

October 18, 2013

Maine Board of Licensure in Medicine  
137 State House Station  
Augusta, ME 04333-0137

*Re: Surrender of Maine Medical License While Under Investigation (Complaint No. CR13-117)*

Dear Members of the Board of Licensure in Medicine:

I understand that on September 10, 2013, the Board reviewed Complaint No. CR13-117, which concerns an open complaint against my Maine medical license regarding allegations of unprofessional conduct.

In lieu of further proceedings regarding Complaint CR13-117, I hereby tender the surrender of my Maine medical license to the Board while under investigation. I fully understand and agree that if the Board accepts the surrender of my Maine medical license while under investigation, that it will result in a report from the Board to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB) that I surrendered my medical license while under investigation of an open complaint regarding unprofessional conduct. I further understand and agree that the Board may consider the facts underlying Complaint CR13-117 in the event that I ever re-apply for licensure in the State of Maine, and that the Board may provide a copy of the complaint and investigative materials to any other medical or professional licensing board to which I may submit an application for licensure.

Sincerely,



Joel S. Olstein, M.D.

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re:	)	CONSENT
Joel S. Olstein, M.D.	)	AGREEMENT

This document is a Consent Agreement, effective when signed by all parties. The parties to the Consent Agreement are: Joel S. Olstein, M.D. ("the Licensee"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. The Consent Agreement is entered into by all parties pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. The Licensee has held a license to practice medicine in the State of Maine since 1977 and he has practiced in the specialty of urology.

2. From 1993 through 1998, the Licensee received, unsolicited, a substantial number of complimentary dosages of Lupron from the Lupron manufacturer, TAP Pharmaceutical Products of Chicago. Lupron is a drug used in the treatment of prostate cancer. The distribution of samples in connection with this drug by the manufacturer was part of a nationwide promotion on the part of the pharmaceutical company.

3. The Licensee prescribed and administered these dosages of Lupron to Medicare beneficiaries and submitted claims to the Medicare program for the office services provided that included a charge for the drug. It is estimated that the Licensee received significant reimbursement from the Medicare program for drugs which he received at no cost from the pharmaceutical manufacturer.

4. The Licensee entered into a plea agreement pleading guilty to a single count of conspiracy under the federal law prohibiting the charging for drugs that physicians receive at no cost. 21 U.S.C. §§331(f) and 333(b) and 18 U.S.C. §371.

5. In April, 2001, and in conjunction with his plea, the Licensee voluntarily contacted the Board to report that he had been charged by the federal government for illegal billing practices. Based on this information, the Board issued a complaint against the Licensee alleging unprofessional conduct.

#### AGREEMENT

In lieu of proceeding to an adjudicatory hearing, the Licensee agrees to the following:

1. The conduct which gave rise to the federal charges is also grounds for discipline for unprofessional conduct.
2. The Licensee agrees to accept a **CENSURE** as disciplined for his conduct.
3. The Licensee will pay a fine of \$10,000.
4. The Licensee has been represented by Claudia D. Raessler, Esq., in the negotiation of this Consent Agreement.

**I, JOEL S. OLSTEIN, M.D., HAVE READ AND UNDERSTAND THAT THIS FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TO ITS TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS DOCUMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO FURTHER HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY,**

WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 11-2-01

Joel S. Olstein, M.D.  
JOEL S. OLSTEIN, M.D.

STATE OF Maine

Androscoggin, S.S.

Personally appeared before me the above-named Joel S. Olstein, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 11/2/01

Dolores J. Welch  
NOTARY PUBLIC/ATTORNEY

My Commission Expires:

**DOLORES J. WELCH**  
NOTARY PUBLIC, Maine  
My Commission Expires  
**1/21/2008**

DATED: 11/5/01

Claudia D. Raessler, Esq.  
CLAUDIA D. RAESSLER, ESQ.  
Attorney for Joel S. Olstein, M.D.

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 11/13/01

Edward David, M.D.  
EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: 11/13/01

Ruth E. McNiff  
RUTH E. McNIFF  
Assistant Attorney General

APPROVED EFFECTIVE:

11/13/01