

to keeping his illness in remission, and expressed his gratitude to the Board and the MPHP.

3. On November 20, 2013, the Board received a letter from Dr. Lani Graham, M.D., Director of the MPHP, on behalf of Dr. Fletcher. Dr. Graham expressed her support for Dr. Fletcher's request to terminate the Consent Agreement for Conditional Licensure based upon his seven-year compliance and his intention and willingness to enter into the Senior Monitoring Program of the MPHP. According to Dr. Graham, under the Senior Monitoring Program, Dr. Fletcher: would be subject to four random toxicological tests per year; would provide personal updates on a quarterly basis; and understands that should he fail to comply with these requirements or leave the program against advice that he would be reported to the Board. In addition, Dr. Graham indicated that Dr. Fletcher's record of compliance was "extraordinary" and completely supported the termination of the consent agreement.

3. On December 10, 2013, the Board reviewed Dr. Fletcher'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 Dr. Graham's letter. Following its review, the Board voted to grant Dr. Fletcher's request to terminate the Consent Agreement For Conditional Licensure based upon his compliance with the terms and conditions of the consent agreement and his representation that he would enter into the Senior Monitoring Program of the MPHP and comply with that program.

COVENANT

4. Dr. Fletcher, the Board, and the Office of Attorney General hereby agree

to terminate the Consent Agreement For Conditional License dated January 8, 2008.

I, ANDREW J. FLETCHER, 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: 12/20/13

Andrew J. Fletcher MD
ANDREW J. FLETCHER, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN
MEDICINE

DATED: 1/2/14

Maroulla S. Gleaton
MAROULLA S. GLEATON, M.D.,
Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 1/3/14

Dennis E. Smith
DENNIS E. SMITH
Assistant Attorney General

Effective Date: 1/3/14

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

<u>In re:</u>)	THIRD AMENDMENT TO
Andrew J. Fletcher, .M.D.)	CONSENT AGREEMENT
Application for Reinstatement)	
Of Medical License)	

This document is a Third Amendment to a Consent Agreement for Conditional Licensure effective January 8, 2008, regarding a disciplinary action against and conditions imposed upon the license to practice medicine in the State of Maine held by Andrew J. Fletcher, M.D. The parties to this Third Amendment of that Consent Agreement are: Andrew J. Fletcher, .M.D. (“Dr. Fletcher”), the State of Maine Board of Licensure in Medicine (“the Board”), and the Office of the Attorney General (the “Attorney General”). This Third Amendment to Consent Agreement is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

BACKGROUND

1. On January 8, 2008, the parties entered into a Consent Agreement for Conditional Licensure regarding a disciplinary action concerning and conditions imposed upon the license to practice medicine in the State of Maine held by Andrew J. Fletcher, M.D.

2. On January 3, 2012, the parties entered into a Second Amendment to Consent Agreement, which amended paragraph 12(d)(iii) and paragraph 12(e)(i), thereby reducing the frequency of urine testing and counseling.

3. On March 20, , 2013, the Board received a written request from Dr. Fletcher to amend the Consent Agreement for Conditional Licensure by: decreasing the frequency of testing in paragraph 12(d)(iii) to once a month; and by decreasing the frequency of substance abuse counseling in paragraph 12(e)(i) to once per calendar quarter. With his written request to the Board, Dr. Fletcher submitted correspondence in support of his request from his counselor and the Maine Medical Professionals Health Program.

4. On April 9, 2013, the Board reviewed Dr. Fletcher's written request to amend the Consent Agreement for Conditional Licensure. Following its review, the Board voted to offer Dr. Fletcher this Third Amendment to Consent Agreement.

AMENDMENT

5. Dr. Fletcher, the Board, and the Office of Attorney General hereby agree to amend the Consent Agreement for Licensure dated January 8, 2008, by modifying paragraphs 12(d)(iii) and 12(e)(i) to read as follows:

a. Paragraph 12(d)(iii): Frequency of Urine Testing. It is Dr. Fletcher's obligation to ensure that all the samples are given and tests occur as specified in this Consent Agreement for Conditional Licensure. Testing shall be randomly scheduled. **Notwithstanding any other provision of this Consent Agreement for Conditional Licensure, the Board, the Supervising Physician, or the Board's agent may request Dr. Fletcher to submit to testing 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 Dr. Fletcher's Maine medical license, unless proof of genuine emergent medical

circumstances (for Dr. Fletcher or a patient) exist which warrant less serious disciplinary actions being taken by the Board. **For the indefinite period following the execution of this Third Amendment to Consent Agreement for Conditional Licensure, Dr. Fletcher shall provide urine samples for testing for the presence of Prohibited Substances at least once a month. In addition, Dr. Fletcher shall submit to an additional four (4) random tests administered by the MMPHP during the calendar year.**

b. Paragraph 12(e)(i): Substance Abuse Treatment. Within thirty (30) days following the execution of this Consent Agreement for Conditional Licensure, Dr. Fletcher shall submit for Board approval the name of a licensed individual or agency in the treatment of substance abuse with whom Dr. Fletcher shall consult and counsel for the purpose of working on all issues pertaining to his substance abuse issues, including Dr. Fletcher's compliance with this Consent Agreement, which consultations shall be at least quarterly (i.e., once per calendar quarter) following the execution of this Third Amendment to Consent Agreement for Conditional Licensure.

6. Dr. Fletcher acknowledges by his signature hereto that all other terms and conditions of the Consent Agreement for Conditional License effective January 8, 2008, as amended by the First Amendment to Consent Agreement effective December 24, 2008, remain in full force and effect.

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

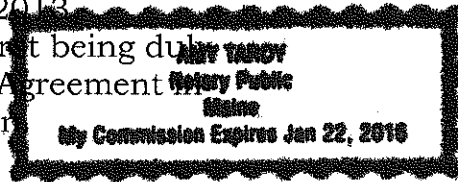
I, ANDREW J. FLETCHER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING THIRD AMENDMENT TO CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO FURTHER HEARINGS REGARDING THIS AMENDMENT. I ALSO WAIVE THE RIGHT TO APPEAL TO THE COURT REGARDING THIS AMENDMENT. KNOWING THIS, I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS THIRD AMENDMENT, TOGETHER WITH THE CONSENT AGREEMENT, CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AMENDMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated: 4/29/13

Andrew J. Fletcher M.D.
ANDREW J. FLETCHER, .M.D.

STATE OF MAINE
Andrew Fletcher, SS.

Before me this 29th day of April, 2013, personally appeared Andrew J. Fletcher, M.D., who after first being duly sworn, signed the foregoing Third Amendment to Consent Agreement in my presence or affirmed that the signature above is his own.



