

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Weeza Matthias, M.D.)	AGREEMENT
Complaint No. CR 07-365)	

This document is a Consent Agreement, 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 Weeza Matthias, M.D. The parties to the Consent Agreement are: Weeza Matthias, M.D. ("Dr. Matthias"), 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.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. Dr. Matthias has held a license to practice medicine in the State of Maine since September 14, 2004. Dr. Matthias practices medicine in Bangor, Maine, and specializes in Family Practice.

2. On November 20, 2006, the Board received information that Dr. Matthias had experienced health problems and took a voluntary medical leave of absence from her medical practice in December 2005. In addition, the information indicated that Dr. Matthias had subsequently returned to active medical practice, but declined to undergo an evaluation by or to enroll in the Maine Medical Association's Physician Health Program (PHP).

3. On January 9, 2007, the Board voted to initiate a complaint against Dr. Matthias's Maine medical license. The Board docketed the complaint as CR 07-008.

4. On January 18, 2007, the Board received Dr. Matthias's response to complaint CR 07-008.

5. On February 13, 2007, the Board reviewed complaint CR 07-008, including Dr. Matthias's written response and enclosures. Following its review, the Board directed that Dr. Matthias undergo a psychosocial and substance abuse evaluation by a Board-approved individual. Dr. Matthias underwent the evaluation as directed by the Board.

6. On August 14, 2007, the Board reviewed complaint CR 07-008, including the psychosocial and substance abuse evaluation. Following its review, the Board voted to schedule complaint CR 07-008 for an adjudicatory hearing. In addition, the Board authorized its assigned legal counsel to negotiate a consent agreement with Dr. Matthias in order to resolve complaint CR 07-008 without an adjudicatory hearing.

7. On November 13, 2007, Dr. Matthias entered into a consent agreement with the Board and the Office of Attorney General regarding Complaint CR 07-008.

8. On or about November 15, 2007, the Board initiated a complaint against Dr. Mathias's Maine medical license based upon a report from St. Joseph Hospital that it had: (a) summarily suspended Dr. Matthias's clinical privileges effective May 15, 2007, pursuant to the medical bylaws, which

provided that immediate action may be taken to avoid imminent danger to the health of patients; and (b) terminated Dr. Matthias's clinical privileges effective September 21, 2007, based upon her conduct and care of a patient, who died, including: (1) failure to create a progress note at the time of the patient's admission; (2) lack of timeliness of the history and physical for the patient; (3) timeliness of provider response to the patient's admission (patient not seen by any provider until the code response team); (4) directly admitting the patient without seeing the patient; and (5) failure to order or perform additional diagnostic studies regarding the patient.

9. On January 11, 2008, the Board received a response from Dr. Matthias to Complaint CR 07-365.

10. On or about February 12, 2008, the Board reviewed Complaint CR 07-365, and voted to summarily suspend Dr. Matthias's Maine medical license based upon the imminent jeopardy that her continued practice of medicine posed to the public. In addition, the Board scheduled the matter for an adjudicatory hearing before the Board on March 11, 2008.

11. On or about March 4, 2008, the Board received a request from Dr. Matthias's attorney to continue the adjudicatory hearing to allow the parties to attempt to negotiate a consent agreement that resolves Complaint CR 07-365 without hearing. The Hearing Officer granted the request to continue the adjudicatory hearing, and re-scheduled the matter until May 13, 2008.

12. This Consent Agreement has been negotiated by Dr. Matthias, her legal counsel, and the assigned legal counsel to the Board in order to resolve

complaint CR 07-365 without an adjudicatory hearing. Absent ratification of this proposed Consent Agreement by a majority vote of the Board, the matter shall proceed to an adjudicatory hearing on May 13, 2008.

