

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Kathleen C. Lees, P.A.-C)	AGREEMENT
Complaint No. CR12-178)	

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed upon the license to practice as a physician assistant in the State of Maine held by Kathleen C. Lees, P.A.-C. The parties to the Consent Agreement are: Kathleen C. Lees, P.A.-C (“Ms. Lees”), the State of Maine Board of Licensure in Medicine (“the Board”) and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. The Board first issued Ms. Lees a license to practice as a physician assistant in the State of Maine on May 12, 1999. At all times relevant to this complaint, Ms. Lees was licensed as a physician assistant by the Board.

2. On September 11, 2012, the Board reviewed information regarding an investigation conducted by the Maine Department of Health and Human Services (DHHS) Licensing and Regulatory Services regarding the death of a patient who had been treated at a Maine hospital in February 2012. Following its review of this information, the Board voted to initiate a complaint against Ms. Lees’ physician assistant license pursuant to 32 M.R.S. § 3282-A alleging incompetence and unprofessional conduct based upon Ms. Lees dictating a discharge summary for the patient that included an incorrect medication and dosage, which incorrect medication was subsequently administered to the patient in the incorrect and excessive dosage. The Board docketed the complaint as CR12-178 and sent it to Ms. Lees for a written response.

3. On or about October 9, 2012, the Board received a response from Ms. Lees to complaint CR12-178. In her response, Ms. Lees admitted making the medication error during the process of completing the dictated discharge summary for the patient by inaccurately including a certain medication and dosage under the patient's list of "medications unchanged."

4. On December 11, 2012, the Board reviewed complaint CR12-178, including Ms. Lees' response to the complaint and the relevant medical records and voted to offer Ms. Lees this Consent Agreement in order to resolve complaint CR12-178 without further proceedings.

5. This Consent Agreement has been negotiated by Ms. Lees and legal counsel for the Board in order to resolve complaint CR12-178 without further proceedings, including an adjudicatory hearing. Absent Ms. Lees' acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before February 8, 2013, the matter will be presented to the Board for further action.

6. By signing this Consent Agreement, Ms. Lees waives any and all objections to, and hereby consents to allow the legal counsel to the Board to present this Consent Agreement to the Board for possible ratification.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Ms. Lees and the Board agree to the following :

7. Ms. Lees admits that with regard to complaint CR12-178 the Board has sufficient evidence from which it could reasonably conclude that she dictated a discharge summary for the patient that included an incorrect medication and dosage, which incorrect medication was subsequently administered to the patient in the incorrect and excessive dosage. Ms. Lees admits

that such conduct constitutes unprofessional conduct and incompetence and grounds for discipline pursuant to 32 M.R.S. § 3286(2)(F) and (E).

8. As discipline for the conduct described in paragraphs 1-7 above pertaining to complaint CR12-178, Ms. Lees agrees to accept, and the Board agrees to issue, the following discipline:

a. A REPRIMAND. In this case, by dictating the incorrect medication and dosage, Ms. Lees effectively prescribed a new drug to the patient in an excessive dosage (i.e. five times the appropriate level). This new medication at such a high dosage was contraindicated not only because of its potential harm to the patient due to the excessive dosage, but because of its potential to adversely interact with the medications that the patient was already receiving. Although Ms. Lees acknowledged the importance of accurate discharge information, the Board urges her to ensure that this type of error does not occur again.

b. A MONETARY FINE of One Thousand Dollars and Zero Cents (\$1,000.00). Ms. Lees shall ensure that she pays the monetary penalty within thirty (30) days following the execution¹ of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

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

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

10. Pursuant to 10 M.R.S. § 8003(5) the Board and Ms. Lees agree that the Board has the authority to issue an order, following notice and hearing, imposing further discipline, including revocation or suspension of her license, in the event that she fails to comply with any of the terms or conditions of this Consent Agreement.

11. Ms. Lees waives her right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Ms. Lees agrees that this Consent Agreement and Order is a final order resolving complaint CR12-178. This Consent Agreement is not appealable and is effective until modified or rescinded by agreement of all of the parties hereto.

12. The Board and the Office of the Attorney General may communicate and cooperate regarding Ms. Lees or any other matter relating to this Consent Agreement.

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

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

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

16. The Board and Ms. Lees agree that no further agency or legal action will be initiated against her by the Board based upon the facts described herein except or unless she fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that

similar true allegations are brought against Ms. Lees in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Ms. Lees' Maine physician assistant license.

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

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

DATED: 2-5-13

Kathleen C. Lees
KATHLEEN C. LEES, P.A.-C

STATE OF Maine
Kennebec County
S.S.

Personally appeared before me the above-named Kathleen C. Lees, P.A.-C, 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: 2/5/13

Susan Rizzo
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: **SUSAN RIZZO**
Notary Public, Maine
My Commission Expires September 27, 2018

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

2/12/13




GARY R. HATFIELD, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

2/12/13



DENNIS E. SMITH
Assistant Attorney General

Effective Date: 2/12/13