[Signature]
Notary Public/Attorney at Law
My commission expires: 1/22/16

STATE OF MAINE
BOARD OF LICENSURE IN
MEDICINE

DATED: 5/14/13

[Signature]
GARY R. HATFIELD, M.D.,
Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

5/14/13



DENNIS E. SMITH
Assistant Attorney General

Effective Date:

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

<u>In re:</u>)	SECOND AMENDMENT TO
Andrew J. Fletcher, .M.D.)	CONSENT AGREEMENT
Application for Reinstatement)	
Of Medical License)	

This document is a Second Amendment to a Consent Agreement for Conditional Licensure effective January 8, 2008, regarding a disciplinary action against and conditions imposed upon the license to practice medicine in the State of Maine held by Andrew J. Fletcher, M.D. The parties to this Second Amendment of that Consent Agreement are: Andrew J. Fletcher, .M.D. (“Dr. Fletcher”), the State of Maine Board of Licensure in Medicine (“the Board”), and the Office of the Attorney General (the “Attorney General”). This Second Amendment to Consent Agreement is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

BACKGROUND

1. On January 8, 2008, the parties entered into a Consent Agreement for Conditional Licensure regarding a disciplinary action concerning and conditions imposed upon the license to practice medicine in the State of Maine held by Andrew J. Fletcher, M.D.

2. In paragraph 12(d)(iii) of the Consent Agreement for Conditional Licensure, Dr. Fletcher agreed to the following language:

Frequency of Urine Testing. It is Dr. Fletcher’s obligation to ensure that all the samples are given and tests occur as specified in this Consent Agreement for Conditional Licensure. Testing shall be randomly

scheduled. **Notwithstanding any other provision of this Consent Agreement for Conditional Licensure, the Board, the Supervising Physician, or the Board's agent may request Dr. Fletcher to submit to testing 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 Dr. Fletcher's Maine medical license, unless proof of genuine emergent medical circumstances (for Dr. Fletcher or a patient) exist which warrant less serious disciplinary actions being taken by the Board. **For the indefinite period following the execution of this Consent Agreement for Conditional Licensure, Dr. Fletcher shall provide urine samples for testing for the presence of Prohibited Substances at least once a week.**

3. In paragraph 12(e)(i) of the Consent Agreement for Conditional Licensure, Dr. Fletcher agreed to the following language:

Substance Abuse Treatment. Within thirty (30) days following the execution of this Consent Agreement for Conditional Licensure, Dr. Fletcher shall submit for Board approval the name of a licensed individual or agency in the treatment of substance abuse with whom Dr. Fletcher shall consult and counsel for the purpose of working on all issues pertaining to his substance abuse issues, including Dr. Fletcher's compliance with this Consent Agreement, which consultations shall be at least twice monthly following the execution of this Consent Agreement.

4. On February 11, 2011, the Board received a written request from Dr. Fletcher to amend the Consent Agreement for Conditional Licensure by: decreasing the frequency of testing in paragraph 12(d)(iii) to twice a month; and by decreasing the frequency of substance abuse counseling in paragraph 12(e)(i) to once a month.

With his written request to the Board, Dr. Fletcher submitted correspondence from his counselor and the Maine Medical Professionals Health Program.

5. On June 17, 2011, the Board reviewed Dr. Fletcher's written request to amend the Consent Agreement for Conditional Licensure.

Following its review, the Board voted to offer Dr. Fletcher this Second Amendment to Consent Agreement.

AMENDMENT

5. Dr. Fletcher, the Board, and the Office of Attorney General hereby agree to amend the Consent Agreement for Licensure dated January 8, 2008, by modifying paragraphs 12(d)(iii) and 12(e)(i) to read as follows:

a. Paragraph 12(d)(iii): Frequency of Urine Testing. It is Dr. Fletcher's obligation to ensure that all the samples are given and tests occur as specified in this Consent Agreement for Conditional Licensure. Testing shall be randomly scheduled. **Notwithstanding any other provision of this Consent Agreement for Conditional Licensure, the Board, the Supervising Physician, or the Board's agent may request Dr. Fletcher to submit to testing 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 Dr. Fletcher's Maine medical license, unless proof of genuine emergent medical circumstances (for Dr. Fletcher or a patient) exist which warrant less serious disciplinary actions being taken by the Board. **For the indefinite period following the execution of this Consent Agreement for Conditional Licensure, Dr. Fletcher shall provide urine samples for testing for the presence of Prohibited Substances at least twice a month. In addition, Dr. Fletcher shall submit to an additional four (4) random tests administered by the MMPHP during the calendar year.**

b. Paragraph 12(e)(i): Substance Abuse Treatment. Within thirty (30) days following the execution of this Consent Agreement for Conditional Licensure, Dr. Fletcher shall submit for Board approval the name of a licensed individual or agency in the treatment of substance abuse with whom Dr. Fletcher shall consult and counsel for the purpose of working on all issues pertaining to his substance abuse issues, including Dr. Fletcher's compliance with this Consent Agreement, which consultations shall be at least once monthly following the execution of this Consent Agreement.

6. Dr. Fletcher acknowledges by his signature hereto that all other terms and conditions of the Consent Agreement for Conditional

License effective January 8, 2008, as amended by the First Amendment to Consent Agreement effective December 24, 2008, remain in full force and effect.

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

I, ANDREW J. FLETCHER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING SECOND AMENDMENT TO CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO FURTHER HEARINGS REGARDING THIS AMENDMENT. I ALSO WAIVE THE RIGHT TO APPEAL TO THE COURT REGARDING THIS AMENDMENT. KNOWING THIS, I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS SECOND AMENDMENT, TOGETHER WITH THE CONSENT AGREEMENT, CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AMENDMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated: 6/29/11


ANDREW J. FLETCHER, M.D.

STATE OF MAINE

Kennebec, SS.

Before me this 29th day of June, 2011,
personally appeared Andrew J. Fletcher, M.D., who after first being duly
sworn, signed the foregoing Second Amendment to Consent Agreement in
my presence or affirmed that the signature above is his own.

Jean M. Greenwood
Notary Public/Attorney at Law
My commission expires: 9/25/2014

STATE OF MAINE
BOARD OF LICENSURE IN
MEDICINE

DATED: 12/29/11

Gary R. Hatfield
GARY R. HATFIELD, M.D.
CHAIRMAN

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 1/3/12

Dennis E. Smith
DENNIS E. SMITH
Assistant Attorney General

Effective Date: 1/3/12

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

<u>In re:</u>)	FIRST AMENDMENT TO
Andrew J. Fletcher, .M.D.)	CONSENT AGREEMENT
Application for Reinstatement)	
Of Medical License)	

This document is a First Amendment to a Consent Agreement for Conditional Licensure effective January 8, 2008, regarding a disciplinary action against and conditions imposed upon the license to practice medicine in the State of Maine held by Andrew J. Fletcher, M.D. The parties to this First Amendment of that Consent Agreement are: Andrew J. Fletcher, .M.D. ("Dr. Fletcher"), the State of Maine Board of Licensure in Medicine ("the Board"), and the Office of the Attorney General (the "Attorney General"). This First Amendment to Consent Agreement is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

BACKGROUND

1. On January 8, 2008, the parties entered into a Consent Agreement for Conditional Licensure regarding a disciplinary action concerning and conditions imposed upon the license to practice medicine in the State of Maine held by Andrew J. Fletcher, M.D.

2. In paragraph 12(c) of the Consent Agreement, Dr. Fletcher agreed to the following language:

In complying with this provision, Dr. Fletcher agrees that he will not self-diagnose or self- treat himself for any medical issues.

3. On September 20, 2008, the Board received a written

request from Dr. Fletcher to amend the Consent Agreement for Conditional Licensure by deleting the language of paragraph 12(c) that prohibited his self-diagnosis and self-treatment because the American Board of Family Medicine (ABFM), which revoked his specialty certification following the Board's revocation of his Maine medical license, was refusing to reinstate his specialty certification based solely upon that language. With his written request to the Board, Dr. Fletcher submitted correspondence from the ABFM concerning this issue.

4. On July 31, 2007, On October 14, 2008, the Board reviewed Dr. Fletcher's written request to amend the Consent Agreement and instructed staff to contact the ABFM regarding its decision to deny reinstating Dr. Fletcher's board certification.

5. On October 21 and 23, 2008, the Board staff received communications from ABFM indicating that the sole basis for its refusal to reinstate Dr. Fletcher's board certification was the language of paragraph 12(c) of the Consent Agreement that prohibited Dr. Fletcher from self-diagnosing or self-treating himself.

6. On November 11, 2008, the Board reviewed this matter and voted to amend the Consent Agreement by deleting the language of paragraph 12(c) of the Consent Agreement that prohibited Dr. Fletcher from self-diagnosing or self-treating himself.

AMENDMENT

7. Dr. Fletcher, the Board, and the Office of Attorney General

hereby agree to amend the Consent Agreement dated January 8, 2008, by deleting the following language from paragraph 12(c) of the Consent Agreement for Conditional Licensure:

In complying with this provision, Dr. Fletcher agrees that he will not self-diagnose or self- treat himself for any medical issues.

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

I, ANDREW J. FLETCHER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING FIRST AMENDMENT TO CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO FURTHER HEARINGS REGARDING THIS AMENDMENT. I ALSO WAIVE THE RIGHT TO APPEAL TO THE COURT REGARDING THIS AMENDMENT. KNOWING THIS, I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS FIRST AMENDMENT, TOGETHER WITH THE CONSENT AGREEMENT, CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

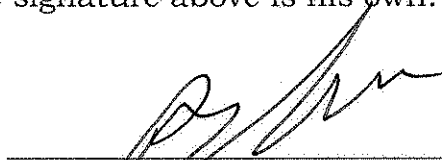
Dated: December 08, 2008

Andrew J Fletcher M.D.
ANDREW J FLETCHER, .M.D.

STATE OF MAINE

Andrew Fletcher

Before me this 8 day of December, 2008,
personally appeared Andrew J. Fletcher, M.D., who after first being duly
sworn, signed the foregoing First Amendment to Consent Agreement in
my presence or affirmed that the signature above is his own.



Notary Public/Attorney at Law
My commission expires: April 2014

STATE OF MAINE
BOARD OF LICENSURE IN
MEDICINE

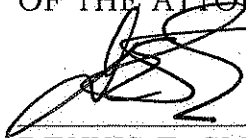
DATED: 12/19/2008
Chairman



SHERIDAN R. OLDHAM, M.D.,

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 12/24/08



DENNIS E. SMITH
Assistant Attorney General

Effective Date:

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT AGREEMENT
Andrew J. Fletcher, M.D.)	FOR
Application for Reinstatement)	CONDITIONAL LICENSURE
of Medical License)	

This document is a Consent Agreement for Conditional Licensure, effective when signed by all parties, regarding disciplinary action against and conditions imposed upon the license to practice medicine in the State of Maine held by Andrew J. Fletcher, M.D. The parties to the Consent Agreement for Conditional Licensure are: Andrew J. Fletcher, M.D. (“Dr. Fletcher”), the State of Maine Board of Licensure in Medicine (“the Board”) and the State of Maine Department of the Attorney General (“the Attorney General”). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. On July 19, 2004, Andrew J. Fletcher, M.D. applied for an active license to practice medicine in the State of Maine.
2. Prior to attending medical school, Dr. Fletcher was treated for opioid addiction and remained in recovery for several years. In 2003 while in a family practice residency, Dr. Fletcher relapsed into opioid addiction and was admitted into an in-patient treatment facility for three months.
3. After being discharged from the in-patient treatment facility, Dr. Fletcher contracted with the Physicians Health Program in the State of Maine.
4. On November 16, 2005, based upon his compliance with the program of the Physicians Health Program, the Board issued a medical license¹ to Dr. Fletcher pursuant to a Consent Agreement. Pursuant to the Consent Agreement, Dr. Fletcher agreed to completely abstain from the use of any “prohibited substances,” including opiates and cocaine. In addition, in the Consent Agreement, Dr. Fletcher agreed that any future use of “prohibited substances” by him could result in the revocation of his Maine medical license. A copy of that Consent Agreement is attached to and incorporated into this Consent Agreement for Conditional Licensure as “Exhibit A.”
5. On or about April 27, 2007, the Board received information that

¹ Dr. Fletcher specializes in Family Practice.

reported that Dr. Fletcher's urine had tested positive for the presence of cocaine. In addition, that information indicated that Dr. Fletcher had admitted to using cocaine.

6. On or about April 27, 2007, the Board, pursuant to the Consent Agreement, notified Dr. Fletcher of the immediate, indefinite suspension of his Maine medical license.

7. On June 12, 2007, the Board held an adjudicatory to determine whether Dr. Fletcher had violated the terms and conditions of his Consent Agreement, and to determine what, if any, sanction should result. Following the adjudicatory hearing, the Board found that Dr. Fletcher had engaged in unprofessional conduct, engaged in habitual substance abuse that was foreseeably likely to result in his performing services in a manner that endangered the health or safety of patients, and violated the terms and conditions of his Consent Agreement by using cocaine in February 2006, September 2006, January 2007, and April 2007. As discipline, the Board revoked Dr. Fletcher's Maine medical license. In addition, the Board gave Dr. Fletcher the opportunity to petition the Board for reinstatement of his Maine medical license after October 29, 2007. A copy of the Decision and Order dated July 10, 2007, is attached to and incorporated into this Consent Agreement for Conditional Licensure as "Exhibit B."

8. On November 1, 2007, the Board received an "Reinstatement Application" from Dr. Fletcher dated October 29, 2007. In his application for the reinstatement of his Maine medical license, Dr. Fletcher included letters in support of his application, as well as documentation indicating his participation and compliance with the Physicians Health Program. In addition, Dr. Fletcher submitted a letter in which he indicated that, in the event that he relapsed to the use of illegal drugs, he would not request any leniency from the Board and expected that his license to practice medicine would be "revoked permanently."

9. On December 11, 2007, the Board reviewed Dr. Fletcher's application for the reinstatement of his Maine medical license, and voted to reinstate his medical license with conditions pursuant to a Consent Agreement for Conditional Licensure.

10. By signing this Consent Agreement, Dr. Fletcher waives, in his personal capacity and through legal counsel, any and all objections to, and hereby consents to allow the Board's legal counsel to present this proposed Consent Agreement to the Board for possible ratification. Dr. Fletcher waives, in his personal capacity and through legal counsel, forever any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

COVENANTS

11. Dr. Fletcher admits that, based upon his history of substance abuse, the Board has sufficient evidence from which it could reasonably conclude that he engaged in habitual substance abuse that was “forseeably likely to result in his performing services in a manner that endangers the health or safety of patients.” Dr. Fletcher admits that such conduct constitutes habitual substance abuse and unprofessional conduct and grounds for discipline of his Maine medical license pursuant to 32 M.R.S.A. § 3282-A(2)(B) & (F), and grounds for the denial of his application for reinstatement pursuant to 32 M.R.S. § 3271.

CONDITIONS OF LICENSURE

12. In light of the admissions in paragraph 11 above, as well as Dr. Fletcher’s efforts and commitment to refrain from the use of illegal substances, the Board agrees to issue and Dr. Fletcher agrees to accept modifications² to and conditions imposed on his Maine medical license. Based on Dr. Fletcher’s acceptance of responsibility for his actions, his continuing treatment of his substance abuse problems, as well as the understanding and agreement between Dr. Fletcher and the Board, that **any future use of any prohibited substance by Dr. Fletcher shall result in PERMANENT REVOCATION of his license**, the Board and Dr. Fletcher agree to the following conditions, **which shall remain in place indefinitely**, imposed upon his Maine medical license:

a. ABSTINENCE. Dr. Fletcher agrees that, following the execution³ of this Consent Agreement for Conditional Licensure, he shall completely abstain from the use of any and all Prohibited Substances. “Prohibited Substances” as used throughout this Consent Agreement for Conditional Licensure shall mean: benzodiazepines; sedatives; hypnotics or similar drugs; opiates; alcohol; cocaine; fentanyl; mood, consciousness or mind-altering substances, whether illicit or not; and all drugs which are dispensed to or prescribed for him by anyone other than a single primary care physician approved by the Board who is knowledgeable of Dr. Fletcher’s medical history, including his use of opiates and cocaine, unless the circumstances constitute a genuine medical or surgical emergency.

² Title 32 M.R.S.A. § 3282-A(2) gives the Board the authority to “modify” Dr. Fletcher’s Maine medical license by imposing conditions upon it. The “modifications” to Dr. Fletcher’s Maine medical license are the conditions imposed upon it pursuant to this Consent Agreement.

³ For purposes of this Consent Agreement the term “execution” means the date on which the final signature is affixed to the Consent Agreement.

i. Prescription Medication. If any controlled drug is dispensed or prescribed for Dr. Fletcher for a personal medical condition, Dr. Fletcher 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 of all continuing pertinent circumstances regarding continued use of the controlled drug, and a written report thereof shall be submitted to the Board.

ii. Future Use of Prohibited Substances Shall Result in Loss of Licensure. Dr. Fletcher agrees and understands that any reliable evidence of use at any time in the future, whether in Maine or elsewhere, of any Prohibited Substance, including but not limited to benzodiazepines, sedatives, hypnotics, opiates, cocaine or alcohol, shall constitute a violation of this Consent Agreement, which **SHALL RESULT IN THE IMMEDIATE, INDEFINITE AUTOMATIC SUSPENSION OF LICENSURE, AND PROOF OF USE SHALL RESULT IN PERMANENT REVOCATION OF LICENSURE.**

b. POSSESSION OF CONTROLLED DRUGS. Dr. Fletcher agrees that, following the execution of this Consent Agreement for Conditional Licensure, he shall completely abstain from the possession of Prohibited Substances, including but not limited to benzodiazepines, sedatives, hypnotics or similar drugs, opiates, cocaine and alcohol. In complying with this provision, Dr. Fletcher agrees that his home or office medical practice shall not order or accept samples or stocks of any Prohibited Substances. Dr. Fletcher agrees to permit the Board or its agent(s) complete access to his home or office medical practice to ensure his compliance with this provision.

c. SINGLE PHYSICIAN. Dr. Fletcher agrees and understands that he shall only obtain his prescription medication(s) from a single primary care physician approved by the Board. Dr. Fletcher agrees and understands that he will not make any unilateral changes to the medication regimen prescribed for him by his primary care physician. In complying with this provision, Dr. Fletcher agrees that he will not self-diagnose or self-treat himself for any medical issues. In addition, Dr. Fletcher agrees that he will not attempt to pressure his primary care physician towards specific types of treatment.

d. SUBSTANCE MONITORING. Dr. Fletcher understands and agrees that he may, for the remainder of his career as a Maine licensed physician, undergo some level of substance monitoring to test whether he 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. Dr. Fletcher irrevocably agrees that the Board and the Maine Department of Attorney General will have full access to all test data and reports. Dr. Fletcher shall execute any and all releases

necessary for the Board and/or the Attorney General to have full access to all data and reports pertaining to his substance monitoring.

i. Supervising Physician. Dr. Fletcher shall propose a Supervising Physician (the "Supervising Physician"), who shall be approved by the Board who shall have Dr. Fletcher provide urine samples for testing for the presence of Prohibited Substances. Under no circumstances shall Dr. Fletcher fail to appear and/or provide a urine sample for testing as required by this Consent Agreement for Conditional Licensure.

ii. 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. All samples shall be tested for the presence of Prohibited Substances, specifically including but not limited to opiates and cocaine.

iii. Frequency of Urine Testing. It is Dr. Fletcher's obligation to ensure that all the samples are given and tests occur as specified in this Consent Agreement for Conditional Licensure. Testing shall be randomly scheduled. **Notwithstanding any other provision of this Consent Agreement for Conditional Licensure, the Board, the Supervising Physician, or the Board's agent may request Dr. Fletcher to submit to testing 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 Dr. Fletcher's Maine medical license, unless proof of genuine emergent medical circumstances (for Dr. Fletcher or a patient) exist which warrant less serious disciplinary actions being taken by the Board. **For the indefinite period following the execution of this Consent Agreement for Conditional Licensure, Dr. Fletcher shall provide urine samples for testing for the presence of Prohibited Substances at least once a week.**

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

(a). 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.

(b). 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. Dr. Fletcher shall ensure that all reports are made to the Board in a timely fashion.

(c). Confidentiality Waived. With regard to the Board and its agents and any process to be pursued by the Board, Dr. Fletcher hereby waives all claims of confidentiality and privilege with respect to all tests taken and test results pursuant to this Consent Agreement for Conditional Licensure. Dr. Fletcher shall execute any and all releases in order for the Board to obtain access to and copies of all urine test results.

v. **Rebuttable Presumption Raised by Positive Test.** 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. Fletcher. Such a positive test result shall alone be sufficient to prove the use of the Prohibited Substance by Dr. Fletcher. Dr. Fletcher further agrees that the result of the test may be admitted into evidence in any proceeding regarding his Maine medical license, whether before the Board or before a Court of competent jurisdiction.

vi. **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 Dr. Fletcher's Maine medical 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 Dr. Fletcher 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.

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

viii. Failure to Maintain Sampling Schedule or Failure to Appear or to Provide Sample. Failure by Dr. Fletcher: 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:

(a). Report. If Dr. Fletcher fails to appear to provide a sample, fails to maintain the sampling/testing schedule, or fails to provide a urine sample, then the Supervising Physician and Dr. Fletcher must telephone

the Board as soon as possible and send to the Board a written report of such failure within 48 hours.

(b). Second Opportunity to Provide Urine Sample. If Dr. Fletcher 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. A repeat failure or any refusal shall result in an immediate, indefinite suspension of medical licensure. The suspension shall begin the moment of the occurrence.

(c). Suspension. An immediate, indefinite suspension of licensure shall result from any failure by Dr. Fletcher to comply with the mandated schedule of samples, failing to appear to provide a sample, or failing to provide a urine sample after given a second opportunity. The suspension shall begin the moment Dr. Fletcher actually learns a report has been made or sent to the Board.

(d). Meeting with Board. Both Dr. Fletcher and the Supervising Physician shall, at the discretion of the Board, be required to 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.

(e). Board Action. The Board may order Dr. Fletcher's Maine medical 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.

ix. Amendment of Testing Provisions. Upon written application by Dr. Fletcher 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 for Conditional Licensure. Amendment from the conditions shall be in the sole discretion of the Board and shall be based upon such information as the Board deems pertinent. A decision regarding the amendment of testing provisions may be made by the Board, in its sole discretion, with or without providing a hearing. Any decision by the Board to amend the testing provisions is not appealable. The Board can propose Amendment(s), which may or may not be agreed to by Dr. Fletcher.

x. Increasing Testing. For good cause shown (i.e., questionable reports or problems with providing samples), the Board can, in its sole discretion, without hearing, unilaterally increase the frequency of testing to the highest levels contemplated by this Consent Agreement for Conditional Licensure, and may also add an additional four random tests per month. Any decision made by the Board pursuant to this paragraph does not require a hearing and is not appealable.

e. PROFESSIONAL MANAGEMENT.

i. Substance Abuse Treatment. Within thirty (30) days following the execution of this Consent Agreement for Conditional Licensure, Dr. Fletcher shall submit for Board approval the name of a licensed individual or agency in the treatment of substance abuse with whom Dr. Fletcher shall consult and counsel for the purpose of working on all issues pertaining to his substance abuse issues, including Dr. Fletcher's compliance with this Consent Agreement, which consultations shall be at least twice monthly following the execution of this Consent Agreement.

ii. Prior Evaluation and Treatment Records. The Board and Dr. Fletcher agree that the Board shall transmit/disclose all records received by it concerning Dr. Fletcher to the approved treatment provider(s).

iii. Communication of Treatment Providers. The Board and Dr. Fletcher agree that all treatment providers involved in his care shall have full communication allowed among themselves, and, when requested, with the Board or its agent(s).

iv. Amendment of Aftercare Treatment Requirements. After two years of successful compliance with the terms and conditions of this Consent Agreement for Conditional Licensure, Dr. Fletcher may file a written application with the Board to amend the schedule of his substance abuse and/or mental health treatment. The Board shall retain the sole discretion, without hearing, to grant or deny such application. Dr. Fletcher acknowledges that any decision by the Board concerning this issue is not appealable.

v. Change of Treatment Provider(s). If Dr. Fletcher desires to change his treatment provider(s), then he shall make written application to the Board, including among other things a letter regarding his reasons for requesting such change(s) and separate letters from the current treatment provider(s) and the proposed new treatment provider(s) relative to their understanding of the reasons for this request and, to the extent applicable, any concerns they may have. The Board shall retain the sole discretion to grant or deny such application without hearing. Dr. Fletcher acknowledges that any decision by the Board concerning this issue is not appealable. If the request is denied, nothing precludes Dr. Fletcher from

proposing another treatment provider for approval. In requesting a change of treatment provider, Dr. Fletcher understands that the Board may inquire into any issues it deems pertinent with any person, including, without limitation, the current treatment provider(s).

vi. Reports from Treatment Providers. **Commencing one month following the execution of this Consent Agreement for Conditional Licensure, and continuing indefinitely thereafter, within a month after every session, Dr. Fletcher shall ensure that the Board-approved treatment provider(s) submit(s) to the Board a written report regarding: Dr. Fletcher's compliance with his schedule of meetings; Dr. Fletcher's ability to continue practicing medicine; and the prognosis of Dr. Fletcher's continued recovery.**

vii. Board Investigation. At any time the Board may deem appropriate, the Board or its agent may contact Dr. Fletcher and/or the Board-approved treatment providers to obtain further information relative to Dr. Fletcher. In addition, if the Board deems it appropriate, it may directly contact the treatment providers regarding any issues concerning Dr. Fletcher's treatment. In complying with this requirement, Dr. Fletcher shall execute any and all releases necessary to enable the Board and/or the Attorney General to communicate directly with his treatment provider(s) and to obtain copies of any and all notes, records, and documentation concerning his treatment.

f. PROFESSIONAL OVERSIGHT.

i. Work Access. Upon return to the active practice of medicine, Dr. Fletcher agrees permit the Board or its agent(s) complete access to his medical practice to ensure his compliance with this Consent Agreement for Conditional Licensure.

ii. Physician Monitor. Within thirty (30) days following the execution of this Consent Agreement for Conditional Licensure, Dr. Fletcher shall submit for Board approval the name of a licensed Maine physician who shall monitor his medical practice. In complying with this provision of the Consent Agreement, Dr. Fletcher shall notify the Board, his Supervising Physician, and his Treatment Provider(s) immediately upon his return to the active practice of medicine. The monitoring physician must be in direct contact with Dr. Fletcher and observe him within his medical practice at least once a week, and inform the Board if Dr. Fletcher demonstrates any issues with regard to isolation, inappropriate boundaries or decision-making, ability to concentrate, absenteeism, drug abuse or any other concerns. The monitoring physician shall report such information by telephone and in writing within 24 hours or as soon thereafter as possible. Dr. Fletcher understands that the monitoring physician will be an agent of the Board pursuant to Title 24 M.R.S. § 2511. Dr. Fletcher shall permit the monitoring physician full

access to his medical practice, including but not limited to all patient information.

iii. Board Access to Medical Practice. Dr. Fletcher shall permit the Board or its agent(s) complete access to his office based medical practice, including but not limited to all patient records, employee records, office records, and office equipment. In addition, Dr. Fletcher shall permit the Board or its agent(s) to conduct random and/or announced inspections of his office based medical practice. Dr. Fletcher shall bear the cost of any such inspection(s) by the Board or its agent(s).

g. SELF-HELP GROUP MEETINGS.

i. Attendance at AA and NA. Dr. Fletcher agrees to attend Alcoholics Anonymous ("AA") and/or Narcotic Anonymous ("NA") a minimum of twice per week from the effective date of this Consent Agreement for Conditional Licensure.

ii. Impaired Physicians Self-Help Group. Dr. Fletcher agrees that he shall attend self-help group meetings of an impaired medical professional group (i.e. Caduceus), on a regular basis for the term of this Consent Agreement for Conditional Licensure. Meetings of the impaired professional self-help groups may be substituted on a one-for-one basis with meetings of AA or NA.

iii. Reports of Attendance. Dr. Fletcher 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 execution of this Consent Agreement for Conditional Licensure. Any instances of failure to attend the required numbers of meetings shall be noted, together with specific explanation detailing reasons.

iv. 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 for Conditional Licensure 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, or revocation of Dr. Fletcher's conditional Maine medical license.

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

i. General. Dr. Fletcher 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. Dr. Fletcher 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 Dr. Fletcher'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 by Dr. Fletcher explaining the arrangements made and how the arrangements were carried out.

ii. Failure to Comply. Any failure by Dr. Fletcher to meet the conditions of the Consent Agreement for Conditional Licensure outside of Maine shall constitute a violation of this Consent Agreement, and may result in the immediate suspension by the Board of Dr. Fletcher's Maine medical license pending hearing, and, following hearing, other sanctions as permitted by law including but not limited to suspension, modification, or revocation of licensure.

i. INVOLVEMENT IN THE MAINE COMMITTEE ON PHYSICIANS' HEALTH.

Dr. Fletcher shall enter into a contract with the Maine Committee on Physicians' Health and fully participate in that program as long as this Consent Agreement for Conditional Licensure remains in force.

j. MAINTAINENCE OF LICENSE.

Dr. Fletcher shall be required to maintain his Maine license to practice medicine for as long as this Consent Agreement for Conditional Licensure is in effect. In the event that Dr. Fletcher applies for licensure in other jurisdictions during the term of this Consent Agreement, Dr. Fletcher shall notify said jurisdiction of the existence of this Consent Agreement for Conditional Licensure.

k. WAIVER OF CONFIDENTIALITY AND RELEASE OF RECORDS.

Dr. Fletcher 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 regarding chemical dependency and mental health issues and to all otherwise confidential data

pertaining to treatment or monitoring of Dr. Fletcher for substance abuse and mental health issues.

13. SANCTION FOR VIOLATION OF LICENSE CONDITIONS.

a. Automatic Suspension. Any reliable oral or written report to the Board of violation(s) of the conditions of licensure as described above shall result in the immediate, indefinite and automatic suspension of Dr. Fletcher's Maine medical license. The automatic suspension of Dr. Fletcher's Maine medical license shall become effective at the time that he 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. 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. Dr. Fletcher'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 Dr. Fletcher 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 of licensure, as the Board after hearing deems appropriate.

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

14. DESIGNATED COPY OF CONSENT AGREEMENT.

Dr. Fletcher shall have his supervising physician, monitoring physician and all treatment providers read, date, and sign a copy of the Consent Agreement for Conditional Licensure (the "Designated Copy"). Dr. Fletcher shall retain a copy of the Consent Agreement for Conditional Licensure signed by all of the aforementioned individuals at his office and shall produce it upon request of the Board or its agent(s). A copy of the signature page shall be made and sent to the Board. Dr. Fletcher agrees that if new individuals assume the roles set forth in this Consent Agreement during the existence of this Consent Agreement, such individuals shall also read, date and sign the Consent Agreement.

15. BOARD'S JURISDICTION.

Dr. Fletcher acknowledges that the Board has jurisdiction over his license. Dr. Fletcher understands that, at the time the Board is agreeing to issue him this Conditional, Modified License, the Board has the statutory jurisdiction to revoke licenses. Pursuant to 10 M.R.S. § 8003(5)B, in consideration for the Board's issuing Dr. Fletcher his Maine medical license pursuant to this Consent Agreement for Conditional Licensure, he agrees that, regarding any alleged violation of this Consent Agreement, the Board is granted jurisdiction to revoke his license or take such other disciplinary action as is available to the Courts, following an adjudicatory hearing conducted in accordance with the Maine Administrative Procedure Act. Such revocation by the Board shall be deemed final agency action appealable only to the Superior Court pursuant to 5 M.R.S. § 11001, and *not* be reviewable de novo in the District Court pursuant to 10 M.R.S. § 8003(5)F.

16. MISCELLANEOUS PROVISIONS.

a. Notice. Unless otherwise specified in this Consent Agreement for Conditional Licensure, 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: Board Investigator
137 State House Station
Augusta, Maine 04333-0137
Telephone: (207) 287-3601

(ii). Notice to the Licensee:

Andrew J. Fletcher
59 Citron Road
Dover-Foxcroft, ME 04426

b. Address Change. If Dr. Fletcher changes jobs, moves his residence or practice, changes telephone numbers at work or at home, or secures privileges at a hospital, he shall provide notice to the Board.

c. Costs. All costs incurred in performance of the Modifications and Conditions of this Consent Agreement for Conditional Licensure shall be borne by Dr. Fletcher. If a violation of this Consent Agreement is proven to have occurred, regardless of the sanctions imposed, the Board may require Dr.

Fletcher 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 for Conditional Licensure is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

17. DURATION OF CONSENT AGREEMENT FOR CONDITIONAL LICENSURE. **Dr. Fletcher understands and agrees that the duration of this Consent Agreement for Conditional Licensure is indefinite. The modifications and conditions imposed by this Consent Agreement shall remain in effect until amended or rescinded in writing by the parties hereto.**

18. AMENDMENT OF CONSENT AGREEMENT FOR CONDITIONAL LICENSURE.

Dr. Fletcher waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement for Conditional Licensure. Dr. Fletcher agrees that this Consent Agreement for Conditional Licensure is a final order resolving his application for reinstatement of his Maine medical license. This Consent Agreement for Conditional Licensure is not appealable and is effective until modified or rescinded by the parties hereto. This Consent Agreement for Conditional Licensure cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General. Requests for amendments to this Consent Agreement for Conditional Licensure by Dr. Fletcher shall be made in writing and submitted to the Board. Dr. Fletcher may, at reasonable intervals, petition the Board for amendment of the terms and conditions of this Consent Agreement for Conditional Licensure. Upon making such a petition, Dr. Fletcher shall bear the burden of demonstrating that the Board should amend the Consent Agreement. The Board shall have the sole discretion to: (a) deny Dr. Fletcher's petition; (b) grant Dr. Fletcher's petition; and/or (c) grant Dr. Fletcher's petition in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Dr. Fletcher's request to modify this Consent Agreement for Conditional Licensure need not be made pursuant to a hearing and is not appealable to any court.

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

20. PUBLIC RECORD. This Consent Agreement for Conditional Licensure 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. § 408.

21. ADVICE OF COUNSEL. Dr. Fletcher acknowledges that he has a right to be represented by an attorney at his own cost concerning the negotiation of this Consent Agreement for Conditional Licensure.

22. WAIVER OF RIGHT TO APPEAL CONSENT AGREEMENT FOR CONDITIONAL LICENSURE.

Dr. Fletcher waives his right to a hearing before the Board or any court regarding all facts, terms and conditions of this Consent Agreement for Conditional Licensure. Dr. Fletcher agrees that this Consent Agreement for Conditional Licensure is a final order resolving his application for reinstatement of his Maine medical license pending before the Board. This Consent Agreement for Conditional Licensure is not appealable and is effective until modified or rescinded in writing by the parties hereto.

I, ANDREW J. FLETCHER, 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: 1/02/08

Andrew J. Fletcher M.D.
ANDREW J. FLETCHER, M.D.

STATE OF Maine

Kennebec, S.S.