13. By signing this Consent Agreement, Dr. Matthias waives any and all objections to, and hereby consents to the presentation of this proposed Consent Agreement to the Board for possible ratification. Dr. Matthias waives 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

14. Dr. Matthias admits that with regard to CR 07-365 that the Board has sufficient evidence from which it could reasonably conclude that with regard to a patient she admitted to the hospital in December 2006 she: (a) dictated and/or created history and physical record for patient CA without actually examining the patient; (b) failed to examine patient CA – both at the time of his initial direct admission to the hospital and within the approximately 13 hours after his admission while he was under her care and treatment; and (c) failed to recognize and appropriately treat critical laboratory values for patient CA – including the failure to order additional diagnostic laboratory tests and/or additional diagnostic imaging tests. Dr. Matthias admits that such conduct constitutes incompetence, and unprofessional conduct, and grounds for discipline of her Maine medical license pursuant to 32 M.R.S.A. § 3282-A(2) (E) & (F).

15. In order to resolve this matter without hearing concerning the issue identified in paragraph 14 above, Dr. Matthias agrees to the immediate and permanent¹ surrender of her Maine medical license, effective the date of the execution² of this Consent Agreement.

16. Dr. Matthias waives her right to a hearing before the Board or any court regarding all facts, terms and conditions of this Consent Agreement. Dr. Matthias agrees that this Consent Agreement is a final order resolving the complaint CR 07-365. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General. Requests for amendments by Dr. Matthias shall be made in writing and submitted to the Board. Upon making such a request, Dr. Matthias 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. Matthias's request; (b) grant Dr. Matthias's request; and/or (c) grant Dr. Matthias's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Dr. Matthias's request to modify this Consent Agreement need not be made pursuant to a hearing and is not appealable to any court.

¹ The permanent surrender of licensure shall remain in full force and effect indefinitely and until such time, if ever, the Board decides to amend this Consent Agreement.

² For purposes of this Consent Agreement, "execution" shall mean the date on which the last signature is affixed to this Consent Agreement.

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

18. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408. This Consent Agreement is reportable to the Federation of State Medical Boards (FSMB), the National Practitioner Data Bank (NPDB), and the Healthcare Integrity and Protection Data Bank (HIPDB).

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

20. The Board and Dr. Matthias 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 restrictions and conditions of this Consent Agreement. In addition, the Board retains the ability to initiate a new complaint against Dr. Matthias's license in the event that it receives new information regarding Dr. Matthias.

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

DATED: April 8, 2008 *W Matthias*
WEEZA MATTHIAS, M.D.

STATE OF Maine
Kennebec, S.S.

Personally appeared before me the above-named Weeza Matthias, 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: 4-8-2008 *KW Lehman*
~~NOTARY PUBLIC~~ ATTORNEY
~~MY COMMISSION ENDS~~ Maine Lic 3283

DATED: 4-8-2008 *KW Lehman*
KENNETH W. LEHMAN, ESQ.
Attorney for Weeza Matthias, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 4/8/2008 *Sheridan R. Oldham, MD*
SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 4/8/08



DENNIS E. SMITH
Assistant Attorney General

Effective Date:



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

SHERIDAN R. OLDHAM, M.D.
CHAIRMAN

JOHN ELIAS BALDACCI
GOVERNOR

RANDAL C. MANNING
EXECUTIVE DIRECTOR

February 14, 2008

**FIRST CLASS AND CERTIFIED MAIL 7006 2150 0005 6940 2773
RETURN RECEIPT REQUESTED**

Weeza Matthias, M.D.
PO Box 796
Bangor, ME 04402-0796

RE: NOTICE OF IMMEDIATE SUSPENSION OF LICENSE

Dear Dr. Matthias:

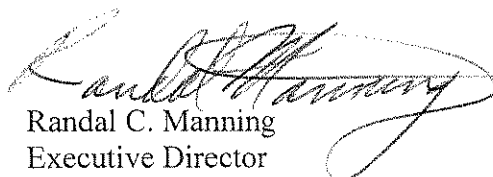
During its meeting on February 12, 2008, the Maine Board of Licensure in Medicine reviewed information provided by St. Joseph Hospital regarding the termination of your hospital privileges at that facility after a patient death. The Board also reviewed your letter of explanation surrounding the loss of your hospital privileges.

After review of this information, the Board voted to suspend your license to practice medicine effective February 12, 2008 pursuant to 5 M.R.S.A. § 10004 (3) because of the immediate jeopardy your continued practice of medicine poses to the health and physical safety of the public. Your license is suspended for thirty (30) days pending an adjudicatory hearing before the Board on March 11, 2008, at the Board offices at 161 Capitol Street, Augusta, Maine. A notice of hearing for that adjudicatory hearing will be sent to you forthwith.

