FROM THE BOLIM FILES:
This section is meant to be educational for licensees. Cases are based on actual Board of Licensure in Medicine (BOLIM) complaints.

INTERNET PRESCRIPTIONS and LOW COST CANADIAN DRUGS
A physician offered their services to "co-sign" or countersign prescriptions using a Canadian license to help American citizens take advantage of lower cost drugs from Canadian pharmacies. The physician did not see the patient or the patient’s medical records. The doctor did not have any contact with the patient's primary physician. The Maine physician did not maintain a medical record for the patient, and did not have the opportunity to monitor the patient for potential side effects, or drug efficacy.

This same physician received payment to write prescriptions for internet clients based on unconfirmed information presented “online”.

The Board found this behavior to be unprofessional conduct. The Board conditioned the physician’s license by requiring face to face meetings, and the ability to inspect patient records at any time for all patients treated.

Writing prescriptions in the State of Maine constitutes the practice of medicine and requires a full and unrestricted license to practice medicine. There is no such professional action as “co-signing” a prescription which removes a physician’s responsibility to properly treat a patient. Once you prescribe, you have accepted some responsibility for that patient.

The Board supports American citizen's efforts to obtain "cheaper" Canadian prescription drugs if done within the context of an appropriate doctor-patient relationship. It does recognize recent concerns of public agencies regarding the safety of drugs obtained from sources outside the United States, and does urge caution. Every patient should have a clear understanding of the source and quality of their prescription drugs. Not receiving exactly what your doctor expects you to take can be very dangerous.

OPEN MOUTH INSERT FOOT
Below are some remarks that licensees have made directly to patients or have been overheard and have precipitated complaints to the Board.

- Come back when you have a real problem.
- So you could be called a Mick Spick?
- You have MaineCare! Then I've already paid for your baby.
- You are S.O.L.
- You have Beautiful Eyes.
- Perhaps your child needs a vibrator (when discussing a pre-teen with a parent).
- I could prescribe something that would kill you (when talking to a child).
- Sounds like you have CRS Syndrome.
- When describing a pelvic exam "wham, bam, thank you ma'am".
- I'm going to hire someone to have you shot.
- To describe a child with autism "scrambled brains."
- I got my degree from a matchbook cover.
- Do you need a coupon for Spring Harbor?

It is NEVER appropriate for healthcare professionals to make disparaging remarks, ethnic slurs, or sexually suggestive comments to patients.
New Tools to Combat Prescription Drug Diversion in Maine:

THE PROBLEM:
Diversion of prescription opiates is a serious and growing problem in Maine. Data from the State Medical Examiner's office indicates the alarming fact that accidental overdose due to opiates has been rising for a decade. About 80-85% of these are due to opiates, either alone or in combination. Nearly all accidental deaths (94%) are caused by at least one prescription drug. (See Table)

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<th>Year</th>
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<td>29</td>
<td>34</td>
<td>50</td>
<td>64</td>
<td>125</td>
<td>117</td>
<td>136</td>
<td>140*</td>
</tr>
</tbody>
</table>

* projected from January – June statistics

Effective treatment for opiate addiction includes replacement therapies such as methadone and buprenorphine, both of which can also be diverted. The majority (about 60%) of deaths involving methadone are due to the pill form, which is prescribed for pain.

THE SOLUTION:
The Board recognizes that physicians are frequently asked to undertake the difficult task of managing pain, while recognizing addiction and preventing diversion. Two new tools are available to Maine physicians to assist in providing help to those legitimately in need. The Maine Office of Substance Abuse (OSA) now provides a Prescription Monitoring Program which provides all Maine physicians with two types of reports. Solicited reports will be provided when a registered clinician queries the data base on line to obtain an immediate report on all schedules II, III and IV prescription medications dispensed to the patient and how the patient paid for these medications. Unsolicited “threshold” reports will be sent to physicians who have prescribed for a patient whose profile exceeds threshold indicators that suggest a possible problem with prescription medications. These threshold reports are generated quarterly. There are many ways this data will assist providers in making better medical decisions. Certainly this information will assist physicians in decreasing diversion of prescription opiates. Counsel to the Maine Medical Association has put together privacy guidelines for the physician re: disclosure of information obtained from the PMP reports. The Board recommends that you register and use this tool. To learn more about this tool, the privacy guidelines and/or to register to be able to solicit a report, go to: www.maine.gov/dhhs/bds/osal data/pmp/

BOARD SANCTIONS: PHYSICIAN DISCIPLINARY ACTIONS FOR 2005

What follows are actions the Board has taken in the past year. The Board has not previously published the list in the newsletter, although it has been available on the Board's website for many years, but decided it is reasonable to publish it here as well, and trust it would be helpful to our licensees to see in the newsletter the kinds of issues that result in Board restriction on clinician licenses.

ARATO, HOLLY G. M.D.; License # 013391; 12/13/05. In lieu of proceeding to an Adjudicatory Hearing, the licensee entered into a Consent Agreement for discipline, in which she agreed to a five (5) year probation effective retroactively to March 1, 2004 with the following conditions: the licensee shall continue to maintain a patient relationship with her current primary care physician or such other individual approved in advance by the Board; the licensee will continue to engage in counseling and treatment with her current provider or such other individual approved in advance by the Board; the licensee shall ensure that for the first two (2) years following the date on which the final signature is affixed to the Consent Agreement her counselor will provide the Board monthly reports concerning her counseling and treatment. Thereafter, the licensee shall ensure that her counselor provides the Board with quarterly reports; the licensee agrees that her medical practice will be monitored by a physician or pharmacists approved by the Board; and the licensee shall permit the Board or its agents to inspect her medical practice at random intervals as determined by the Board to ensure her compliance with the terms and conditions of this Consent Agreement. This action is based on unprofessional conduct.

BIDDLE, VIRGINIA M.D.; LICENSE # 012634; 12/13/05. In lieu of proceeding to an Adjudicatory Hearing, the licensee agreed to enter into a Consent Agreement for discipline and modification of her Maine medical license, to wit: the licensee accepted a medical license subject to the following conditions: the licensee shall issue, authorize or "co-sign" prescriptions only when she has a legitimate doctor-patient relationship that includes (i) direct doctor-patient interaction and examination and (ii) receipt and review of medical records; the licensee shall permit the Board or its agents access to her home, medical practice and office for the purpose of inspecting and copying her records related to patient care, including but not limited to computer records, internet prescriptions, facsimile prescriptions, and billing and payment records to ensure her compliance and the licensee agrees that violation of this Consent Agreement shall constitute grounds for discipline, including modification, suspension or revocation of licensure or denial of re-licensure. This action is based upon inappropriate prescribing practices that amounted to unprofessional conduct.
BIDDLE, VIRGINIA, M.D.: License # 012634; 11/22/05. Summary suspension of Maine medical license due to unprofessional conduct based on inappropriate prescribing practices.

BROOKS, HEIDI E., M.D.: License # 015773; 11/19/05. On October 11, 2005 the Board voted to preliminarily deny the licensee's application for renewal of her Maine medical license. The licensee was notified by letter dated October 14, 2005, sent certified mail, return receipt requested. The licensee did not appeal the preliminary denial. The denial became effective November 19, 2005. The action was based on recurrent and existing health issues, substance abuse and the licensee's lack of medical practice for a considerable amount of time.

DRISCOLL, JOHN P., M.D.: License # 010203; 02/08/05. In lieu of proceeding to an Adjudicatory Hearing, the licensee agrees that he will be subject to substance abuse monitoring. For a period of one year from the date of the agreement, urine samples shall be provided twice monthly. For the second year of monitoring, urine samples will be provided once a month. For the remainder of the term of the agreement, urine samples will be provided at a minimum of every two months. The term of this Consent Agreement is five (5) years from the effective date of the agreement.

HANSEN, BRUCE A., P.A.-C: License # PA-645; 02/08/05. In lieu of proceeding to an Adjudicatory Hearing, the licensee agrees that for the term of this agreement he will continue treatment with an approved clinician for his underlying health issue. He will also continue to participate in professional therapy and counseling. The licensee will work in an employment situation which provides on-site supervision. He will not work in any position that requires more than a total of forty (40) hours per week with no overnight shift work. The licensee will be on probation for the term of this agreement which is two (2) years from the date of signing.

ILARDI, FRANK J., M.D.: License # 012592; 12/13/05. At the conclusion of an Adjudicatory Hearing held on December 13, 2005, the Board considered the licensee's motions to withdraw his application for reinstatement of his Maine medical license and to withdraw his request for an Adjudicatory Hearing. The Board voted to deny the licensee's motion to withdraw his application for reinstatement of his Maine medical license. The Board voted to grant the licensee's motion to withdraw his request for an Adjudicatory Hearing. The Board's preliminary denial of the licensee's application for reinstatement of his Maine medical license was affirmed and became final. This action is based on surrender of hospital privileges while under investigation and the matters which gave rise to the investigation.

LAZARO, JUAN C. M.D.: LICENSE # 009542; 12/13/05. Based on the licensee's criminal conviction for theft by deception (Class D) of MaineCare monies from the State of Maine and three convictions for unlawful sexual contact (Class D) involving three separate patients, the Board unanimously voted to summarily revoke the licensee's Maine medical license.

MORSE, WILLARD J., JR., M.D. LICENSE # 016977; 12/13/05. In lieu of proceeding to an Adjudicatory Hearing to appeal the Board's preliminary denial of his application for Maine medical license, the licensee entered into a Consent Agreement, in which he agreed to the issuance of a Maine medical license limited by the following conditions: the licensee will practice only as an aviation medical examiner, performing FAA flight physicals and other adult examinations for the Coast Guard, the Department of Transportation or life insurance physicals: the licensee will keep careful records of all examinations; the licensee will not hold himself out to the public as a fully practicing physician and will not accept patients for clinical care; the licensee will not advertise services other than as an aviation medical examiner; the licensee will not seek hospital privileges and the licensee will keep current with continuing medical education requirements and will conform to the general regulations imposed by this license. This action is based on discipline by another state licensing board and lack of clinical practice for an extended period of time.

SMITH, JENIE M., M.D.: License # 015392; 05/10/05. At the conclusion of an Adjudicatory Hearing held on April 12, 2005, the Maine Board of Licensure in Medicine voted to take the following actions: 1) The licensee will enter into a contract with the Physicians Health Program for a period of five years beginning May 10, 2005. She shall agree to weekly urine monitoring for a period of one year after which she may petition the Board for lesser monitoring. 2) The licensee will attend at least two Caduceus meetings per month for one year. 3) The licensee shall continue her current treatment with her current providers. This action is based on substance abuse issues.

STEINHILBER, ERNEST J., M.D.: License # 013935; 05/10/05. In lieu of proceeding to an adjudicatory hearing, the licensee agrees to accept a reprimand from the Maine Board of Licensure in Medicine and pay a fine of $1,500. The Board will renew Dr. Steinhilber's Maine medical license. This action is based on fraud and deceit in obtaining a license, unprofessional conduct and disciplinary actions by other state medical boards.

VAN PELT, JOHN C., M.D.: License # 005651; 12/13/05. At the conclusion of an Adjudicatory Hearing on December 13, 2005, the Maine Board of Licensure in Medicine voted to take the following actions: 1) The licensee shall receive a reprimand. 2) The licensee's Maine medical license shall be suspended for 90 days beginning January 27, 2006. 3) The licensee's Maine medical license will not be renewed after it expires on March 31, 2006. 4) Prior to January 27, 2006, the licensee shall not examine any female child under the age of 21 years without the written informed consent of the child (if competent) or guardian as evidenced by his/her signature on a form approved by the Board. 5) Prior to January 27, 2006, the licensee shall not examine any female without the physical presence of a chaperone in the examining room. 6) The licensee shall pay $6,000 for a portion of the Board's cost of hearing by March 15, 2006. 7) The licensee shall pay the costs of the court reporter and transcription fees by March 15, 2006. This action was based on unprofessional conduct, incompetence and violation of Chapter 10 of the Board's rules regarding sexual misconduct.
Notify the Board of Address Changes Immediately

Many people experience problems at renewal time because they have neglected to notify the Board of an address change. To prevent delays or even loss of license due to lapse, notify the Board immediately of any change in your mailing address.

REMEMBER THE CONTACT ADDRESS AND PHONE NUMBER YOU INDICATE ON YOUR RENEWAL, “AS YOUR PREFERRED CONTACT ADDRESS”, WILL BE POSTED ON THE BOARD'S WEBSITE.

Check out our website at http://www.docboard.org/me/me_home.htm to verify that the Board has your correct mailing address on file. If the address is incorrect, simply send a signed note with changes to the Board.

Committee on Physician Health Confidential professional help for substance abuse is available by contacting Dr. David J. Simmons at 622-3374 or 623-9266