditions of reinstatement, and in determining the appropriate discipline in any further complaints against Dr. Driscoll's license.

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

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

DATED:

2-6-07



JOHN P. DRISCOLL, M.D.

STATE OF Maine
Cumberland, S.S.


Personally appeared before me the above-named John P. Driscoll, 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: 6 Feb 07


NOTARY PUBLIC ATTORNEY

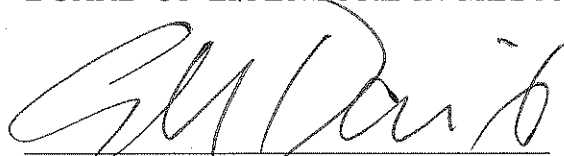
MY COMMISSION ENDS: _____

DATED: 6 Feb 07


JULIAN L. SWEET, ESQ.
ATTORNEY FOR JOHN P. DRISCOLL, M.D.


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 2/13/07

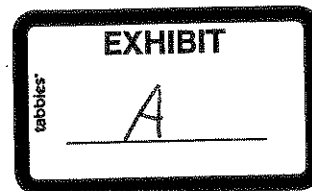

EDWARD DAVID, M.D., Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 2/13/07


DENNIS E. SMITH
Assistant Attorney General

Effective Date:



STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:) CONSENT AGREEMENT
JOHN P. DRISCOLL, M.D.) FOR
) CONDITIONED LICENSE

This document is a Consent Agreement and Order, effective when signed by all parties, regarding the issuance of a conditional license to practice medicine in the State of Maine to John P. Driscoll, M.D. The parties to the Consent Agreement are: John P. Driscoll, 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. John P. Driscoll, M.D., has been licensed to practice medicine in the State of Maine since March 1980. He specializes in the practice of cardiology.
2. At its June 2004 meeting, the Board issued a complaint against the Licensee alleged unprofessional conduct and habitual substance abuse and ordered a psychiatric evaluation which identified longstanding problems with alcohol and bipolar disorder.
3. Dr. Driscoll and his treating psychiatrist appeared before the Board to discuss his history of treatment as well as his future monitoring for substance abuse and his psychiatric illness. The Licensee had been substance free for six months. Over time, the Licensee had modified his practice to an office practice with no hospital patients or night call in order to reduce the stress associated with a full cardiology practice.

CONDITIONS OF LICENSURE

Based on Dr. Driscoll's acceptance of responsibility for his actions, his continuing treatment of his substance abuse and psychiatric problems, as well as the understanding and agreement between Dr. Driscoll and the Board, that any future use of any illicit substance by Dr. Driscoll will result in revocation of his license, the Board will issue and Dr. Driscoll will agree to accept the following conditions to this license. Except as may be specified below, failure to comply with any of the following conditions may result in the nonrenewal or revocation of the Licensee's license to practice medicine in the State of Maine.

1. ABSTINENCE. The Licensee agrees that henceforth he shall completely abstain from the use of any and all Prohibited Substances. "Prohibited Substances" as used throughout this Consent Agreement shall mean: opiates; alcohol; cocaine; fentanyl; mood, consciousness or mind-altering substances, whether illicit or not; and all drugs which are dispensed to or prescribed for the Licensee by anyone other than a treating physician knowledgeable of the Licensee's history of substance abuse, unless the circumstances constitute a genuine medical or

surgical emergency.

A. Prescription Medication. If any controlled drug is dispensed or prescribed for the Licensee for a personal medical condition, the Licensee or the Supervising Physician shall notify the Board by telephone and in writing within 48 hours or as soon thereafter as possible. This notice shall be followed by a written summary of all pertinent circumstances. The Board shall be apprised every five days of all continuing pertinent circumstances regarding continued use of the controlled drug, and a written report thereof shall be submitted to the Board for every five days that the use of the controlled drug continues after the initial 48-hour report.

B. Future Use of Prohibited Substances Shall Result in Loss of Licensure. The Licensee agrees and understands that any reliable evidence of use at any time in the future, whether in Maine or elsewhere, of any Prohibited Substance shall constitute a violation of this Consent Agreement, which SHALL RESULT IN THE IMMEDIATE, INDEFINITE AUTOMATIC SUSPENSION OF LICENSURE. AND PROOF OF USE MAY RESULT IN AUTOMATIC REVOCATION/NON-RENEWAL OF LICENSURE. IF THE BOARD ALLOWS THE LICENSEE TO CONTINUE PRACTICE WITH A CONDITIONED LICENSE, HE MUST FIRST COMPLETE A BOARD APPROVED IN PATIENT TREATMENT PROGRAM FOR SUBSTANCE ABUSE.

2. SANCTION FOR VIOLATION OF LICENSE CONDITIONS.

A. Automatic Suspension. Any reliable oral or written report to the Board of violation, of these License Conditions shall result in the immediate, indefinite and automatic suspension of the Licensee's license. The automatic suspension of the Licensee's license shall become effective at the time the Licensee receives actual notice from the Board that a report of violation 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. The indefinite, automatic suspension shall continue until the Board holds a hearing on the matter, unless the Board earlier determines that the report is without merit or decides that no further sanction is warranted.

B. Continued Suspension; Other Sanctions. The Licensee's indefinite automatic suspension shall continue for such time until the Board holds a hearing and reaches a decision. The Board will hold a hearing within 60 days of the automatic suspension or as soon thereafter as practicable (unless both the Licensee and the Board agree to hold the hearing later) and shall be held pursuant to the Maine Administrative Procedure Act. The Board may impose such other discipline, including without limitation, fines, further suspension, probation, non-renewal or revocation, as the Board after hearing deems appropriate.

3. SUBSTANCE MONITORING. The Licensee understands and agrees that he may, for the remainder of his career as a licensed physician, undergo some level of substance monitoring to test whether the Licensee has used a Prohibited Substance. The monitoring shall be through urinalysis testing and/or blood testing, and any other reliable method which may later be developed and approved by the Board.

The Licensee irrevocably agrees that the Board and the Maine Department of Attorney General will have full access to all test data and reports.

Reasonable changes in testing to more reliable methods of detection of usage may be proposed by the Licensee or the Board and changes shall be made in the Board's discretion, with or without a hearing. It is the Licensee's obligation to ensure that the plan for testing, as stated herein, is complied with in full.

A. Process. All urine and/or blood samples shall be handled through legal chain of custody methods. All samples provided shall be analyzed by a certified laboratory, which regularly handles drug monitoring tests. The Board must approve any changes.

B. Frequency of Urine Testing. It is the Licensee's obligation to ensure that all the samples are given and tests occur as specified in this Agreement. Samples are to be randomly scheduled. The Board may request a sample at any time. Failure to maintain this schedule or the random nature of the tests shall be cause for suspension, non-renewal or revocation of the Licensee's license, unless proof of genuine emergent medical circumstances (for the Licensee or a patient) exist which warrant less serious disciplinary actions being taken by the Board.

1. For a period of one (1) year from the signing of this agreement, urine samples shall be provided twice a month;

2. For the second year of monitoring, urine samples will be provided once a month;

3. For the remainder of the term of this agreement, urine samples will be provided at a minimum of every two (2) months. The frequency of urine testing shall continue as outlined herein even while the Licensee is on vacation or on a leave of absence in the continental United States. He shall be responsible for making arrangements to ensure that the testing is carried out with the frequency and standards outlined in this Consent Agreement.

C. Reporting Test Results. It is the Licensee's responsibility to ensure that all test results are reported promptly to the Board.

1. Immediate Report of Positive Test Results. Any test result evidencing any level of a Prohibited Substance, whether by urine or other sample, shall be reported to the Board by telephone and in writing within 24 hours or as soon thereafter as possible.

2. Reporting Negative Test Results. Written reports of all tests shall be sent to the Board monthly, together with an explanation of the dates and times samples were provided and tests made, the type(s) of tests made, and the substances tested for (together with detectable levels tested for), and the test results. The Licensee shall ensure that all reports are made to the Board in a timely fashion.

3. Confidentiality Waived. With regard to the Board and its agents and any process to be pursued by the Board, the Licensee hereby waives all claims of confidentiality and privilege with respect to all tests taken pursuant to this Consent Agreement.

D. Rebuttable Presumption Raised by Positive Test. It is agreed and understood that a test evidencing any Prohibited Substance, when confirmed, shall raise a rebuttable presumption that such substance was in fact used by the Licensee. Such a positive test result shall alone be sufficient to prove the use of the Prohibited Substance by the Licensee. The Licensee further agrees that the result of the test may be admitted into evidence in any proceeding regarding the Licensee's license, whether before the Board or before a Court of competent jurisdiction. The confirmatory test shall be performed immediately upon any initial positive test result and it may also be admitted into evidence in any proceeding regarding the Licensee's license

E. 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), then the result shall be the immediate, indefinite, automatic suspension of the Licensee's license, which shall continue until the Board holds a hearing on the matter, unless the Board, or the Board Secretary and the Department of Attorney General, earlier determine that the report is without merit. The suspension shall begin the moment the Licensee first learns of a positive test or report of a positive test to the Board, whether from the Supervising Physician or his designee, from the Board or from any other source in writing, orally or by any other means. This shall include non-confirmed, positive tests.

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

G. Failure to Maintain Sampling Schedule or Failure to Appear or to Provide Sample. Failure by the Licensee: to maintain the sampling schedule; to appear when demanded to provide a sample; or to provide samples upon being demanded to do so shall be dealt with as follows:

1. Failure to Maintain Sampling Schedule. It is the Licensee's responsibility to ensure that both the schedule for sampling and the random sampling required are maintained.

a. Report. If the scheduled samples or the random samples are not drawn as required, then the Supervising Physician or his/her designee and the Licensee (and any other person knowledgeable of such failure) must telephone the Board as soon as possible and send to the Board a written report of such failure within 48 hours.

b. Suspension. An immediate, indefinite suspension of licensure shall result from any failure by the Licensee to comply with the mandated schedule of samples or if the random samples are not provided as required. The suspension shall begin the moment the Licensee actually learns a report has been made or sent to the Board.

c. Meeting with Board. Both the Licensee and the Supervising Physician (and the responsible designee, if any) shall appear before the Board regarding this situation at its next regularly scheduled Board meeting, unless the next meeting is to be held within 15 days of the suspension, in which case they may be scheduled to appear at the subsequent regularly scheduled Board meeting.

d. Board Action. The Board may order the Licensee's license reinstated or, if appropriate, may continue the suspension and may set the matter for hearing. The Board shall attempt to hold a hearing within 60 days of the automatic suspension, or as soon thereafter as practicable, at which time it may take such action as it deems appropriate, including without limitation, reinstatement, fines, probation, suspension, non-renewal and revocation.

2. Failure to Appear.

a. Report and Meeting with Board. The Licensee and the Monitoring Physician (and the responsible designee, if any) must telephone the board as soon as possible and send to the board a written report of such occurrence within 48 hours, and both the Licensee and the Monitoring Physician shall appear before the Board, regarding any failure to appear when demanded to provide a sample, at the next regularly scheduled Board meeting, unless the next meeting is to be held within 15 days of the report, in which case they may be scheduled to appear at the subsequent regularly scheduled Board meeting.

b. Suspension. An immediate, indefinite suspension of licensure shall result from any failure by the Licensee to appear for a scheduled or randomly ordered test, unless the Licensee and the Supervising Physician present the failure as having been caused by a genuinely emergent circumstance beyond the Licensee's control, as long as the Licensee appeared within six hours of the resolution of the emergency. Except in this instance, the suspension shall begin the moment the Licensee actually learns a report has been made or sent to the Board.

c. Board Action. The Board may order the Licensee's license reinstated or, if appropriate, may continue the suspension and set the matter for hearing. The Board shall attempt to hold a hearing within 60 days of the automatic suspension, or as soon thereafter as practicable, at which time it may take such action as it deems appropriate, including without limitation reinstatement, fines, probation, suspension, non-renewal and revocation.

3. Failure to Provide Sample.

a. Report and Meeting with Board. The Licensee and the

Supervising Physician (and the responsible designee, if any) shall telephone the Board as soon as possible and send to the Board a written report of any occurrence regarding failure or refusal to provide a sample within 48 hours, and both the Licensee and the Monitoring Physician shall appear before the Board at the next regularly scheduled Board meeting, unless the next meeting is to be held within 15 days of the report, in which case they may be scheduled to appear at the subsequent regularly scheduled Board meeting.

b. Second Opportunity to Provide Urine Sample. If the Licensee appears when scheduled or ordered, but fails to provide an adequate sample, then with regard to urine, after accurate notation of any and all substances consumed (no substance shall be consumed which might affect the accuracy of the tests to be performed), a second opportunity to provide a urine sample shall be given after a reasonable time, not to exceed two hours. A repeat failure or any refusal shall result in an immediate, indefinite suspension of licensure. The suspension shall begin the moment of the occurrence.

c. Board Action. The Board may order the Licensee's license reinstated, or, if appropriate, may continue the suspension and set the matter for hearing. The Board shall attempt to hold a hearing within 60 days of the automatic suspension, or as soon thereafter as is practicable, at which time it may take such action as it deems appropriate, including without limitation reinstatement, fines, probation, suspension, non-renewal and revocation.

H. Amendment of Testing Provisions. Upon written application by the Licensee to the Board, the Board may amend the above agreed conditions for testing as long as such changes are otherwise consistent with the schedule set forth in this Consent Agreement. Amendment from the conditions shall be in the discretion of the Board and shall be based upon such information as the Board deems pertinent. A decision may be made by the Board, in its discretion, with or without providing a hearing. The Board can propose Amendment(s), which may or may not be agreed to by the Licensee.

I. Increasing Testing. For good cause shown (i.e., questionable reports or problems with providing samples), the Board can, in its discretion, without hearing, unilaterally increase the frequency of testing to the highest levels contemplated by this Consent Agreement, and may also add an additional four random tests per month. In addition, the Board may, in its discretion, without a hearing, extend the periods of testing by up to an additional five years.

4. PROFESSIONAL MANAGEMENT.

The Licensee agrees to participate in psychotherapy with a Board approved therapist in order to address issues of substance abuse and bipolar disorder. The therapy will continue until the therapist notifies the Board that treatment is no longer necessary or useful. The Licensee will then appear before the Board to determine whether cessation of therapy is appropriate. The Licensee must have Board approval before changing his therapist.

The Licensee will be re-evaluated by an outside psychiatric treatment team every six (6) months for two (2) years from the effective date of this agreement.

5. SELF-HELP GROUP MEETINGS.

A. Attendance at AA and NA. The Licensee agrees to attend Alcoholics Anonymous ("AA") and/or Narcotic Anonymous ("NA") a minimum of three times each week through one year from the effective date of this agreement and at least once each week through four years thereafter.

B. Impaired Physicians Self-Help Group. The Licensee agrees that he shall attend self-help group meetings of an impaired medical professional group, if available, on a regular basis for the term of this agreement. Meetings of the impaired professional self-help groups may be substituted on a one-for-one basis with meetings of AA or NA.

C. Reports of Attendance. The Licensee shall submit a signed, written quarterly report of his attendance at AA, NA or impaired professional self-help group meetings to the Board beginning three months after the signing of this Agreement. Any instances of failure to attend the required numbers of meetings shall be noted, together with specific explanation detailing reasons.

D. Failure to Meet This Requirement. It is the parties' understanding that, periodically, reasonable explanations may exist for occasionally missing a meeting; however, unexcused continuous or repeated failures to comply with the requirements of this section of the Consent Agreement shall constitute a violation of the Consent Agreement which, after hearing before the Board, can result in licensure discipline, including without limitation a fine, suspension, non-renewal, probation or revocation of the Licensee's conditional license.

6. MAINTENANCE OF OBLIGATIONS WHEN AWAY FROM MAINE OR HOME. The Licensee agrees to maintain his obligations regarding substance monitoring and self-help group meetings at all times, including times when he is away from home but within the continental limits of the United States. The Licensee will notify the Director of the Physician's Health Program sufficiently in advance of travel to make whatever arrangements the Director deems appropriate for monitoring before he leaves. It shall be the Licensee's obligation to ensure that arrangements are made consistent with this Consent Agreement in such other location(s) to ensure the continuation and satisfaction of his obligations under this Consent Agreement. Any such occurrences shall be noted in writing sent to the Board explaining the arrangements made and how the arrangements were carried out.

Failure to meet the conditions outside of Maine shall be dealt with in the same manner as failure otherwise to maintain the obligations of this Consent Agreement.

7. INVOLVEMENT IN THE MAINE COMMITTEE ON PHYSICIANS' HEALTH. The Licensee shall enter into a contract with the Maine Committee on Physicians' Health and

participate in that program as long as this Consent Agreement remains in force.

8. MONITORING OF BEHAVIOR. The Licensee agrees that his behavior will be monitored by a health care provider, approved by the Board, who is in regular contact with the Licensee, i.e. an average of four or five times a week. This provider will agree to inform the Board if the Licensee demonstrates any signs of withdrawal or behavior change which could result from the use of a Prohibited Substance. The provider shall report such information by telephone and in writing within 24 hours or as soon thereafter as possible.

9. NOTICE TO PRACTICE. Within 10 days after execution of this agreement by the Board and approved by the Department of Attorney General, the Licensee shall provide a copy of this Consent Agreement to his partners in practice at Cardiovascular Consultants as well as any other entity or person involved in the monitoring or treatment process who has regular contact with the Licensee.

10. TERM OF CONSENT AGREEMENT. The term of this Agreement is five (5) years from the effective date of this Agreement.

11. MAINTAINENCE OF LICENSE. The Licensee shall be required to maintain his Maine license to practice medicine for as long as this Agreement is in effect. In the event that the Licensee applies for licensure in other jurisdictions during the term of this Agreement, the Licensee shall notify said jurisdiction of the existence of this Agreement.

12. WAIVER OF CONFIDENTIALITY AND RELEASE OF RECORDS. The Licensee agrees and understands that the Board and the Department of Attorney General shall have complete access to the Licensee's present and future personal medical and counseling records regarding chemical dependency and mental health issues and to all otherwise confidential data pertaining to treatment or monitoring of the Licensee for substance abuse.

13. 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.

1. 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

2. Notice to the Licensee:

John P. Driscoll, M.D.
96 Campus Drive, Suite 1
Scarborough, ME 04074-7133
Telephone: (207) 885-9905

B. Address Change. If the Licensee changes jobs, moves his residence or practice, changes telephone numbers at work or at home, or secures privileges at a hospital; the Licensee shall provide notice to the Board

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.

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

15. ADVICE OF COUNSEL. The Licensee has been represented by an attorney, Julian L. Sweet, Esq., who has participated in the negotiation of this Consent Agreement on his behalf.

16. WAIVER OF RIGHT TO APPEAL BOARD'S DECISION AND CERTAIN FUTURE BOARD DECISIONS. In regard to all terms and conditions of this Consent Agreement, the Licensee waives any further hearings or appeal to the Court. Nothing in this paragraph shall be deemed a waiver of the Licensee's rights under rule, statute or the Maine or United States Constitutions, to appeal a decision or action later taken by the Board which is unrelated to the terms or enforcement of this Agreement. The Licensee agrees that this Consent Agreement and Order is a final order resolving the Licensee's application for licensure. It is also a public document and reportable to the appropriate data banks as discipline.

I, JOHN P. DRISCOLL, M.D., HAVE READ AND UNDERSTAND THE
FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, 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: 2-2-05


JOHN P. DRISCOLL, M.D.

STATE OF MAINE BOARD OF
LICENSURE IN MEDICINE

Dated: 2/8/05

By: Sheldon R. Redham MD

STATE OF MAINE DEPARTMENT
OF ATTORNEY GENERAL

Dated: 2/8/05

By: Ruth E. McNiff
Ruth E. McNiff
Assistant Attorney General

APPROVED and EFFECTIVE: 2/8/05



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE
137 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0137

EDWARD DAVID, M.D.J.D.
CHAIRMAN

RANDAL C. MANNING
EXECUTIVE DIRECTOR

January 3, 2007

SENT VIA FIRST CLASS AND CERTIFIED MAIL 70033110000415228054
RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED
Fax (207)774-0166

John P. Driscoll, M.D.
68 Neal St.
Portland, ME 04102

Re: Suspension of Maine medical license

Dear Dr. Driscoll:


This letter is to inform you that there has been an immediate, indefinite automatic suspension of your license.

On this date, we received a report from Dr. David Simmons of the Physicians Health Program that you tested positive for an illegal substance. According to paragraph 1B and 2A of your Consent Agreement dated February 8, 2005 your license is immediately suspended as of January 3, 2007.

An Adjudicatory Hearing will take place within sixty (60) days. Notice of the time date and location of the Adjudicatory Hearing will be sent to you forthwith.

Because your license is under suspension, immediately return the license to this office at the address above.

Sincerely,


Randal C. Manning
Executive Director

RCM/mm

cc: CR 05-196 ✓

Dennis E. Smith, AAG

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STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:) CONSENT AGREEMENT
JOHN P. DRISCOLL, M.D.) FOR
) CONDITIONED LICENSE

This document is a Consent Agreement and Order, effective when signed by all parties, regarding the issuance of a conditional license to practice medicine in the State of Maine to John P. Driscoll, M.D. The parties to the Consent Agreement are: John P. Driscoll, 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. John P. Driscoll, M.D., has been licensed to practice medicine in the State of Maine since March 1980. He specializes in the practice of cardiology.
2. At its June 2004 meeting, the Board issued a complaint against the Licensee alleged unprofessional conduct and habitual substance abuse and ordered a psychiatric evaluation which identified longstanding problems with alcohol and bipolar disorder.
3. Dr. Driscoll and his treating psychiatrist appeared before the Board to discuss his history of treatment as well as his future monitoring for substance abuse and his psychiatric illness. The Licensee had been substance free for six months. Over time, the Licensee had modified his practice to an office practice with no hospital patients or night call in order to reduce the stress associated with a full cardiology practice.

CONDITIONS OF LICENSURE

Based on Dr. Driscoll's acceptance of responsibility for his actions, his continuing treatment of his substance abuse and psychiatric problems, as well as the understanding and agreement between Dr. Driscoll and the Board, that any future use of any illicit substance by Dr. Driscoll will result in revocation of his license, the Board will issue and Dr. Driscoll will agree to accept the following conditions to this license. Except as may be specified below, failure to comply with any of the following conditions may result in the nonrenewal or revocation of the Licensee's license to practice medicine in the State of Maine.

1. ABSTINENCE. The Licensee agrees that henceforth he shall completely abstain from the use of any and all Prohibited Substances. "Prohibited Substances" as used throughout this Consent Agreement shall mean: opiates; alcohol; cocaine; fentanyl; mood, consciousness or mind-altering substances, whether illicit or not; and all drugs which are dispensed to or prescribed for the Licensee by anyone other than a treating physician knowledgeable of the Licensee's history of substance abuse, unless the circumstances constitute a genuine medical or

surgical emergency.

A. Prescription Medication. If any controlled drug is dispensed or prescribed for the Licensee for a personal medical condition, the Licensee or the Supervising Physician shall notify the Board by telephone and in writing within 48 hours or as soon thereafter as possible. This notice shall be followed by a written summary of all pertinent circumstances. The Board shall be apprised every five days of all continuing pertinent circumstances regarding continued use of the controlled drug, and a written report thereof shall be submitted to the Board for every five days that the use of the controlled drug continues after the initial 48-hour report.

B. Future Use of Prohibited Substances Shall Result in Loss of Licensure. The Licensee agrees and understands that any reliable evidence of use at any time in the future, whether in Maine or elsewhere, of any Prohibited Substance shall constitute a violation of this Consent Agreement, which SHALL RESULT IN THE IMMEDIATE, INDEFINITE AUTOMATIC SUSPENSION OF LICENSURE, AND PROOF OF USE MAY RESULT IN AUTOMATIC REVOCATION/NON-RENEWAL OF LICENSURE. IF THE BOARD ALLOWS THE LICENSEE TO CONTINUE PRACTICE WITH A CONDITIONED LICENSE, HE MUST FIRST COMPLETE A BOARD APPROVED IN PATIENT TREATMENT PROGRAM FOR SUBSTANCE ABUSE.

2. SANCTION FOR VIOLATION OF LICENSE CONDITIONS.

A. Automatic Suspension. Any reliable oral or written report to the Board of violation, of these License Conditions shall result in the immediate, indefinite and automatic suspension of the Licensee's license. The automatic suspension of the Licensee's license shall become effective at the time the Licensee receives actual notice from the Board that a report of violation 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. The indefinite, automatic suspension shall continue until the Board holds a hearing on the matter, unless the Board earlier determines that the report is without merit or decides that no further sanction is warranted.

B. Continued Suspension; Other Sanctions. The Licensee's indefinite automatic suspension shall continue for such time until the Board holds a hearing and reaches a decision. The Board will hold a hearing within 60 days of the automatic suspension or as soon thereafter as practicable (unless both the Licensee and the Board agree to hold the hearing later) and shall be held pursuant to the Maine Administrative Procedure Act. The Board may impose such other discipline, including without limitation, fines, further suspension, probation, non-renewal or revocation, as the Board after hearing deems appropriate.

3. SUBSTANCE MONITORING. The Licensee understands and agrees that he may, for the remainder of his career as a licensed physician, undergo some level of substance monitoring to test whether the Licensee has used a Prohibited Substance. The monitoring shall be through urinalysis testing and/or blood testing, and any other reliable method which may later be developed and approved by the Board.

The Licensee irrevocably agrees that the Board and the Maine Department of Attorney General will have full access to all test data and reports.

Reasonable changes in testing to more reliable methods of detection of usage may be proposed by the Licensee or the Board and changes shall be made in the Board's discretion, with or without a hearing. It is the Licensee's obligation to ensure that the plan for testing, as stated herein, is complied with in full.

A. Process. All urine and/or blood samples shall be handled through legal chain of custody methods. All samples provided shall be analyzed by a certified laboratory, which regularly handles drug monitoring tests. The Board must approve any changes.

B. Frequency of Urine Testing. It is the Licensee's obligation to ensure that all the samples are given and tests occur as specified in this Agreement. Samples are to be randomly scheduled. The Board may request a sample at any time. Failure to maintain this schedule or the random nature of the tests shall be cause for suspension, non-renewal or revocation of the Licensee's license, unless proof of genuine emergent medical circumstances (for the Licensee or a patient) exist which warrant less serious disciplinary actions being taken by the Board.

1. For a period of one (1) year from the signing of this agreement, urine samples shall be provided twice a month;

2. For the second year of monitoring, urine samples will be provided once a month;

3. For the remainder of the term of this agreement, urine samples will be provided at a minimum of every two (2) months. The frequency of urine testing shall continue as outlined herein even while the Licensee is on vacation or on a leave of absence in the continental United States. He shall be responsible for making arrangements to ensure that the testing is carried out with the frequency and standards outlined in this Consent Agreement.

C. Reporting Test Results. It is the Licensee's responsibility to ensure that all test results are reported promptly to the Board.

1. Immediate Report of Positive Test Results. Any test result evidencing any level of a Prohibited Substance, whether by urine or other sample, shall be reported to the Board by telephone and in writing within 24 hours or as soon thereafter as possible.

2. Reporting Negative Test Results. Written reports of all tests shall be sent to the Board monthly, together with an explanation of the dates and times samples were provided and tests made, the type(s) of tests made, and the substances tested for (together with detectable levels tested for), and the test results. The Licensee shall ensure that all reports are made to the Board in a timely fashion.

3. Confidentiality Waived. With regard to the Board and its agents and any process to be pursued by the Board, the Licensee hereby waives all claims of confidentiality and privilege with respect to all tests taken pursuant to this Consent Agreement.

D. Rebuttable Presumption Raised by Positive Test. It is agreed and understood that a test evidencing any Prohibited Substance, when confirmed, shall raise a rebuttable presumption that such substance was in fact used by the Licensee. Such a positive test result shall alone be sufficient to prove the use of the Prohibited Substance by the Licensee. The Licensee further agrees that the result of the test may be admitted into evidence in any proceeding regarding the Licensee's license, whether before the Board or before a Court of competent jurisdiction. The confirmatory test shall be performed immediately upon any initial positive test result and it may also be admitted into evidence in any proceeding regarding the Licensee's license

E. 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), then the result shall be the immediate, indefinite, automatic suspension of the Licensee's license, which shall continue until the Board holds a hearing on the matter, unless the Board, or the Board Secretary and the Department of Attorney General, earlier determine that the report is without merit. The suspension shall begin the moment the Licensee first learns of a positive test or report of a positive test to the Board, whether from the Supervising Physician or his designee, from the Board or from any other source in writing, orally or by any other means. This shall include non-confirmed, positive tests.

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

G. Failure to Maintain Sampling Schedule or Failure to Appear or to Provide Sample. Failure by the Licensee: to maintain the sampling schedule; to appear when demanded to provide a sample; or to provide samples upon being demanded to do so shall be dealt with as follows:

1. Failure to Maintain Sampling Schedule. It is the Licensee's responsibility to ensure that both the schedule for sampling and the random sampling required are maintained.

a. Report. If the scheduled samples or the random samples are not drawn as required, then the Supervising Physician or his/her designee and the Licensee (and any other person knowledgeable of such failure) must telephone the Board as soon as possible and send to the Board a written report of such failure within 48 hours.

b. Suspension. An immediate, indefinite suspension of licensure shall result from any failure by the Licensee to comply with the mandated schedule of samples or if the random samples are not provided as required. The suspension shall begin the moment the Licensee actually learns a report has been made or sent to the Board.

c. Meeting with Board. Both the Licensee and the Supervising Physician (and the responsible designee, if any) shall appear before the Board regarding this situation at its next regularly scheduled Board meeting, unless the next meeting is to be held within 15 days of the suspension, in which case they may be scheduled to appear at the subsequent regularly scheduled Board meeting.

d. Board Action. The Board may order the Licensee's license reinstated or, if appropriate, may continue the suspension and may set the matter for hearing. The Board shall attempt to hold a hearing within 60 days of the automatic suspension, or as soon thereafter as practicable, at which time it may take such action as it deems appropriate, including without limitation, reinstatement, fines, probation, suspension, non-renewal and revocation.

2. Failure to Appear.

a. Report and Meeting with Board. The Licensee and the Monitoring Physician (and the responsible designee, if any) must telephone the board as soon as possible and send to the board a written report of such occurrence within 48 hours, and both the Licensee and the Monitoring Physician shall appear before the Board, regarding any failure to appear when demanded to provide a sample, at the next regularly scheduled Board meeting, unless the next meeting is to be held within 15 days of the report, in which case they may be scheduled to appear at the subsequent regularly scheduled Board meeting.

b. Suspension. An immediate, indefinite suspension of licensure shall result from any failure by the Licensee to appear for a scheduled or randomly ordered test, unless the Licensee and the Supervising Physician present the failure as having been caused by a genuinely emergent circumstance beyond the Licensee's control, as long as the Licensee appeared within six hours of the resolution of the emergency. Except in this instance, the suspension shall begin the moment the Licensee actually learns a report has been made or sent to the Board.

c. Board Action. The Board may order the Licensee's license reinstated or, if appropriate, may continue the suspension and set the matter for hearing. The Board shall attempt to hold a hearing within 60 days of the automatic suspension, or as soon thereafter as practicable, at which time it may take such action as it deems appropriate, including without limitation reinstatement, fines, probation, suspension, non-renewal and revocation.

3. Failure to Provide Sample.

a. Report and Meeting with Board. The Licensee and the

Supervising Physician (and the responsible designee, if any) shall telephone the Board as soon as possible and send to the Board a written report of any occurrence regarding failure or refusal to provide a sample within 48 hours, and both the Licensee and the Monitoring Physician shall appear before the Board at the next regularly scheduled Board meeting, unless the next meeting is to be held within 15 days of the report, in which case they may be scheduled to appear at the subsequent regularly scheduled Board meeting.

b. Second Opportunity to Provide Urine Sample. If the Licensee appears when scheduled or ordered, but fails to provide an adequate sample, then with regard to urine, after accurate notation of any and all substances consumed (no substance shall be consumed which might affect the accuracy of the tests to be performed), a second opportunity to provide a urine sample shall be given after a reasonable time, not to exceed two hours. A repeat failure or any refusal shall result in an immediate, indefinite suspension of licensure. The suspension shall begin the moment of the occurrence.

c. Board Action. The Board may order the Licensee's license reinstated, or, if appropriate, may continue the suspension and set the matter for hearing. The Board shall attempt to hold a hearing within 60 days of the automatic suspension, or as soon thereafter as is practicable, at which time it may take such action as it deems appropriate, including without limitation reinstatement, fines, probation, suspension, non-renewal and revocation.

H. Amendment of Testing Provisions. Upon written application by the Licensee to the Board, the Board may amend the above agreed conditions for testing as long as such changes are otherwise consistent with the schedule set forth in this Consent Agreement. Amendment from the conditions shall be in the discretion of the Board and shall be based upon such information as the Board deems pertinent. A decision may be made by the Board, in its discretion, with or without providing a hearing. The Board can propose Amendment(s), which may or may not be agreed to by the Licensee.

I. Increasing Testing. For good cause shown (i.e., questionable reports or problems with providing samples), the Board can, in its discretion, without hearing, unilaterally increase the frequency of testing to the highest levels contemplated by this Consent Agreement, and may also add an additional four random tests per month. In addition, the Board may, in its discretion, without a hearing, extend the periods of testing by up to an additional five years.

4. PROFESSIONAL MANAGEMENT.

The Licensee agrees to participate in psychotherapy with a Board approved therapist in order to address issues of substance abuse and bipolar disorder. The therapy will continue until the therapist notifies the Board that treatment is no longer necessary or useful. The Licensee will then appear before the Board to determine whether cessation of therapy is appropriate. The Licensee must have Board approval before changing his therapist.

The Licensee will be re-evaluated by an outside psychiatric treatment team every six (6) months for two (2) years from the effective date of this agreement.

5. SELF-HELP GROUP MEETINGS.

A. Attendance at AA and NA. The Licensee agrees to attend Alcoholics Anonymous ("AA") and/or Narcotic Anonymous ("NA") a minimum of three times each week through one year from the effective date of this agreement and at least once each week through four years thereafter.

B. Impaired Physicians Self-Help Group. The Licensee agrees that he shall attend self-help group meetings of an impaired medical professional group, if available, on a regular basis for the term of this agreement. Meetings of the impaired professional self-help groups may be substituted on a one-for-one basis with meetings of AA or NA.

C. Reports of Attendance. The Licensee shall submit a signed, written quarterly report of his attendance at AA, NA or impaired professional self-help group meetings to the Board beginning three months after the signing of this Agreement. Any instances of failure to attend the required numbers of meetings shall be noted, together with specific explanation detailing reasons.

D. Failure to Meet This Requirement. It is the parties' understanding that, periodically, reasonable explanations may exist for occasionally missing a meeting; however, unexcused continuous or repeated failures to comply with the requirements of this section of the Consent Agreement shall constitute a violation of the Consent Agreement which, after hearing before the Board, can result in licensure discipline, including without limitation a fine, suspension, non-renewal, probation or revocation of the Licensee's conditional license.

6. MAINTENANCE OF OBLIGATIONS WHEN AWAY FROM MAINE OR HOME.

The Licensee agrees to maintain his obligations regarding substance monitoring and self-help group meetings at all times, including times when he is away from home but within the continental limits of the United States. The Licensee will notify the Director of the Physician's Health Program sufficiently in advance of travel to make whatever arrangements the Director deems appropriate for monitoring before he leaves. It shall be the Licensee's obligation to ensure that arrangements are made consistent with this Consent Agreement in such other location(s) to ensure the continuation and satisfaction of his obligations under this Consent Agreement. Any such occurrences shall be noted in writing sent to the Board explaining the arrangements made and how the arrangements were carried out.

Failure to meet the conditions outside of Maine shall be dealt with in the same manner as failure otherwise to maintain the obligations of this Consent Agreement.

7. INVOLVEMENT IN THE MAINE COMMITTEE ON PHYSICIANS' HEALTH. The Licensee shall enter into a contract with the Maine Committee on Physicians' Health and

participate in that program as long as this Consent Agreement remains in force.

8. MONITORING OF BEHAVIOR. The Licensee agrees that his behavior will be monitored by a health care provider, approved by the Board, who is in regular contact with the Licensee, i.e. an average of four or five times a week. This provider will agree to inform the Board if the Licensee demonstrates any signs of withdrawal or behavior change which could result from the use of a Prohibited Substance. The provider shall report such information by telephone and in writing within 24 hours or as soon thereafter as possible.

9. NOTICE TO PRACTICE. Within 10 days after execution of this agreement by the Board and approved by the Department of Attorney General, the Licensee shall provide a copy of this Consent Agreement to his partners in practice at Cardiovascular Consultants as well as any other entity or person involved in the monitoring or treatment process who has regular contact with the Licensee.

10. TERM OF CONSENT AGREEMENT. The term of this Agreement is **five (5) years** from the effective date of this Agreement.

11. MAINTAINENCE OF LICENSE. The Licensee shall be required to maintain his Maine license to practice medicine for as long as this Agreement is in effect. In the event that the Licensee applies for licensure in other jurisdictions during the term of this Agreement, the Licensee shall notify said jurisdiction of the existence of this Agreement.

12. WAIVER OF CONFIDENTIALITY AND RELEASE OF RECORDS. The Licensee agrees and understands that the Board and the Department of Attorney General shall have complete access to the Licensee's present and future personal medical and counseling records regarding chemical dependency and mental health issues and to all otherwise confidential data pertaining to treatment or monitoring of the Licensee for substance abuse.

13. 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.

1. 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

2. Notice to the Licensee:

John P. Driscoll, M.D.
96 Campus Drive, Suite 1
Scarborough, ME 04074-7133
Telephone: (207) 885-9905

B. Address Change. If the Licensee changes jobs, moves his residence or practice, changes telephone numbers at work or at home, or secures privileges at a hospital; the Licensee shall provide notice to the Board

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.

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

15. ADVICE OF COUNSEL. The Licensee has been represented by an attorney, Julian L. Sweet, Esq., who has participated in the negotiation of this Consent Agreement on his behalf.

16. WAIVER OF RIGHT TO APPEAL BOARD'S DECISION AND CERTAIN FUTURE BOARD DECISIONS. In regard to all terms and conditions of this Consent Agreement, the Licensee waives any further hearings or appeal to the Court. Nothing in this paragraph shall be deemed a waiver of the Licensee's rights under rule, statute or the Maine or United States Constitutions, to appeal a decision or action later taken by the Board which is unrelated to the terms or enforcement of this Agreement. The Licensee agrees that this Consent Agreement and Order is a final order resolving the Licensee's application for Licensure. It is also a public document and reportable to the appropriate data banks as discipline.

**I, JOHN P. DRISCOLL, M.D., HAVE READ AND UNDERSTAND THE
FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, 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.

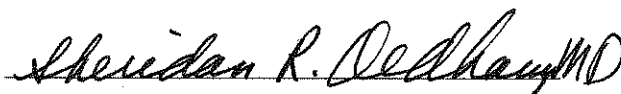
Dated: 2-2-05



JOHN P. DRISCOLL, M.D.

STATE OF MAINE BOARD OF
LICENSURE IN MEDICINE

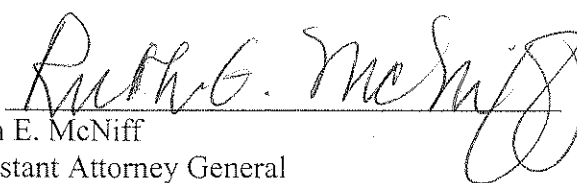
Dated: 2/8/05

By: 

SHERIDAN R. DELHAUM, MD

STATE OF MAINE DEPARTMENT
OF ATTORNEY GENERAL

Dated: 2/8/05

By: 

Ruth E. McNiff
Assistant Attorney General

APPROVED and EFFECTIVE: 2/8/05