You must forward your medical license to the Board office immediately. Failure to do so constitutes grounds for further discipline of your license.

If you have any questions, please contact me at 287-3605.

Sincerely,

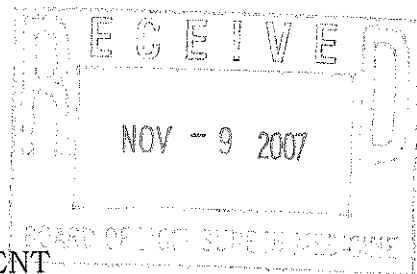

Randal C. Manning
Executive Director

RCM/msl

CR 07-365

cc: Dennis Smith, Assistant Attorney General
Kenneth W. Lehman, Esq. (7006 2150 0005 6940 2780)

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE



In re:) CONSENT
Weeza Matthias, M.D.) AGREEMENT
Complaint No. CR 07-008)

This document is a Consent Agreement, 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 Weeza Matthias, M.D. The parties to the Consent Agreement are: Weeza Matthias, M.D. ("Dr. Matthias"), 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.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. Dr. Matthias has held a license to practice medicine in the State of Maine since September 14, 2004. Dr. Matthias practices medicine in Bangor, Maine, and specializes in Family Practice.
2. On November 20, 2006, the Board received information that Dr. Matthias had experienced health problems and took a voluntary medical leave of absence from her medical practice in December 2005. In addition, the information indicated that Dr. Matthias had subsequently returned to active medical practice, but declined to undergo an evaluation by or to enroll in the Maine Medical Association's Physician Health Program (PHP).

3. On January 9, 2007, the Board voted to initiate a complaint against Dr. Matthias's Maine medical license. The Board docketed the complaint as CR 07-008.

4. On January 18, 2007, the Board received Dr. Matthias's response to complaint CR 07-008.

5. On February 13, 2007, the Board reviewed complaint CR 07-008, including Dr. Matthias' written response and enclosures. Following its review, the Board directed that Dr. Matthias undergo a psychosocial and substance abuse evaluation by a Board-approved individual. Dr. Matthias underwent the evaluation as directed by the Board.

6. On August 14, 2007, the Board reviewed complaint CR 07-008, including the psychosocial and substance abuse evaluation. Following its review, the Board voted to schedule complaint CR 07-008 for an adjudicatory hearing. In addition, the Board authorized its assigned legal counsel to negotiate a consent agreement with Dr. Matthias in order to resolve complaint CR 07-008 without an adjudicatory hearing.

7. This Consent Agreement has been negotiated by Dr. Matthias, her legal counsel, and the assigned legal counsel to the Board in order to resolve complaint CR 07-008 without an adjudicatory hearing. Absent ratification of this proposed Consent Agreement by a majority vote of the Board, the matter will be scheduled for an adjudicatory hearing.

8. By signing this Consent Agreement, Dr. Matthias waives any and all objections to, and hereby consents to the presentation of this proposed

Consent Agreement to the Board for possible ratification. Dr. Matthias waives 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

9. Dr. Matthias admits that with regard to CR 07-008 that the Board has sufficient evidence from which it could reasonably conclude that she has been professionally diagnosed with a mental or physical condition that, if not properly managed, may result in performing services in a manner that poses a risk to the health or safety of patients. Dr. Matthias admits that such condition, if not properly managed, would constitute grounds for discipline of her Maine medical license pursuant to 32 M.R.S.A. § 3282-A(2)(C).

10. In order to resolve this matter without hearing concerning the issue identified in paragraph 9 above, Dr. Matthias agrees to accept a three (3) year license probation¹, effective the date of the execution² of this Consent Agreement, with the following specific conditions:

- a. Dr. Matthias shall establish and maintain a patient relationship with a single primary care physician approved by the Board, and if that physician is unavailable, then from a covering physician approved in advance by the Board. Dr.

¹ In the event that Dr. Matthias successfully completes the three (3) year term of probation, the probation and conditions shall terminate.

² For purposes of this Consent Agreement, "execution" shall mean the date on which the last signature is affixed to this Consent Agreement.

Matthias shall ensure that her Board-approved primary care physician and/or covering physician:

- (i) Is outside of Dr. Matthias's own medical practice, and will provide all of Dr. Matthias's primary medical care, prescriptions, and appropriate referral and coordination of specialty medical care; and
- (ii) Is the sole prescriber of Dr. Matthias's prescription medication(s)(in conjunction with her Board-approved psychiatrist).

b. Dr. Matthias shall engage in counseling and treatment, including psychotherapy and psychopharmacology, with a Board-approved psychiatrist.

c. Dr. Matthias shall ensure that her Board-approved psychiatrist furnishes the Board with quarterly reports concerning Dr. Matthias's counseling and treatment, including monitoring of her mental health status and her use of alcohol.³

d. In order to ensure her compliance regarding the issues identified in this Consent Agreement, Dr. Matthias agrees and understands that the Board and the Office of Attorney General shall have complete access to her present and future personal medical and counseling records, and shall execute

³ This monitoring does not include urine or blood testing for the presence of alcohol.

any and all releases so that the Board and the Office of the Attorney General may access and/or obtain copies of her medical and/or counseling and treatment records.

e. Dr. Matthias agrees to abstain completely from the use or ingestion of alcohol and/or illegal drugs.⁴

f. Dr. Matthias agrees to submit to testing by an individual or agency designated by the Board for the presence of alcohol and/or illegal drugs if and when directed by the Board.

11. Dr. Matthias waives her right to a hearing before the Board or any court regarding all facts, terms and conditions of this Consent Agreement. Dr. Matthias agrees that this Consent Agreement is a final order resolving the complaint CR 07-008. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General. Requests for amendments by Dr. Matthias shall be made in writing and submitted to the Board. Dr. Matthias may, at reasonable intervals, petition the Board for amendment of the terms and conditions of this Consent Agreement. Upon making such a petition, Dr. Matthias shall bear the burden of demonstrating that the Board should amend the Consent Agreement. The

⁴ For the purposes of this Consent Agreement, the term "illegal drugs" shall include any drug requiring a prescription that is not specifically prescribed to Dr. Matthias by her sole primary care physician or covering physician approved by the Board.

Board shall have the discretion to: (a) deny Dr. Matthias's petition; (b) grant Dr. Matthias's petition; and/or (c) grant Dr. Matthias'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. Matthias's request to modify this Consent Agreement need not be made pursuant to a hearing and is not appealable to any court.

12. Dr. Matthias acknowledges that, pursuant to Title 10 M.R.S.A. § 8003(5)(B), her failure to comply with any of the terms or conditions of this Consent Agreement or of her probation shall constitute grounds for additional disciplinary action against her Maine medical license, including but not limited to an order, after hearing, modifying, suspending, or revoking her license.

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

14. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408. This Consent Agreement is reportable to the Federation of State Medical Boards (FSMB), the National Practitioner Data Bank (NPDB), and the Healthcare Integrity and Protection Data Bank (HIPDB).

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 Dr. Matthias 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. In addition, the Board retains the ability to initiate a new complaint against Dr. Matthias' license in the event that it receives new information regarding Dr. Matthias.

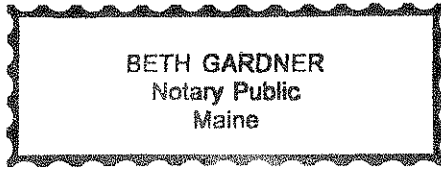
17. Dr. Matthias acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms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

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

DATED: Nov. 8, 2007 Weeza Matthias
STATE OF Maine WEEZA MATTHIAS, M.D.
Perobscot, S.S.

Personally appeared before me the above-named Weeza Matthias, 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: 11/8/2007 Beth Gardner
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS: 7/15/2008



DATED:

11/5/2007



KENNETH W. LEHMAN, ESQ.
Attorney for Weeza Matthias, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

11/13/2007



SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

11/13/07



DENNIS E. SMITH
Assistant Attorney General

Effective Date: