

STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE

In re:) CONSENT AGREEMENT
ANDREW J. CANDELORE, D.O.)
Complaint No. CR 2020 35)

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice osteopathic medicine in the State of Maine held by Andrew J. Candelore, D.O. The parties to the Consent Agreement are: Andrew J. Candelore, D.O. (“Dr. Candelore”), the State of Maine Board of Osteopathic Licensure (“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. § 2591-A.

STATEMENT OF FACTS

1. Dr. Candelore has held a license to practice medicine in the State of Maine since July 1, 1974 (license number DO880) and specializes in family/general practice medicine.
2. On October 8, 2020, the Board initiated a complaint following a report received from a pharmacist. The information in the report included allegations that Dr. Candelore: a) issued two prescriptions for controlled substances that were written, not electronic, and were for greater than 100 Morphine Milligram Equivalents without an exemption code; b) did not check the Prescription Monitoring Program (PMP) regarding those prescriptions; and c) exhibited agitation and anger toward the pharmacist. The Board docketed the complaint as CR2020 35 and sent it to Dr. Candelore for a response.

3. By letter dated December 15, 2020, Dr. Candelore responded to the complaint. In his response, Dr. Candelore admitted that he had not been checking the PMP and had let his registration with the PMP lapse. Dr. Candelore also admitted he had formerly had a waiver of electronic prescribing and had reapplied for the waiver. Dr. Candelore reviewed his history with the patient, who is an injured veteran, and whom he felt was properly using opioids. Dr. Candelore also acknowledged that he had been frustrated with the pharmacist but did not raise his voice and was not verbally abusive.

4. Pursuant to 32 M.R.S. § 2591-A(2)(F), the Board may impose discipline if the licensee has engaged in unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established for the practice of medicine.

5. Pursuant to 32 M.R.S. § 2591-A(2)(H), the Board may impose discipline if the licensee has violated Board rules, including Chapter 21, Use of Controlled Substances for Treatment of Pain.

6. On January 14, 2021, the Board reviewed Complaint CR2020 35, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Candelore this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Candelore's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Board of Osteopathic Licensure, 142 State House Station, Augusta, Maine

04333-0137 on or before April 25, 2021, the matter shall proceed to an adjudicatory hearing.

COVENANTS

7. Dr. Candelore admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 2591-A(2)(F) for engaging in unprofessional conduct, and § 2591-A(2)(H) for violation of Board rules.

8. As discipline for the foregoing conduct, Dr. Candelore agrees to accept, and the Board imposes:

a) A CIVIL PENALTY of \$2500, payable to the "Treasurer, State of Maine" within thirty (30) days after the effective date of this Consent Agreement; and

b) a PROBATION for at least eighteen (18) months during which the following is required:

1) Dr. Candelore shall not let his waiver of electronic prescribing lapse if he is still prescribing controlled substances with written prescriptions. Dr. Candelore shall reapply for a waiver of electronic prescribing every 12 months and shall provide a copy of his application to the Board within ten (10) day of submitting the application.

2) Dr. Candelore shall take at least six (6) hours of continuing medical education (CME) per calendar year in the years 2021 and 2022 on the prescribing of controlled substances and opioid medications. These hours may include the three (3) hours of opioid prescribing CME required by 32 MRS §

2600-C(4) and Chapter 21 of the Board Rules, and these hours can count toward the 100 hours of CME required for each license renewal under 32 MRS § 1581 and Chapter 14 of the Board Rules. Dr. Candelore shall submit copies of the certificates from these CME courses to the Board within ten (10) days of taking each course.

3) Within thirty (30) days of the effective date of this Consent Agreement, Dr. Candelore shall submit to the Board for approval by the Board in its sole discretion, the name of a physician mentor. The physician mentor shall be a general practice physician who is experienced in opioid prescribing or a pain medicine specialist, who is actively practicing. The physician mentor shall mentor Dr. Candelore in the standard of care and practice of opioid and other controlled substances prescribing, including the requirements of Chapter 21 of the Board Rules. The mentoring contemplated by this paragraph may NOT occur solely by telephone and must include communication at least quarterly in person or via HIPAA compliant shared portal access or interface. The physician mentor must randomly select and review at least five (5) patient charts each month of patients who are prescribed controlled substances by Dr. Candelore. The physician mentor shall submit written reports to the Board no later than the 28th day of the month following the end of every quarter following his or her approval. In the reports to the Board, the physician mentor shall provide a summary of his or her mentoring and shall identify any issues with controlled substance prescribing and make any appropriate recommendations. Dr. Candelore shall permit the physician mentor full access to his medical

practice, including but not limited to all patient information. Dr. Candelore shall implement any reasonable recommendations the practice monitor makes regarding his prescribing of controlled substances. If Dr. Candelore and the practice monitor cannot agree on a recommendation, they shall submit it to the Board for review and decision in the Board's sole discretion. After receipt by the Board of no less than five (5) reports, the practice monitor may in his or her report request that the Board modify the reporting or ongoing monitoring requirement contained in this subparagraph. Upon receipt of such request, the Board may grant or deny the request in its sole discretion.

9. Violation by Dr. Candelore 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.

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

11. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Candelore or any other matter relating to this Consent Agreement.

12. 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-A.

13. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank

(NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

14. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

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

16. Dr. Candelore has been represented by Christopher C. Taintor, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

17. For the purposes of this Consent Agreement, the terms "execution" and "effective date" mean the date on which the final signature is affixed to this Consent Agreement.

I, ANDREW J. CANDELORE, D.O., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, THAT I WAIVE CERTAIN RIGHTS. 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: 6/24/21 Andrew J. Candelore
ANDREW J. CANDELORE, D.O.

STATE OF Maine
York, S.S. (County)


Personally appeared before me the above-named Andrew J. Candelore, D.O., 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: 6/24/21 Kim Lorenc
NOTARY PUBLIC
MY COMMISSION ENDS: 2/12/2026


DATED: 6/24/2021 Christopher C. Taintor, Esq.
CHRISTOPHER C. TAINTOR, Esq.
Counsel for Andrew J. Candelore, D.O.

KIMBERLY LORENC
NOTARY PUBLIC
STATE OF MAINE
MY COMM. EXP. FEBRUARY 12, 2026

DATED: 7/16/2021


MELISSA MICHAUD, P.A.-C, Chair
MAINE BOARD OF
OSTEOPATHIC LICENSURE

DATED: 6/29/21


LISA A. WILSON, AAG
DEPARTMENT OF THE ATTORNEY
GENERAL

RECEIVED IN 2021

RECEIVED
STATE OF MAINE
ATTORNEY GENERAL
JUN 30 2021
STATE HOUSE AUGUSTA MAINE