Personally appeared before me the above-named Andrew J. Fletcher, M.D., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

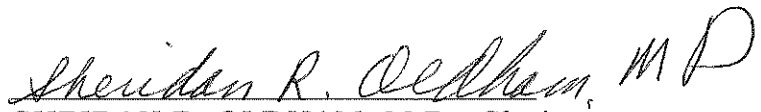
DATED: 1/2/08

Gayle L. Michaud
NOTARY PUBLIC / ATTORNEY
MY COMMISSION ENDS: _____

GAYLE L. MICHAUD
Notary Public, Maine
My Commission Expires December 3, 2009


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 1/8/08


SHRIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 1/8/08


DENNIS E. SMITH
Assistant Attorney General

Effective Date:

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
Andrew J. Fletcher, M.D.) DECISION AND ORDER
Complaint No. CR 05-197)

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S.A. Sec. 3263, *et seq.*, 5 M.R.S.A. Sec. 9051, *et seq.* and 10 M.R.S.A. Sec. 8001, *et seq.*, the Board of Licensure in Medicine (Board) met on June 12, 2007 at the Board's Offices located in Augusta, Maine. The purpose of this meeting was to conduct an adjudicatory hearing to decide whether Andrew J. Fletcher, M.D. (Dr. Fletcher or Respondent) violated the Board's statutes or rules as more particularly alleged in the Board's Notice of Adjudicatory Hearing dated May 16, 2007. A quorum of the Board was present at all stages of the proceedings. Participating and voting was Board Chairman Edward David, M.D., J.D., and Board members, Sheridan R. Oldham, M.D., Kimberly K. Gooch, M.D., Gary R. Hatfield, M.D., Bettsanne Holmes (public member), George K. Dreher, M.D., Cheryl Clukey (public member), David Nyberg PhD., (public member). Dr. Daniel Onion recused himself from the proceedings.

Assistant Attorney General Dennis E. Smith (Mr. Smith) presented the State's case. Dr. Fletcher was present and represented himself. Dennis J. Harnish, Esq., served as Presiding Officer.

Following the convening of the adjudicatory hearing the Board determined that no Board member present at the hearing had a conflict of interest or bias. Mr. Smith and Dr. Fletcher waived all objections to the

participation of all Board members as well as to the Notice of Adjudicatory Hearing dated May 16, 2007 and all other pre-hearing procedures. The State's exhibit's 1-18 and the Respondent's exhibits 1 and 2 were all admitted without objection. Mr. Smith called Dr. Fletcher and Dr. David Simmons of the Physician's Health Program as witnesses. The Respondent called Dr. David Dumont and Mr. David Shannon both of the Penobscot Valley Hospital. Besides receiving the testimony and the exhibits described above the Board also heard opening and closing statements from Dr. Fletcher and Mr. Smith.

After the evidentiary portion of the hearing was closed the Board deliberated in open session and found the following facts based upon the preponderance of the credible evidence.

II. FINDINGS OF FACT

1. The Respondent is the adult child of addictive parents and has an extensive history of childhood trauma. He has a history of depression dating back to his teenage years.

2. Dr. Fletcher has used multiple intoxicants since age 9. His longest period of sobriety was five years which occurred during medical school and into the beginning of his family practice residency.

3. In early 2003 during his residency, the Respondent relapsed. He began by using prescription opioids and then returned to the use of illicit narcotics such as heroin.

4. Due to this substance abuse Dr. Fletcher was referred to and admitted by The William J. Farley Center (Farley) in August of 2003 where he received in-patient treatment. He was discharged from Farley in November of 2003.
5. Following his discharge from Farley the Respondent resumed his training as a Resident under supervision of the Maine Physicians' Health Program (PHP).
6. Due to his history of substance abuse, the Respondent was denied licensure as a physician by the State of New Hampshire.
7. In July of 2004 Dr. Fletcher applied for a medical license in the State of Maine. In his application the Respondent disclosed the preceding facts.
8. The Board issued a medical license to Dr. Fletcher on November 16, 2004, pursuant to a Consent Agreement. The Consent Agreement conditioned Dr. Fletcher's Maine medical license because of his prior opioids addiction and relapse to the use of opioids while in a family practice residency. Pursuant to the Consent Agreement, Dr. Fletcher agreed to completely abstain from the use of any "prohibited substances," including opiates and cocaine. The Consent Agreement

required that Dr. Fletcher submit the results of urine analyses conducted on a biweekly basis during the first year, every month the second year and every two months thereafter. In addition, the Consent Agreement provided that a positive result from a urine test raised a rebuttable presumption of the use of a prohibited substance by Dr. Fletcher which would result in the immediate suspension of his Maine medical license and could also result in the revocation of his medical license. The Board agreed that it would attempt to hold a hearing within 60 days of the suspension of the Respondent's medical license based upon a positive test. A copy of the November 2004 Consent Agreement was admitted as State's Exhibit 13.

9. On March 27, 2007 the Board received a written request from the Respondent to decrease the frequency of urine screens to every other month rather than monthly.

10. On or about April 27, 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. Fletcher's urine had tested positive for the presence of cocaine. In addition, that letter indicated that Dr. Fletcher had admitted to Dr. Simmons that he had used cocaine.

11. On or about April 27, 2007, the Board, pursuant to the 2004 Consent Agreement, notified Dr. Fletcher of the immediate, indefinite suspension of his Maine medical license.

12. At the hearing Dr. Fletcher admitted to the Board that he had used cocaine on or about April 18, 2007 and also in February and September of 2006 and in January of 2007. He stated that he had procured this drug in Worcester, Massachusetts from a dealer who was a boyhood acquaintance.

13. Cocaine is a central nervous system stimulant. Use of cocaine may cause a number of side effects including increased heart rate, hallucinations and delusions. The euphoria caused by use of cocaine is often followed by depression and a craving for additional use of the drug.

III. DISCUSSION

The findings of fact set forth above are based upon exhibits admitted pursuant to Dr. Fletcher's stipulation as well as upon his own testimony. None of these facts was disputed by the Respondent. While acknowledging that these facts would justify the Board to revoke his license Dr. Fletcher asked the Board to allow him to continue to practice medicine subject to a program of monitoring and guidance. In support of this request the Respondent averred that he was a good physician with value to his community and to his employer.

Also, he adamantly denied imperiling any patients as a result of his substance abuse.

The Respondent explained that he had largely overcome a very difficult background through self reliance and that it was difficult for him to accept help. Accordingly, he explained his relapse following his release from Farley as being due to his inability to request help when he felt the urge to use prohibited substances. Dr. Fletcher testified that he has not used any prohibited substance since April and that he has been seeking help from his fiancée, from the church of which he is a new member, from an Alcoholics Anonymous group that he had recently joined and from his counselor, Christopher Coose. The Respondent told the Board that he had rejected the consent agreement offered by Board staff that would have revoked his medical license and suspended his ability to reapply for a year because if he could not work for that period of time he would lose his house and probably have to relocate and seek some other type of employment.

Mr. David Shannon, the chief executive officer of the Penobscot Valley Hospital testified that Dr. Fletcher was a competent and well liked member of the hospital staff and that the hospital would welcome Dr. Fletcher's return provided that the Respondent procured the appropriate licensing and insurance. Dr. David Dumont, the head of emergency medicine at Penobscot Valley Hospital testified that Dr. Fletcher had functioned well as an emergency room physician at the hospital and that Dr. Dumont had never personally

observed or been told by other staff that Dr. Fletcher had exhibited any signs of impairment at work.

During deliberations several Board members observed that Dr. Fletcher was a good person with a very bad drug problem. Although the Board accepted Dr. Fletcher's testimony that he had not taken prohibited substances since April, the Board was not willing to accept two months of sobriety as proof that Dr. Fletcher had overcome his substance abuse problem. The Board noted that Dr. Fletcher abused illegal substances in his youth, during his Family Practice Residency and also during his medical practice at the Penobscot Valley Hospital. This recurrence demonstrated to the Board that it will be difficult for Dr. Fletcher to remain drug free. Moreover, there was agreement that Dr. Fletcher was just beginning to admit to himself that his drug problem was a disease, not just a failure of willpower. Dr. David Simmons Director of the PHP who has monitored Dr. Fletcher for a number of years thought that Dr. Fletcher was likely sincere in stating his desire to abstain from use of prohibited substances but that Dr. Fletcher might be conning himself by declaring that he had overcome this problem. Dr. Simmons also testified that although there is a good long term success rate in freeing physicians from substance abuse, relapses are a normal part of this process.

The Board was also concerned that Dr. Fletcher had not yet acquired a local sponsor to whom he could turn to for support if and when his cravings returned and that his counselor, Christopher Coose was located in Portland, Maine a two and one half hour drive from Dr. Fletcher's residence in Dover-

Foxcroft. The Board also noted that Dr. Fletcher had not followed Dr. Simmons' suggestion that he return to Farley for additional evaluation.

The Board was sympathetic to the financial plight that a revocation of the Respondent's license might cause, e.g., that he would probably have to sell his house and move away from an area where he was putting down roots. However, the Board noted that its primary duty was to protect the public and to shield patients from physicians who are habitual drug users. Given Dr. Fletcher's long history of using prohibited substances, the fact that he relapsed even after he was given the opportunity to practice medicine pursuant to a conditional license, and the fact that he used prohibited substances knowing that he had to provide frequent urine samples, the Board determined that Dr. Fletcher's medical license should be revoked and that he should not be permitted to reapply for a period of six months. Further, the Board specified that if and when Dr. Fletcher reapplies for a Maine medical license he will have the burden of demonstrating to the Board that he has fully addressed his substance abuse problem and has a system of supports in place that will prevent a relapse.

III. CONCLUSIONS OF LAW

The Board, exercising its knowledge, experience and training and particularly having had the opportunity to observe Dr. Fletcher's demeanor, concludes that:

1. By using cocaine, a prohibited substance, in February and September of 2006 as well as in January and April of 2007, Dr. Fletcher has violated a standard of professional behavior that has been established in the practice for which he was licensed by the Board and has, accordingly,

engaged in unprofessional conduct within the meaning of 32 M.R.S.A. Section 3282-A(2)(F).

2. By using cocaine, a prohibited substance, in February and September of 2006 as well as in January and April of 2007, Dr. Fletcher has engaged in habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients within the meaning of 32 M.R.S.A. Section 3281-A(2)(B).
3. By using cocaine, a prohibited substance, in February and September of 2006 as well as in January and April of 2007, Dr. Fletcher has violated conditions of probation within the meaning of 10 M.R.S.A. Section 8003(5)(A-1)(4)(said probation being set forth in the 2004 Consent Agreement). Each of these conclusions was adopted by the Board on the basis of a vote of 8-0 with one member recused.

V. SANCTIONS

The Board, exercising its knowledge, experience and training and particularly having had the opportunity to observe Dr. Fletcher's demeanor, hereby imposes the following sanctions:

A. Dr. Fletcher's license to practice medicine in the State of Maine is immediately revoked.

B. Nothing in this Order shall prohibit Dr. Fletcher from, at reasonable intervals, petitioning the Board for reinstatement of his Maine medical license. However, Dr. Fletcher shall not petition the Board for


reinstatement, and the Board shall not consider any such petition, that is submitted prior to October 29, 2007. (October 29, 2007 is the first work day that occurs six (6) months following April 27, 2007, the date upon which Dr. Fletcher's medical license was suspended).

C. Upon petitioning the Board for reinstatement, Dr. Fletcher shall bear the burden of 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. Fletcher, may grant or deny the petition and/or may grant Dr. Fletcher a license subject to restrictions and/or conditions pursuant to 10 M.R.S.A. § 8003(5).

D. Dr. Fletcher shall pay all costs associated with this hearing promptly upon receipt of an invoice from the Board but in no event later than one year from the date of this Order. The manner of payment and the identity and address of the payee will be specified in a cover letter accompanying the Board's invoice.

SO ORDERED:

Dated: 7/10/2007


Chairman, Maine Board
of Licensure in Medicine

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A Section 10051.3 and 10 M.R.S.A. Section 8003 any party that appeals this Decision and Order must file a Petition for Review in Superior Court within 30 days from receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Licensure in Medicine, all parties to the agency proceeding and the Attorney General.



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

*SENT VIA FIRST CLASS AND CERTIFIED MAIL 70060810000268196608
RETURN RECEIPT REQUESTED*

April 27, 2007

Andrew J. Fletcher, M.D.
59 Citron Road
Dover Foxcroft, ME 0426

Re: Suspension of Maine medical license

Dear Dr. Fletcher:

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

On April 26, 2007, 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 November 10, 2004 your license is immediately suspended as of April 27, 2007.

An Adjudatory Hearing will take place within sixty (60) days. Notice of the time date and location of the Adjudatory 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 05-197
Dennis E. Smith, AAG

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:) CONSENT AGREEMENT
ANDREW J. FLETCHER, 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 Andrew J. Fletcher, M.D. The parties to the Consent Agreement are: Andrew J. Fletcher, 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. On July 19, 2004, Andrew J. Fletcher, M.D. applied for an active license to practice medicine in the State of Maine.
2. Before attending medical school, the Licensee was treated for opioid addiction and remained in recovery for several years. In 2003 while in a family practice residency, the Licensee relapsed into opioid addiction and was admitted into an in-patient treatment facility for three months.
3. After being discharged, Dr. Fletcher contracted with the Physicians Health Program in the State of Maine and has been a compliant participant in that program since that time.

CONDITIONS OF LICENSURE

Based on Dr. Fletcher's acceptance of responsibility for his actions, his continuing treatment of his substance abuse problem, as well as the understanding and agreement between Dr. Fletcher and the Board, that any future use of any illicit substance by Dr. Fletcher will result in revocation of his license, the Board will issue and Dr. Fletcher 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.

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 Monitoring 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 Monitoring 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 Monitoring 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 anger management and behavior. 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.

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 continue his contractual involvement with the Maine Committee on Physicians' Health as long as this Consent Agreement remains in force. The Licensee is encouraged to actively participate in the Committee's program.

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 HOSPITALS. 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:

A. The Hospital. Notice to all hospitals at which the Licensee practices shall be provided, at a minimum, to the Hospital CEO and the Hospital Medical Director.

B. Others. Any other entity or person involved in the monitoring or treatment process which or whom the Board deems appropriate shall receive and review this Consent Agreement.

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:

Andrew J. Fletcher, M.D.
179 Loon Cove Lane
Winthrop, ME 04364

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 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, ANDREW J. FLETCHER, 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: 11/05/04

Andrew J. Fletcher MD
ANDREW J. FLETCHER, M.D.

STATE OF MAINE BOARD OF
LICENSURE IN MEDICINE

Dated: 11-10-04

By: Ed David
Edward David, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF ATTORNEY GENERAL

Dated: 11/10/04

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

APPROVED and EFFECTIVE: