

STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE

IN RE: CHARLES R. PERAKIS, D.O.) **CONSENT AGREEMENT AND**
) **BOARD ORDER**

INTRODUCTION

Dr. Charles R. Perakis, D. O. (hereinafter "Dr. Perakis") was subject to a consent agreement between himself, the Board of Osteopathic Licensure (hereinafter "the Board") and the Office of the Attorney General from September 1996 through September 2001. One of the purposes of that consent agreement was to monitor Dr. Perakis and address substance abuse issues. In February 2009, the Board received information that Dr. Perakis had been arrested for Operating Under the Influence. Since that time, Dr. Perakis has engaged in substance abuse treatment on his own. Based on the substance abuse history of Dr. Perakis, the Board feels it necessary to monitor him through this Consent Agreement, making Dr. Perakis's continued ability to practice Osteopathic Medicine conditioned on his compliance with the conditions contained in this document.

SANCTIONS FOR VIOLATION OF CONSENT AGREEMENT CONDITIONS

1. Automatic Suspension. Except as otherwise provided in this Agreement, any oral or written report to the Board of a violation, technical or otherwise, of the consent agreement conditions will result in the immediate, indefinite and automatic suspension of Dr. Perakis's license, which will become effective at the time Dr. Perakis receives actual notice from the Board, the Case Reporter or counsel for the Board that a report of violation has been made and the suspension has been imposed. Actual notice can be provided by telephone, in person, in writing, by another means or any combination of the above-referenced means. The indefinité, automatic

suspension will 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.

2. Continued Suspension; Other Sanctions. If the Board has not already lifted the suspension, Dr. Perakis's indefinite automatic suspension will continue until the Board holds a hearing and reaches a decision. The Board will attempt to hold a hearing within 60 days of the automatic suspension or as soon thereafter as practicable (unless both Dr. Perakis and the Board agree to hold the hearing later). The hearing will be held pursuant to the Maine Administrative Procedure Act. After hearing, the Board may impose such other discipline, including without limitation, fines, further suspension, probation, non-renewal or revocation, as the Board deems appropriate.

CONDITIONS

The parties agree that Dr. Perakis's license to practice osteopathic medicine in Maine is conditioned on his compliance with the following:

1. Limitations Regarding Employment.

A. Dr. Perakis may practice medicine only as an employee of Maine Dartmouth Family Medicine Residency.

B. If Dr. Perakis wishes to change his place of employment, he must make a request to the Board, in writing. That request must be pre-approved by the Board.

2. Abstinence.

A. Dr. Perakis must completely abstain from the use of any and all prohibited substances. "Prohibited substances" means alcohol; DEA scheduled drugs; opiates; cocaine; mood or mind-altering substances, whether illicit or not; and all drugs which are dispensed or prescribed for Dr. Perakis by anyone other than a treating physician approved by the Board who is

knowledgeable of Dr. Perakis's history of substance abuse.

B. Future Use of Prohibited Substances Shall Result in Loss of Licensure. Dr. Perakis agrees and understands that any 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 WILL RESULT IN THE IMMEDIATE, INDEFINITE SUSPENSION OF LICENSURE, AND PROOF OF USE, AFTER HEARING OR A CONSENT AGREEMENT, SHALL RESULT IN PERMANENT REVOCATION OR NON-RENEWAL OF LICENSURE.

3. Treating Physician.

A. Dr. Perakis shall have a treating physician, who shall be approved by the Board.

B. Dr. Perakis shall provide the Executive Secretary of the Board with a list of all medications being dispensed or prescribed by the treating physician for a personal medical condition.

C. Dr. Perakis will immediately inform the Case Reporter by phone and the Board in writing within 48 hours of the following: if he desires to change or add a treating physician; if any medication is dispensed or prescribed for Dr. Perakis for a personal medical condition; or if any changes are made in a prescription previously known to the Board.

D. The treating physician will provide monthly reports regarding the status of Dr. Perakis' treatment, due on the 1st day of each month, for the first six months that this consent agreement is in effect. If all reports within the first six months are satisfactory to the Board, the treating physician will then provide quarterly reports. Quarterly reports will be due on **1st day of July, October, January and April of each year.**

E. In addition, the treating physician shall provide the Board with a written

summary of all pertinent circumstances regarding the changes referred to in paragraph 3.C. within 48 hours of the change and shall promptly provide additional information at other times, if specifically requested by the Case Reporter and/or Board.

4. Substance Monitoring.

A. Contract with MPHP. Dr. Perakis agrees that he will execute a contract with the MPHP for the purpose of substance abuse monitoring and that he will maintain and comply with his contract with the MPHP, **including following all recommendations for treatment**, throughout the term of this Agreement. Dr. Perakis must assure that his contract with MPHP is consistent with the requirements of this Agreement. The MPHP contract is incorporated herein by reference. Any violations of that contract, whether technical or otherwise, shall be considered a violation of this Agreement and may subject Dr. Perakis to any and all disciplinary action.

B. Reporting. Dr. Perakis agrees that it is his responsibility to ensure that the following reports are made to the Board in a timely fashion.

1) Immediate Report of Positive Test Results. Any test result which indicates any level of a prohibited substance shall be reported by Dr. Perakis immediately to the Case Reporter by telephone or other means, and to the Board in writing within 24 hours after Dr. Perakis receives notice of the positive test. Dr. Perakis understands that MPHP has a separate duty to report under its contract with the Board. By way of clarification, immediate reports will not be required if the tests show a positive result for a mood or mind altering drug that is known to the Board and MPHP to be a drug prescribed by a treating physician for a medical condition and the levels appear consistent

with the quantity and dosage prescribed.

2) Routine Reports. Dr. Perakis shall assure that the MPHP sends a written report to the Board by the **first day of each month** following the execution of this Agreement that contains information as agreed upon between the MPHP and the Board.

3) Failure to Comply. If Dr. Perakis fails to comply with any aspect of monitoring that is under the supervision of the MPHP, the designee of MPHP and Dr. Perakis must immediately notify the Case Reporter and send to the Board a written report containing specific information regarding such failure **within 48 hours of the noncompliance**.

C. Rebuttable Presumption and Admission into Evidence of Test Results.

1) It is agreed and understood by Dr. Perakis that a test evidencing use of any prohibited substance shall raise a rebuttable presumption that such substance was in fact used by him. Such a positive test result shall alone be sufficient to prove the use of the prohibited substance by Dr. Perakis.

2) Dr. Perakis further agrees that the result of any test taken pursuant to this Agreement may be admitted into evidence in any proceeding regarding Dr. Perakis's license, whether before the Board or before a court of competent jurisdiction.

D. Immediate, Indefinite, Automatic Suspension for Evidence of Use of a Prohibited Substance. If any test is positive, whether or not confirmed by secondary testing, or if the Board receives other evidence that Dr. Perakis has used a prohibited substance, Dr. Perakis's license shall be immediately, indefinitely, and automatically suspended. This suspension will

continue until the Board holds a hearing on the matter, unless the Board, or the Case Reporter and counsel for the Board, earlier determine that the report is without merit. The suspension shall begin the moment Dr. Perakis first learns of a positive test, whether from MPHP, the Case Reporter or the Board, or first learns that a report of use of prohibited substances has been received by the Board, whether in writing, orally or by any other means.

E. Board Hearing to Determine if Dr. Perakis Used Any Prohibited Substance.

After receiving test results or other evidence of use by Dr. Perakis of any prohibited substance, the Board or its agents will investigate the situation, including demanding a response from Dr. Perakis. The Board will attempt to hold a hearing within 60 days of the automatic suspension or as soon thereafter as practicable in accordance with the provisions of paragraph 2 of Sanctions above.

5. Professional Management.

A. Substance Abuse Counseling. Dr. Perakis shall engage in treatment sessions (individually or group) with a specialist in treating substance abusers who is approved by the Board. The frequency shall be at the discretion of the specialist but no less than **once a month**. Dr. Perakis shall ensure that the specialist promptly submits to the Board a written report regarding Dr. Perakis' progress in therapy and compliance with his schedule of meetings **on the 1st of each month**. The specialist shall immediately report to the Board any failures to appear for scheduled therapy sessions without good cause.

B. Professional Counseling. Dr. Perakis shall engage in professional counseling with an appropriately licensed professional, who is approved by the Board, to address issues related to any mental health issues that have had or may have an adverse impact on his addiction. The counseling required by this paragraph will take place **at least once every three months** and Dr. Perakis shall ensure that the individual providing the professional services required

by this paragraph submits a report to the Board on the **first day of every third month**. Reports will be due on July 1, October 1, January 1, and April 1 of each year in which this Consent Agreement is in effect.

C. Change of Specialist.

1) If Dr. Perakis proposes to change the specialist providing substance abuse or professional counseling, then Dr. Perakis shall make written application to the Board, including among other things, his reasons for requesting such change and separate letters from the current specialist and the proposed new specialist relative to their understanding of the reasons for this request and, to the extent applicable, any concerns they may have.

2) The Board may in its discretion grant or deny such request with or without providing a hearing. If the request is denied, nothing precludes Dr. Perakis from proposing another specialist. In requesting a change of specialist, Dr. Perakis understands that the Board may inquire into any issues it deems pertinent with any person, including, without limitation, the current specialist.

D. Board Investigation. At any time deemed appropriate, the Board, the Case Reporter or counsel for the Board may contact Dr. Perakis and/or the specialist to receive further information relative to Dr. Perakis. In addition, if the Board deems it appropriate, it may meet to inquire directly of the specialist about Dr. Perakis' progress.

E. Self-Help Group Meetings.

1) Dr. Perakis will attend self-help group (AA, Rational Recovery or NA) meetings a minimum of **twice** a week. These meetings may be combined

with meetings of an impaired professionals or other relevant self-help group.

Dr. Perakis shall obtain a sponsor through AA and maintain frequent contact with that individual for support.

2) **On the first day of each month**, Dr. Perakis will inform the Board in writing of his attendance at these self-help group meetings. If Dr. Perakis has in any week failed to meet his self-help obligations, then he shall explain his reasons why. Repeated failures to meet this obligation may subject Dr. Perakis to disciplinary action by the Board as provided for in Sanctions.

F. Evaluation by an Independent Practitioner. If at any time during the terms of this Consent Agreement the Board believes that an independent evaluation is necessary, Dr. Perakis will cooperate in obtaining this evaluation in the timeframe requested, choosing the evaluator from a list of five recommended by the Board. Following such evaluation, Dr. Perakis will ensure that the evaluator submits a report of the evaluation in the time period requested by the Board.

6. Maintenance of Obligations When Away From Home.

A. Dr. Perakis shall maintain his obligations regarding testing, abstinence, and treatment when away from home. It is Dr. Perakis's obligation to ensure that arrangements are made consistent with this Consent Agreement in such other location(s) in order to continue to satisfy his obligations under the Consent Agreement without interruption. Prior to leaving home, Dr. Perakis will explain the arrangements made in **writing** and provide this information to the Case Reporter for his approval **prior to the departure**. Failure to provide advance notice shall be excused only for good cause shown.

B. Upon return, Dr. Perakis shall promptly send the Board a letter detailing

how the arrangements were carried out.

C. Failure to meet the conditions when away from home will be dealt with in the same manner as failure to maintain the obligations of this Consent Agreement when at home.

7. Waiver of Physician/Therapist/Patient Privilege. Dr. Perakis agrees that, for the purpose of enforcement of this Consent Agreement, the Board, its agents and the Department of Attorney General shall have access to relevant confidential information and records, reports, test results and data collected pursuant to this Consent Agreement. Further, Dr. Perakis waives his right to claim the physician-patient, or therapist-patient, privilege and any statutory or common law right to confidentiality, including rights related to access or use of substance abuse records, in any proceedings that may be undertaken for the purposes of enforcement of this Consent Agreement or any amendments thereto.

8. Reading and Signing the Consent Agreement by Others.

A. Dr. Perakis shall provide a copy of the Consent Agreement to his employer, to the MPHP, to the treating physician, and the specialists providing counseling. Each of the foregoing shall sign and date an acknowledgement (see Attachment A) and a copy of each signed acknowledgement must be sent to the Board **within 10 days** of signing this Consent Agreement. Dr. Perakis agrees that if new individuals assume similar roles during the existence of this Consent Agreement, such individuals shall also promptly read, date and sign an acknowledgement and send it to the Board.

B. In the event that Dr. Perakis applies for licensure in other jurisdictions during the pendency of this Consent Agreement, Dr. Perakis will notify the other jurisdiction of the existence of this Agreement and provide proof to the Board that he has done so.

9. Costs. All costs incurred as a result of this Consent Agreement and its enforcement

shall be borne by Dr. Perakis.

10. Term of Board Order. This Consent Agreement and Board Order regarding Conditional License is effective from the date it is executed by the Board and terminates in 5 years from the date it is executed. **However, Dr. Perakis shall remain abstinent from all prohibited substances as defined in paragraph 2(A) of this Agreement so long as he practices osteopathic medicine under his Maine license.**

11. Amendment.

A. Upon written application by Dr. Perakis to the Board, the Board may amend the above-agreed conditions as long as such changes are otherwise consistent with the protection of the public. Dr. Perakis's requests for amendment shall be supported by professional opinions, if available. Amendment of 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.

B. If testing is decreased by amendment, the Board may at any time during the term of the Agreement increase the levels of testing back to the original levels permitted under this Consent Agreement. Such action can be taken by the Board in its discretion with or without a hearing.

12. Waiver of Right to Appeal Board's Decision and Certain Future Board Decisions. Dr. Perakis waives any further hearings or appeal to the Courts regarding this Consent Agreement and the Board Order regarding conditional license issued hereunder. Nothing in this paragraph shall be deemed a waiver of Dr. Perakis's rights under rule, statute or the Maine or United States Constitutions, to appeal a decision or action taken by the Board subsequent to the execution of this Agreement, including revocation of his license or other disciplinary action, except as Dr. Perakis

may have agreed herein, such as with discretionary decisions by the Board and which may occur with or without a hearing.

13. Notices. The Board can be reached at:

142 State House Station
Augusta, Maine 04333-0142
(207) 287-2480

Dr. Perakis can be reached at:

38 Jones Creek Drive
Scarborough, ME 04074
(207) 883-9676

I, CHARLES R. PERAKIS, D.O., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING, 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: June 8, 2010

Charles R. Perakis, D.O.

Charles R. Perakis, D.O.

STATE OF MAINE
KENNEBEC, ss.

Before me this 8th day of June, 2010, personally appeared Charles R. Perakis, D.O., who after first being duly sworn, signed the foregoing Consent Agreement in my presence or affirmed that the signature above is his own.

Notary Public *Beulah Fallashee*

My commission expires: 5/10/2010

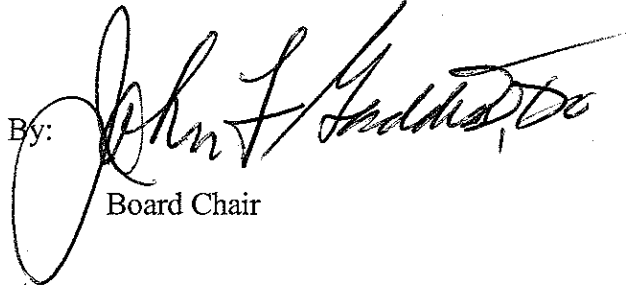
BOARD ORDER

IT IS HEREBY ORDERED by vote of the Maine Board of Osteopathic Licensure that the license of Charles R. Perakis, D.O. to practice osteopathic medicine in the State of Maine is subject to the terms and conditions of the Consent Agreement executed by Dr. Perakis on this date.

Date:

STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE

By:



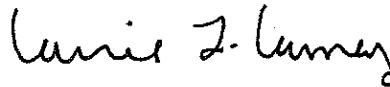
Board Chair

APPROVED:

Date: 6-16-10

STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL

By:



Carrie L. Carney
Assistant Attorney General