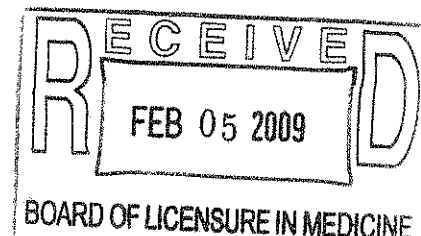


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE



In re:) CONSENT
Ann D. Tuddenham, M.D.) AGREEMENT
Complaint No. CR09-010)

INTRODUCTION

This document is a Consent Agreement regarding disciplinary action against and the reinstatement of the license of Ann D. Tuddenham, M.D., to practice medicine in the State of Maine. The parties to this Consent Agreement are: Ann D. Tuddenham, M.D. ("Dr. Tuddenham"), the State of Maine Board of Licensure in Medicine ("the Board") and the Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

FACTS

1. Dr. Tuddenham is a former licensee of the Board, having first been licensed to practice medicine in Maine on June 17, 1997. Dr. Tuddenham specializes in Pediatrics.
2. Title 32 M.R.S. § 3300-A requires an applicant or licensee to "provide the board with a current professional address and telephone number, which will be their public contact address and a personal residence address and telephone number." Section 3300-A makes a physician's personal contact address confidential from the public, unless it is designated by the physician as his/her public contact address.

3. Title 32 M.R.S. § 3280-A(1)(A) requires a physician to renew his/her license “every 2 years by the last day of the month of birth of the physician.” Dr. Tuddenham’s month of birth is March.

4. On May 24, 2006, the Board received an “Application for Maine Medical License Renewal” from Dr. Tuddenham. The Board had sent that renewal application to Dr. Tuddenham at her “professional address” of LRPC, 584 Roosevelt Trail, Windham, ME 04062. On that renewal application, Dr. Tuddenham designated her business (professional) address as the one “used for mailing from the Board.”

5. On June 6, 2006, the Board received a “Change of Address Form” from Dr. Tuddenham. On that form, Dr. Tuddenham designated her “professional address” (584 Roosevelt Trail, Windham, ME 04062) as the address to which “all correspondence from the Board will be sent.”

6. Title 32 M.R.S. § 3280-A(1)(B) requires the Board to “mail to each licensee at the licensee's last known address a notice of the requirement to renew the license with appropriate application forms for the renewal” at least 60 days prior to the expiration of the current license.

7. On January 23, 2008, the Board sent to Dr. Tuddenham at her designated professional address an application to renew her Maine medical license. The Board did not receive this renewal application back from Dr. Tuddenham.

8. On March 29, 2008, the Board sent to Dr. Tuddenham at her designated professional address another application to renew her Maine medical license. The Board did not receive this renewal application back from Dr. Tuddenham.

9. Title 32 M.R.S. § 3280-A(1)(B) requires the Board to take further steps when an application for license renewal has not been received by the Board prior to the expiration of the physician's current medical license:

Whenever a licensee fails, prior to the expiration of the licensee's current license, to return to the board a completed application either to renew the license or to withdraw from licensure, the board shall notify the licensee as soon as possible at the licensee's last known address that the license renewal is past due. Thirty days after the notice has been sent, if the application has neither been submitted by the licensee nor returned by the United States Postal Service as undeliverable, the board shall notify the licensee by certified mail, return receipt requested, that the licensee's license has been administratively suspended for 30 days. If an administratively complete relicensure application, pursuant to subsection 3, paragraph B, has not been submitted within the 30-day period of administrative suspension, the license immediately and automatically lapses.

10. On May 5, 2008, the Board sent a notice via certified mail to Dr. Tuddenham at her designated professional address advising her that her medical license had been suspended, and that it would lapse by operation of law within 30 days if the Board did not receive a renewal application prior to that time. The notice was returned to the Board on May 9, 2008, marked "Return to Sender, Attempted – Not Known, Unable to Forward."

11. On June 9, 2008, the Board sent to Dr. Tuddenham at her designated professional address a notice that her medical license had lapsed effective June 9, 2008, and that she could no longer practice medicine in the State of Maine.

12. On December 23, 2008, the Board received an application from Dr. Tuddenham for the reinstatement of her Maine medical license. On that application, Dr. Tuddenham designated her home address as her "contact address" for correspondence from the Board. In addition, Dr. Tuddenham listed a new "work address." On December 29, 2008, the Board received a facsimile letter dated December 29, 2008, from Julia Lockwood, M.D. of Bayview Pediatrics with her reinstatement application. According to Dr. Lockwood's letter, Dr. Tuddenham had been practicing as a physician at Bayview Pediatrics for the past year.

13. Title 32 M.R.S. § 3270 prohibits an individual from practicing medicine in the State of Maine unless licensed by the Board.

14. On January 13, 2009, the Board reviewed Dr. Tuddenham's application to reinstate her Maine medical license. Following its review, the Board voted to initiate a complaint against Dr. Tuddenham's Maine medical license based on her failure to timely renew her Maine medical license and her unlicensed practice of medicine. The Board docketed the complaint as Complaint No. 09-010. In addition, the Board voted to offer Dr. Tuddenham a

consent agreement to resolve Complaint No. 09-010 and grant her application for reinstatement of her Maine medical license.

15. This Consent Agreement has been negotiated by legal counsel for Dr. Tuddenham and legal counsel for the Board in order to resolve complaint CR09-010 and Dr. Tuddenham's pending application for reinstatement without an adjudicatory hearing.

16. Absent acceptance and filing of this Consent Agreement by Dr. Tuddenham on or before February 9, 2009, by signing and dating it in front of a notary public, and returning it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, ME 04333-0137, the Board will resolve Complaint No. 09-010 and Dr. Tuddenham's application for reinstatement by any means authorized by law. In addition, absent the Board's acceptance of this Consent Agreement by ratifying it on February 10, 2009, the matter will be scheduled for an adjudicatory hearing.

17. By signing this Consent Agreement, Dr. Tuddenham and her legal counsel waive any and all objections to, and hereby consent to the presentation of this Consent Agreement to the Board for possible ratification. Dr. Tuddenham and her legal counsel also forever waive any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

COVENANTS

18. Dr. Tuddenham admits that, in this case, she failed to comply with the Board's statute by failing to renew her Maine medical license in a timely fashion. More specifically, Dr. Tuddenham admits that she failed to provide the Board with a current contact address when it changed, which resulted in the inadvertent lapse of her medical license and unintentional practice of medicine without a current license for a period of six (6) months. Dr. Tuddenham admits that such conduct constitutes unprofessional conduct and grounds for discipline and/or denial of her application for reinstatement of her Maine medical license pursuant to 32 M.R.S. §§ 3270, 3280-A(4), and 3282-A(2).

19. As discipline for the conduct admitted in paragraph 18 above, Dr. Tuddenham agrees to:

a. Accept a WARNING from the Board. As a physician and licensee of the Board, Dr. Tuddenham is responsible for knowing when her Maine medical license expires, for ensuring the timely renewal of her Maine medical license, and for providing the Board with a current contact address to which correspondence from the Board can be sent to her. Dr. Tuddenham shall take all steps necessary to prevent a reoccurrence of this type of incident.

b. Pay a monetary FINE of One Thousand Dollars and Zero Cents (\$1,000.00). Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and remitted to Maria MacDonald, Field Investigator, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137. Dr. Tuddenham shall ensure that she pays the fine within sixty (60) days following the execution¹ of this Consent Agreement.

20. In light of Dr. Tuddenham's acceptance of responsibility and the discipline imposed pursuant to paragraph 19 of this Consent Agreement, the Board agrees to grant Dr. Tuddenham's application to reinstate her Maine medical license.

21. Violation by Dr. Tuddenham of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including modification, suspension, or revocation of licensure or the denial of re-licensure.

22. Pursuant to 10 M.R.S.A. § 8003(5) the Board and Dr. Tuddenham agree that the Board has the authority to issue an order, following notice and hearing, modifying, suspending, revoking her license in the event that she fails to comply with any of the terms or conditions of this Consent Agreement.

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

23. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.

24. The Board and the Attorney General may communicate and cooperate regarding Dr. Tuddenham or any other matter relating to this Consent Agreement.

25. 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.

26. 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).

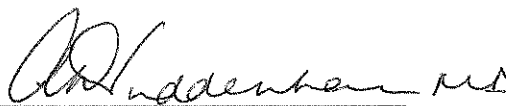
27. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

28. The Board and Dr. Tuddenham agree that no further agency or legal action will be initiated against her by the Board based upon the specific 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 allegations are brought against Dr. Tuddenham in the future. The Board may also consider the fact that discipline was imposed by this Consent

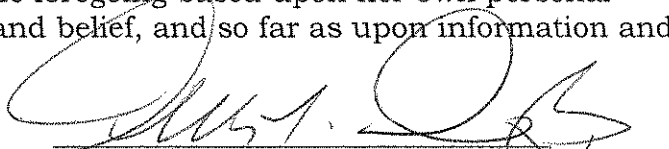
Agreement in determining appropriate discipline in any further complaints against Dr. Tuddenham's license.

29. Dr. Tuddenham 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, ANN D. TUDDENHAM, 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: 2.4.09. 
STATE OF Maine ANN D. TUDDENHAM, M.D.
Camberland, S.S.

Personally appeared before me the above-named Ann D. Tuddenham, 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: 2/4/09 
NOTARY PUBLIC / ATTORNEY at law
Donnelly S. Douglas Maine Bar #147
~~MY COMMISSION ENDS:~~ _____

DATED: 2/3/09



EMILY A. BLOCH, ESQ.
ATTORNEY FOR ANN D. TUDDENHAM,
M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 2/10/2009



SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 2/10/09



DENNIS E. SMITH
Assistant Attorney General

Effective Date: