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The Board met in public session, with the exception of the times listed below, which were held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (e.g., 1 M.R.S. § 405; 10 M.R.S. § 8003-B; 22 M.R.S. § 1711-C; 24 M.R.S. § 2510; 32 M.R.S. § 3282-A). The Board moved, seconded, and voted the following executive session times. During the public session of the meeting, actions were taken on all matters discussed during executive session.

**EXECUTIVE SESSIONS**

12:16 p.m. – 12:20 p.m.  
Pursuant to 24 M.R.S. § 2510 and 1 M.R.S. § 405(6)(F) to discuss a pending investigation and confidential patient medical records

**RECESSES**

11:00 a.m. – 11:11 a.m.  
Break

12:25 p.m. – 1:00 p.m.  
Lunch

2:20 p.m. – 2:30 p.m.  
Break

I.  Call to Order

Dr. Gleaton called the meeting to order at 9:14 a.m.

A.  Amendments to Agenda

Dr. Dumont moved to amend the following items onto the agenda: 1) a consent agreement regarding CR 15-163; 2) a consent agreement amendment regarding CR15-75; 3) a
monitoring report regarding Christine M. Mellon, M.D.; 4) a monitoring report regarding Elmer Lommler, M.D.; 5) a discussion regarding a subcommittee of the Board to conduct informal conferences; and 6) a discussion about information publicized by the Board regarding disciplinary actions. Dr. Jones seconded the motion, which passed unanimously.

B. Scheduled Agenda Items

1. 9:30 a.m. Harry M. Peddie, M.D. (CR17-11) – Continuance Granted

II. Licensing

A. Applications for Individual Consideration

1. Initial Applications

   a. Constance Tambakis-Odom, M.D.

       The Licensure Committee moved to conduct an electronic interview with Dr. Tambakis-Odom rather than requiring her to appear in person due to scheduling difficulties. The motion passed unanimously.

2. Reinstatement Applications (none)

3. Renewal Applications

   a. Judith Sandick, M.D.

       The Licensure Committee moved to offer Dr. Sandick an inactive status license and to preliminarily deny her renewal application if she declines. The motion passed unanimously.

   b. Phillip Din, M.D.

       The Licensure Committee moved to approve Dr. Din’s renewal application. The motion passed unanimously.

4. Requests to Convert to Active Status (none)

5. Requests to Withdraw License/License Application

   a. Francisco J. Baraona, M.D.

       The Licensure Committee moved to allow Dr. Baraona to: 1) withdraw his license application while under investigation; 2) accept one of two consent agreements previously offered to him; or 3) proceed to an adjudicatory hearing. The motion passed unanimously.
6. Requests for Supervisory Relationships

   a. Rebecca Brown, P.A.

      The Licensure Committee moved to approve Ms. Brown’s registration application. The motion passed 8-0-0-1. Dr. Dumont was recused from this matter and left the room.

   b. Stephanie Graves, P.A.

      Dr. Dumont moved to approve the registration application upon acceptance of a consent agreement. Mr. Ross seconded the motion, which passed 8-0-0-1. Dr. Jones was recused from this matter and left the room.

B. Other Items for Discussion

   a. Prescribing or Treating Self or Family Letter

      The Licensure Committee moved to approve the letter as amended. The motion passed unanimously.

   b. Julie B. Dark, M.D.

      The Licensure Committee moved to approve Dr. Dark’s request for a waiver of her renewal fee. The motion passed unanimously.

C. Withdraw License from Registration

   Dr. Barnhart moved to approve the following licensees’ requests to withdraw their licenses from registration. Mr. Ross seconded the motion, which passed unanimously.

   NAME
   Adedipe, Olugbenga
   Berlingieri, William
   Goodenough, David
   Maunz, Don L.
   Mehta, Deviyani D.
   Milliken, John F., Jr.
   Rasul, Muhammed H.
   Smith, Robert S.
   Tyer, Linda K.
   Wood, Barbara J.

   LICENSE NUMBER
   MD19992
   MD15993
   MD11070
   MD6614
   MD18558
   MD12273
   MD19804
   MD18748
   MD9423
   MD12887

III. Consent Agreements/Resolution Documents for Review

   A. CR16-210 Vijil K. Rahulan, M.D. [Appendix A]
Dr. Barnhart moved to accept the signed consent agreement. Dr. Sacchetti seconded the motion, which passed unanimously.

B. CR16-171 André Benoit, M.D. [Appendix B]

Mr. Ross moved to accept Dr. Benoit’s request to withdraw his renewal application while under investigation. Dr. Sacchetti seconded the motion, which passed 8-0-0-1. Dr. Dumont was recused from this matter and left the room.

C. CR16-259 Peter P. Huang, M.D. [Appendix C]

Dr. Sacchetti moved to accept the signed consent agreement. Mr. Ross seconded the motion, which passed 8-0-0-1. Dr. Waddell was recused from this matter and left the room.

D. CR15-163 Mark E. Cieniawski, M.D. [Appendix D]

Dr. Dumont moved to accept the signed consent agreement. Dr. Jones seconded the motion, which passed unanimously.

Dr. Dumont moved to approve the proposed monitor. Dr. Jones seconded the motion, which passed unanimously.

E. CR15-75 Reinaldo O. de los Heros, M.D. [Appendix E]

Dr. Jones moved to accept the signed amendment to consent agreement. Dr. Barnhart seconded the motion, which passed 8-0-0-1. Dr. Dumont was recused from this matter and left the room.

IV. Complaints

1. CR16-101

Dr. Barnhart moved to dismiss the complaint. Ms. Dench seconded the motion, which passed unanimously.

MOTION: Two relatives complain of high dose benzodiazepines provided to a patient also on opioids. They also complain of a lack of coordination of services and the use of a diabetes medication when the patient is not diabetic. The physician responded that records were obtained from the other facility. The diabetes medication was to prevent weight gain from psychiatric medications, which was appropriate.

The Board has assertively addressed the use of medications by this physician by consent agreement.

2. CR16-237
Dr. Sacchetti moved to dismiss the complaint. Ms. Weinstein seconded the motion, which passed unanimously.

**MOTION:** The daughter of a severely ill, elderly patient complains that nasal suctioning by the intensivist physician was nothing short of abuse. The patient, having been severely weakened by complications of surgery, ongoing infection, and underlying Parkinson’s disease, was unable to clear upper airway secretions thereby requiring routine suctioning. Passing the catheter and/or attempts at passing the catheter caused the patient distress, which was not unexpected. The physician does not recall the particular incident and was unaware of the daughter’s concern leading up to the formal complaint. ICU staff present during the physician’s rounds witnessed no wrongdoing in the care of the patient. Nasal catheters are small in caliber and may be passed into the nasopharynx often without need of lubricant. Certain procedures and protocols routinely used in the critical care setting with the intended purpose of helping patients may incite noxious reactions which can be difficult for family to process and lead to misinterpretations, such as occurred here. The physician’s response is sincere and sympathetic.

3. **CR16-241**

Dr. Waddell moved to dismiss the complaint. Dr. Dumont seconded the motion, which passed 8-0-0-1. Dr. Sacchetti was recused from this matter and left the room.

**MOTION:** The patient complains that she suffered a nerve injury as a result of surgery. Review of the records demonstrates reasonable care was provided during and after the surgery. The patient underwent a second, similar procedure one year later by the same surgeon. She complains that the excised tissue was not handled properly leading to a delay in diagnosis of lymphoma. Review of the records indicates that this has been a challenging diagnostic case in many respects. The surgeon’s method of dividing the excised tissue for pathologic analysis was reasonable. However, as a result of this specific case, the surgeon and facility have already taken the initiative to modify their tissue handling practices in a manner that will likely minimize the risk of any similar confusion in the future.

4. **CR16-244**

Dr. Sacchetti moved to dismiss the complaint. Dr. Jones seconded the motion, which passed 7-0-0-2. Dr. Barnhart and Mr. Ross were recused from this matter and left the room.

**MOTION:** A family member complains of her interaction with a physician assistant (PA) assigned to evaluate her mother-in-law in the emergency room. She contends that the PA wanted to discharge the patient, was abrasive in his communication with family, and refused to speak with one of the patient’s physicians at an outside hospital. The PA provides a reasonable explanation for each of these accusations. Of note, the complainant missed part of the conversation between the PA and other family members. The PA’s care of the patient and timely involvement of the hospitalist was appropriate.

5. **CR16-262**
Mr. Ross moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include a warning and a $500.00 civil penalty. Ms. Weinstein seconded the motion, which passed 8-0-0-1. Dr. Waddell was recused from this matter and left the room.

Mr. Ross moved to direct staff to contact the Department of Health and Human Services Office of Licensing and Regulatory Services to discuss credentialing issues. Ms. Weinstein seconded the motion, which passed 8-0-0-1. Dr. Waddell was recused from this matter and left the room.

6. CR16-266

Mr. Ross moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include a warning and a $500.00 civil penalty. Dr. Dumont seconded the motion, which passed 8-0-0-1. Dr. Waddell was recused from this matter and left the room.

7. CR16-270

Dr. Waddell moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

**MOTION:** The patient complains that his abdominal CT scan was not interpreted properly leading to a delay in diagnosis of cancer. Review of the records indicates reasonable care was provided.

8. CR16-271

Dr. Waddell moved to investigate further. Dr. Jones seconded the motion, which passed unanimously.

9. CR16-272

Dr. Waddell moved to investigate further. Dr. Jones seconded the motion, which passed unanimously.

10. CR16-256

Ms. Dench moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

**MOTION:** The patient self-referred to a radiation oncologist for treatment of his stage III prostate cancer. Review of the records reveals appropriate, thoughtful, and reasonable care. The patient, being concerned and anxious about his diagnosis, sought additional second
opinions regarding his care. This was his prerogative but did not result in thorough communication between providers, which was less than optimal.

11. CR16-260

Ms. Weinstein moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement for voluntary surrender of the physician’s license. Dr. Sacchetti seconded the motion, which passed unanimously.

12. CR16-110 Wilkins W. Dedwylder, M.D.

Dr. Dumont moved to dismiss the complaint with a letter of guidance. Dr. Sacchetti seconded the motion, which passed unanimously.

MOTION: In this case, a patient stated that the physician failed to conduct an appropriate examination in the emergency department regarding her leg cramps and treated her unprofessionally by treating her in a manner different from other patients seen by him in the same time period. The physician responded that although his examination was brief, he felt that his clinical diagnosis was appropriate and apologized for not explaining the patient’s symptoms to her in more depth. The physician later acknowledged that the medical documentation could have been improved and that it did not reflect having addressed significant abnormalities found on lab testing.

The letter of guidance will remind the physician that: 1) accurate documentation of all patient interactions is crucial to demonstrate appropriate care and to pass on important patient information; 2) all laboratory abnormalities should be addressed with the patient and noted in the patient’s record. Any abnormality requiring follow-up needs to have a well outlined plan that the patient is able to understand and achieve; and 3) communication with patients is of paramount importance.

13. CR16-264

Dr. Barnhart moved to investigate further and order that the physician assistant undergo a § 3286 evaluation. Ms. Dench seconded the motion, which passed 6-0-0-3. Dr. Dumont, Dr. Jones and Mr. Ross were recused from this matter and left the room.

14. CR16-268

Mr. Ross moved to investigate further. Ms. Weinstein seconded the motion, which passed 8-0-0-1. Dr. Waddell was recused from this matter and left the room.

15. CR16-247

Dr. Gleaton moved to dismiss the complaint. Dr. Dumont seconded the motion, which passed unanimously.
MOTION: A physician complains that a fellow physician was providing patients with medical marijuana from a medical marijuana dispensary. Investigation reveals that the physician practices alternative pain management in four locations, but he is only physically present at three locations seeing patients. He sees patients at the office referenced in the complaint by Video-Health (real time, face-to-face video). Review of the records reveals reasonable evaluation for dispensing cannabis certificates. There is a separate entrance and office setting in a building which also has a medical marijuana dispensary; there is no direct access from the office suite to the dispensary. The physician has no financial affiliation in the dispensary. He also denies being an officer, incorporator, board member, director or employee of the dispensary.

16. CR17-3

Dr. Barnhart moved to dismiss the complaint. Ms. Dench seconded the motion, which passed 8-0-0-1. Dr. Dumont was recused from this matter and left the room.

MOTION: The mother of the patient complains that the physician prescribed medications for outpatient alcohol detoxification and the patient took all of the script at once while drinking. She questions if provision of this script was inappropriate. Review of the medical chart reveals excellent records. The care addressed psychopharmacologic, classic substance dependence issues, and psychodynamic issues. The script for detoxification was written in the context of refusal of better care options and profound risk to the patient of his continued severely alcoholic drinking. The physician had history with this patient of successful outpatient detoxification. Fortunately, this inappropriate use of benzodiazepines by the patient led to acceptance of appropriate medically supervised detoxification and further care.

17. CR17-24

Dr. Sacchetti moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include: 1) a reprimand; 2) a civil penalty of $1,000; and 3) notification to prior patients by letter and newspaper advertisement regarding obtaining their medical records. Ms. Weinstein seconded the motion, which passed unanimously.

At 1:05 p.m. Dr. Sacchetti requested to reconsider this matter. After discussion, Dr. Sacchetti moved to revise the terms of the consent agreement offer to include the requirement that the physician send a medical records release form that complies with legal requirements with the letter to prior patients. Dr. Dumont seconded the motion, which passed unanimously.

18. CR16-261

Mr. Ross moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include a two-year probation with conditions. Dr. Barnhart seconded the motion, which passed unanimously.

V. Assessment and Direction
19. AD17-45

Dr. Jones moved to close the matter with no further action. Dr. Barnhart seconded the motion, which passed unanimously.

Upon further consideration, Dr. Dumont moved to issue a complaint (CR17-89). Dr. Sacchetti seconded the motion, which passed unanimously.

20. AD17-32

Dr. Jones moved to issue a complaint (CR17-90). Dr. Dumont seconded the motion, which passed unanimously.

21. AD17-46 Robin E. Locke, M.D. [Appendix F]

Dr. Dumont moved to accept the signed Interim Consent Agreement for License Suspension. Dr. Jones seconded the motion, which passed 8-0-0-1. Mr. Ross was recused from this matter and left the room.

Dr. Barnhart moved to issue a complaint (CR17-88). Ms. Weinstein seconded the motion, which passed 8-0-0-1. Mr. Ross was recused from this matter and left the room.

22. Intentionally left blank

23. Intentionally left blank

24. Pending Adjudicatory Hearings and Informal Conferences report

The Board reviewed the report and discussed scheduling of upcoming adjudicatory hearings. Following discussion, the Board added Monday, May 8th to its meeting schedule and will schedule an adjudicatory hearing to begin on that day and continue on May 9th.

Following discussion about informal conferences, the Board added Monday, June 12th to its meeting schedule and will schedule informal conferences on that day.

Dr. Jones moved to authorize a subcommittee of the Board to conduct informal conferences and make a recommendation to the full Board. Mr. Ross seconded the motion, which passed 8-0-1-0 with Dr. Dumont abstaining.

25. Consumer Assistance Specialist Feedback

This material was presented for informational purposes. No Board action was required.

26. Other Items for Discussion (none)

VI. Informal Conference (none)
VII. Minutes for Approval

Dr. Barnhart moved to approve the minutes of the March 14, 2017 meeting. Ms. Weinstein seconded the motion, which passed 6-0-3-0 with Dr. Dumont, Dr. Waddell and Ms. Dench abstaining.

VIII. Board Orders & Consent Agreement Monitoring

A. Board Orders (none)

B. Monitoring Reports

1. Michael B. Bruehl, M.D.

   This material was presented for informational purposes. No Board action was required.

2. Peter J. Ameglio, M.D.

   This material was presented for informational purposes. No Board action was required.

3. Whitney Houghton, M.D.

   This material was presented for informational purposes. No Board action was required. Dr. Glateon and Dr. Barnhart were recused from this matter and left the room.

4. Christine M. Mellon, M.D.

   Dr. Jones moved to terminate the consent agreement and grant Dr. Mellon’s request for an active, unconditional license. Dr. Dumont seconded the motion, which passed unanimously.

5. Elmmer Lommler, M.D.

   The Board directed that staff clarify with Dr. Lommler that he may not prescribe Suboxone or Subutex to new patients based on the terms of his probation. Dr. Barnhart and Dr. Dumont were recused from this matter and left the room.

IX. Adjudicatory Hearings

A. CR17-11 Harry M. Peddie, M.D. [Appendix G]

   Dr. Sacchetti moved to accept the surrender of Dr. Peddie’s license while under investigation in lieu of holding the adjudicatory hearing. Ms. Dench seconded the motion, which passed unanimously.
X. Remarks of Chair

Dr. Gleaton led a discussion about information publicized by the Board regarding disciplinary actions. The Board reviewed its current policy which states that press releases are issued when disciplinary actions are taken by the Board, with specific exceptions. Following discussion, the Board determined that its current policy will remain unchanged, but unusual or extenuating circumstances will be reviewed on a case by case basis.

XI. Remarks of Executive Director (none)

XII. Assistant Executive Directors Report

Mr. Terranova reported on changes to the Board’s website, upcoming computer system upgrades, and gave a demonstration of the online license renewal process.

A. Legislative Report

Mr. Terranova reported on pending legislation.

B. Complaint Status Report

As of April 1, 2017 there are ninety-six complaints outstanding. Fourteen complaints were opened during the month of March and nine were closed.

C. Maine Quality Counts Report

This material was presented for informational purposes. No Board action was required.

D. Feedback (none)

XIII. Medical Director’s Report

Dr. Duhamel presented information regarding Medication-Assisted Treatment (MAT). After discussion, the Board directed staff to draft a rule regarding MAT for review at a future meeting.

XIV. Remarks of Assistant Attorney General

AAG Miller reported on the status of two appeals.

XV. Rulemaking

A. Draft Chapter 1 Rule Regarding Physicians

The Board reviewed modifications to the rule formally proposed last month. Following review, Dr. Jones moved to formally propose the rule as amended. Ms. Weinstein seconded the motion, which passed unanimously.
XVI. Policy Review (none)

XVII. Requests for Guidance (none)

XVIII. Standing Committee Reports

A. Licensure and CME Committee

1. Licensing Status Report [Appendix H]

This material was presented for informational purposes. No Board action was required.

XIX. Board Correspondence (none)

XX. FSMB Material (none)

XXI. FYI

This material was presented for informational purposes. No Board action was required.

XXII. Other Business (none)

XXIII. Adjournment 3:04 p.m.

Respectfully submitted,

Maureen S. Lathrop
Administrative Assistant
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re: VIJIL K. RAHULAN, M.D. Complaint No. CR16-210

) CONSENT AGREEMENT

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Vijil K. Rahulan, M.D. The parties to the Consent Agreement are: Vijil K. Rahulan, M.D. ("Dr. Rahulan"), the State of Maine Board of Licensure in Medicine ("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. § 3282-A.

STATEMENT OF FACTS

1. Dr. Rahulan has held a license to practice medicine in the State of Maine since January 22, 2014 (license number MD19716), and specializes in critical care medicine and pulmonary diseases.

2. On October 17, 2016, the Board initiated a complaint alleging that Dr. Rahulan failed to disclose on his April 13, 2016 application to renew his Maine medical license that the State of Michigan Board of Medicine had taken disciplinary action against him on March 16, 2016.

3. By letter dated January 14, 2017, Dr. Rahulan acknowledged that he should have notified the Board about the disciplinary action at the time he submitted his application for renewal. Dr. Rahulan expressed regret, explained the circumstances that he believes led to his mistake on the renewal
application, and stated that the Board was notified about the State of Michigan Board of Medicine discipline on May 8, 2016.

4. Pursuant to 32 M.R.S. § 3282-A(2)(A), the Board may impose discipline for engaging in the practice of misrepresentation in obtaining a license.

5. At its meeting on February 14, 2017, the Board reviewed Complaint CR16-210, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Rahulan this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Rahulan's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 2, 2017, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

6. Dr. Rahulan admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(A) (for misrepresentation in connection with the submission of an application for licensure).

7. As discipline for the conduct described above, Dr. Rahulan agrees to accept, and the Board imposes:

a. A WARNING for engaging in misrepresentation in connection with the submission of an application for licensure; and
b. A CIVIL PENALTY in the amount of Five Hundred Dollars ($500.00), payment of which shall be made by certified check or money order made payable to "Treasurer, State of Maine," and remitted to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, within thirty (30) days of the execution of this Consent Agreement.

8. Violation by Dr. Rahulan 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.

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

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

11. 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.

12. 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.

13. 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.

14. Dr. Rahulan 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.

15. Dr. Rahulan has been represented by Molly Barker Gilligan, Esq.,
who has participated in the negotiation of the terms of this Consent Agreement.

16. For the purposes of this Consent Agreement, the term "execution"
means the date on which the final signature is affixed to this Consent
Agreement.
I, VIJIL K. RAHULAN, 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: March 8, 2017

VIJIL K. RAHULAN, M.D.

STATE OF ___________________________, S.S.

Personally appeared before me the above-named Vijil K. Rahulan, 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: 08-03-17

NOTARY PUBLIC/ATTORNEY

M.K. MOHAMED ABOOBACKER, P.SC., D.L.
Advocate / Notary
High Court, Dharmsala

MY COMMISSION ENDS: 15-10-2020

DATED: March 25, 2017

MOLLY BARKER GILLIGAN, ESQ.
Attorney for Vijil K. Rahulan, M.D.
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 4/11/17

MAROULLA'S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: April 11, 2017

MICHAEL MILLER
Assistant Attorney General

Effective Date: April 11, 2017
Date: April 5, 2017

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

Re: Withdrawal of Application to Renew Maine Medical License While Under Investigation

Dear Members of the Board:

I, Andre Benoit, Jr., M.D., hereby request to withdraw the pending application to renew my Maine medical license (MD9835) while under investigation by the Board of Licensure in Medicine ("Board"). I understand that if the Board votes to accept the withdrawal of my application to renew my Maine medical license while under investigation, that such action is reportable to the National Practitioner Data Bank, the Federation of State Medical Boards, and that it will constitute a publicly available adverse action on the Board’s website. I also understand that if the Board allows me to withdraw my application to renew my Maine medical license, no further action will be taken against my license by the Board with regard to the matter currently under investigation and no press release will be issued.

Sincerely,

[Signature]

Andre Benoit, Jr., M.D.
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re: PETER P. HUANG, M.D.
Complaint No. CR16-259

CONSENT AGREEMENT

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Peter P. Huang, M.D. The parties to the Consent Agreement are: Peter P. Huang, M.D. ("Dr. Huang"), the State of Maine Board of Licensure in Medicine ("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. § 3282-A.

STATEMENT OF FACTS

1. Dr. Huang has held a license to practice medicine in the State of Maine since January 30, 1998 (license number MD14673), and specializes in general surgery.

2. On December 29, 2016, the Board initiated a complaint alleging that Dr. Huang failed to make a required disclosure on his August 6, 2015 application to renew his Maine medical license.

3. By letter dated January 19, 2017, Dr. Huang acknowledged that he failed to make a required disclosure when he renewed his license. Dr. Huang explained that his sister had been diagnosed with pancreatic cancer and subsequently passed away, and that he took a leave of absence when he learned of her diagnosis. He was also going through other personal stresses...
that were occurring at the time he submitted his application for renewal of his medical license. He apologized for the oversight.

4. Pursuant to 32 M.R.S. § 3282-A(2)(A), the Board may impose discipline for engaging in the practice of misrepresentation in obtaining a license.

5. At its meeting on February 14, 2017, the Board reviewed Complaint CR16-259, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Huang this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Huang's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 2, 2017, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

6. Dr. Huang admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(A) (for misrepresentation in connection with the submission of an application for licensure).

7. As discipline for the conduct described above, Dr. Huang agrees to accept, and the Board imposes:

   a. A REPRIMAND for engaging in misrepresentation in connection with the submission of an application for licensure; and
b. A CIVIL PENALTY in the amount of One Thousand Dollars ($1,000.00), payment of which shall be made by certified check or money order made payable to "Treasurer, State of Maine," and remitted to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, within thirty (30) days of the execution of this Consent Agreement.

8. Violation by Dr. Huang 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.

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

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

11. 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.

12. 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.

13. 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.

14. Dr. Huang 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.

15. Dr. Huang has been represented by Sandra L. Rothera, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

16. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.
I, PETER P. HUANG, 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: 4/14/17

PETER P. HUANG, M.D.

STATE OF MAINE

PENOBSCOT, S.S.

Personally appeared before me the above-named Peter P. Huang, 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: 4/14/17

NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 

DATED: 4/14/17

SANDRA L. ROTHERA, ESQ.
Attorney for Peter P. Huang, M.D.
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 4/11/17

[Signature]
MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: April 11, 2017

[Signature]
MICHAEL MILLER
Assistant Attorney General

Effective Date: April 11, 2017
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re: MARK E. CIENIAWSKI, M.D. } CONSENT AGREEMENT
Complaint No. CR15-163 }

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Mark E. Cieniawski, M.D. The parties to the Consent Agreement are: Mark E. Cieniawski, M.D. ("Dr. Cieniawski"), the State of Maine Board of Licensure in Medicine ("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. § 3282-A.

STATEMENT OF FACTS

1. Dr. Cieniawski has held a license to practice medicine in the State of Maine since June 22, 1993 (license number MD13544), and specializes in internal medicine.

2. On September 9, 2015, the Board received an anonymous online complaint expressing concerns regarding Dr. Cieniawski’s "prescribing habits." The anonymous complaint identified 32 patients of Dr. Cieniawski by name and date of birth, and alleged issues related to prescribing of controlled substances including: no controlled substance agreement ("CSA") executed; no urine drug screens ("UDS") conducted; failed urine drug screens with continued prescribing; pill counts not being conducted; no review of patient prescription monitoring program reports ("PMP"); and early prescription medication refills provided.

1
3. Following receipt of the anonymous complaint, the Board subpoenaed records for twelve (12) patients of Dr. Cieniawski, which were received and reviewed.

4. On October 19, 2015, the anonymous complainant contacted the Board Investigator and identified herself as a nurse practitioner who had previously worked in Dr. Cieniawski's practice. The nurse practitioner provided additional information and stated that she had only identified about half of the patients that there were prescribing issues with. The nurse practitioner stated that she had approached the physicians in the practice with her concerns but was told that the doctors were there to treat pain and while they understood her concerns, they felt the need to help their patients because nothing else worked for them.

5. Upon review of the above information, on December 21, 2015, the Board initiated a complaint against Dr. Cieniawski. The Board docketed that complaint as CR15-163, and sent it to Dr. Cieniawski for a response.

6. By letter dated February 25, 2016, Dr. Cieniawski responded to the complaint. In his response, Dr. Cieniawski identified steps that he took immediately upon learning of the Board's concerns and prior to receiving the Board complaint regarding use of universal precautions and controlled substances prescribing, including identifying areas for improvement. For example, upon review of the medical practice records, he found that random pill counts and urine drugs screens were either not taking place as regularly as they were supposed to or the documentation regarding the precautions was
inadequate. In addition, he reported to the Board that there has "also been a major push to get CSAs [controlled substance agreements] signed and in all applicable patient's EMRs, and to catch up all patients who have not had a urine drug screen in the past 3 to 6 months." Dr. Cieniawski also reported that he now uploads a patient's PMP into the patient's EMR every time it is accessed.

In addition, Dr. Cieniawski discussed his changed procedures for CSAs. Dr. Cieniawski informed the Board that in his "medical opinion" urine drug screens that are positive for marijuana are not necessarily an automatic violation of the CSA, and his approach is to review the risks of smoking marijuana just as he would with tobacco or alcohol, but not necessarily view it as grounds for discontinuing opiate prescriptions. Dr. Cieniawski reported that he was committed to doing a better job of documenting patient discussions and evaluations. He addressed the specific allegations of the complaint as related to each of the 12 patients identified, and explained the care provided. In doing so, Dr. Cieniawski acknowledged that there were deficiencies either in documentation or maintaining controlled substance prescribing universal precautions. Finally, Dr. Cieniawski reported to the Board that after receiving the complaint he has taken continuing medical education on the topic of controlled substances.

7. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline for 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.

8. Pursuant to 32 M.R.S. § 3282-A(2)(H), the Board may impose discipline for violation of Board statute or rule, including rules regarding the use of controlled substances for treatment of pain that are contained in Board Rules, Chapter 21.

9. On April 12, 2016, the Board reviewed CR 15-163 and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Cieniawski a Consent Agreement to resolve this matter without further proceedings.

10. On January 18, 2017, Dr. Cieniawski reported to the Board that he attended the in depth 24 hour CME course Case Western Intensive Course in Controlled Substance Prescribing, and requested that the Board reconsider its proposed action.

11. On February 14, 2017, the Board considered Dr. Cieniawski’s request and proposed this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Cieniawski’s acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 10, 2017, the matter will be scheduled for an adjudicatory hearing.
COVENANTS

12. Dr. Cieniawski admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3282-A(2)(F), and (H), for engaging in unprofessional conduct, and violating Board rules.

13. As discipline for the foregoing conduct, Dr. Cieniawski agrees to accept the following:
   
   a) A REPRIMAND for failure to follow universal precautions in prescribing controlled substances.

   b) A LICENSE PROBATION for a period of two (2) years during which the following is required:

   1) Within three (3) months of the effective date of this Consent Agreement, Dr. Cieniawski shall provide to the Board copies of the written policies in place at his medical practice for controlled substance prescribing and the use of universal precautions.

   2) Within three (3) months of the effective date of this Consent Agreement, Dr. Cieniawski shall retain a Board approved Consultant to monitor Dr. Cieniawski's controlled substance prescribing practices. Dr. Cieniawski shall cause the Consultant to report to the Board on a quarterly basis. In the reports to the Board, the Consultant shall provide a summary of the Consultant's monitoring activities, Dr. Cieniawski's compliance with universal precautions and opioid prescribing standards, and identify any issues related to controlled substance prescribing practices including medical
decision-making or documentation. Dr. Cieniawski understands that the Consultant will be an agent of the Board pursuant to 24 M.R.S. § 2511. Dr. Cieniawski shall permit the Consultant full access to his medical practice, including but not limited to all patient information. After one (1) year of monitoring by the Consultant, Dr. Cieniawski may request that the Board modify or remove the Consultant monitoring requirements contained in this subparagraph. Upon receipt of such request, the Board shall review all information, and in its sole discretion may maintain, modify, or eliminate the requirements of this subparagraph for the remaining period of probation.

3) Dr. Cieniawski shall submit written evidence of course completion for his attendance as reported to the Board in the 24 hour CME course Case Western Intensive Course in Controlled Substance Prescribing within two (2) weeks of the effective date of this Consent Agreement.

4) Dr. Cieniawski agrees that at any time the Board may request copies of patient charts for review. Upon receipt of a written request from the Board for selected patient charts, Dr. Cieniawski shall promptly provide copies as requested.

5) Dr. Cieniawski acknowledges that while this Consent Agreement is in effect he must directly communicate with the Board or Board staff and has the obligation to respond to any request for information or documentation within the timeframe specified or requested. Failure to comply with or respond to any request will be considered a violation of this Consent Agreement.
6) The duration of any probationary period shall be tolled for: a) any absence from the state that is in excess of thirty (30) continuous days; b) any absence from the state that is in excess of sixty (60) aggregate days in a single year; c) any period in which Dr. Cieniawski does not hold an active license. Dr. Cieniawski shall inform the Board in writing in advance of any such absence from the state.

c) A CIVIL PENALTY in the amount of One Thousand Dollars ($1,000.00), payment of which shall be made by certified check or money order made payable to “Treasurer, State of Maine,” and remitted to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, within thirty (30) days of the execution of this Consent Agreement.

14. Violation by Dr. Cieniawski 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.

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

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

17. 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.
18. 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.

19. 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.

20. Dr. Cieniawski 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.

21. Dr. Cieniawski has been represented by Abigail C. Varga, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

22. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.
I, MARK E. CIEWSKI, 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: 4/5/2017
MARK E. CIENIAWSKI, M.D.

STATE OF Maine
Cumberland, S.S.

Personally appeared before me the above-named Mark E. Cieniawski,
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: 4/5/17
BRENDA BRAULT
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: MY COMMISSION EXPRESS, FEBRUARY 4, 2019

DATED: 4/5/17
ABIGAIL C. VARGA, ESQ.
Attorney for Mark E. Cieniawski, M.D.
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 4/11/17

MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT OF THE ATTORNEY GENERAL

DATED: April 11, 2017

MICHAEL MILLER
Assistant Attorney General

Effective Date: April 11, 2017
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re: Reinaldo O. de los Heros, M.D. ) FIRST AMENDMENT TO CONSENT AGREEMENT
Complaint No. CR15-75 )

This document is the First Amendment to Consent Agreement effective February 29, 2016, regarding disciplinary action against the license to practice medicine in the State of Maine held by Reinaldo O. de los Heros, M.D. ("First Amendment"). The parties to this First Amendment are: Reinaldo O. de los Heros, M.D. ("Dr. de los Heros"); the State of Maine Board of Licensure in Medicine ("the Board"); and the Department of the Attorney General (the "Attorney General"). This First Amendment is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

BACKGROUND

1. On February 29, 2016, the parties entered into a Consent Agreement regarding disciplinary action against the license to practice medicine in the State of Maine held by Reinaldo O. de los Heros, M.D. ("the Consent Agreement").

2. On March 14, 2017, the Board reviewed Dr. de los Heros's compliance with the Consent Agreement and the reports and recommendations of his physician practice monitor, and voted to offer Dr. de los Heros this First Amendment. Absent Dr. de los Heros's acceptance of this First Amendment by signing and dating it in front of a
notary and mailing it to Maine Board of Licensure in Medicine, 137 State
House Station, Augusta, Maine 04333-0137 so that it is received on or
before April 10, 2017, the matter will be presented to the Board for
possible further action.

AMENDMENT

3. Dr. de los Heros, the Board, and the Department of the
Attorney General hereby agree to amend the Consent Agreement dated
February 29, 2016 as follows:

a) By deleting the requirement for a Board approved
physician practice monitor contained in paragraph 11(a) and inserting a
new paragraph 11(a) as follows:

Dr. de los Heros acknowledges that maintaining regular
contact with other Maine-licensed psychiatrists is important
and can improve his ability to provide appropriate care and
treatment. Therefore, he agrees to select (a) mentor(s) who is
a Maine-licensed psychiatrist with whom he will regularly
meet and consult with and share clinical experiences. Dr. de
los Heros shall provide the name of his mentor(s) to the
Board within fourteen (14) days of the execution of this First
Amendment and in the event of any change in mentor(s). In
addition, Dr. de los Heros shall attend the 2017 Maine
Association of Psychiatric Physicians Annual Spring
Conference.
b) By amending paragraph 11(b) to add the following sentence at the end of that paragraph:

Dr. de los Heros understands and agrees that he will comply with this requirement even after the termination of the probation imposed by the Consent Agreement, and that his failure to comply with this requirement may constitute unprofessional conduct and grounds for discipline of his medical license.

c) By deleting the requirement contained in paragraph 11(c) and inserting a new paragraph 11(c) as follows:

Dr. de los Heros shall attend a meeting of the Board that will be scheduled after six (6) months have elapsed from the effective date of this First Amendment. Prior to the scheduling of that meeting, Dr. de los Heros shall provide ten (10) patient records selected by the Board or Board staff for Board review. At the conclusion of that meeting, the Board shall, in its sole discretion, determine whether to terminate or continue probation with conditions for a specified period.

d) By amending paragraph 11(d) to add the following sentence at the end of that paragraph:

Dr. de los Heros understands and agrees that he will comply with this requirement even after the termination of the probation imposed by the Consent Agreement, and that his
failure to comply with this requirement may constitute unprofessional conduct and grounds for discipline of his medical license.

4. Dr. de los Heros acknowledges by his signature hereto that all other terms and conditions of the Consent Agreement effective February 29, 2016 remain in full force and effect.

5. Dr. de los Heros acknowledges by his signature hereto that he has read this First Amendment, that he has had an opportunity to consult with an attorney before executing this First Amendment, that he executed this First Amendment of his own free will and that he agrees to abide by all terms and conditions set forth herein.

I, REINALDO O. DE LOS HEROS, M.D., HAVE READ AND UNDERSTAND THE FOREGOING FIRST AMENDMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO FURTHER HEARINGS REGARDING THIS FIRST AMENDMENT. I ALSO WAIVE THE RIGHT TO APPEAL TO THE COURT REGARDING THIS FIRST AMENDMENT. KNOWING THIS, I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS FIRST AMENDMENT, TOGETHER WITH THE CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated: April 5th, 2017

REINALDO O. DE LOS HEROS, M.D.

STATE OF MAINE
Cumberland, SS.
Before me this 5th day of April, 2017, personally appeared Reinaldo O. de los Heros, M.D., who after first being duly sworn, signed the foregoing First Amendment to Consent Agreement in my presence or affirmed that the signature above is his own.

Nancy H. Condon
Notary Public/Attorney at Law
My commission expires:

DATED: April 5, 2017

ELIZABETH A. OLIVIER, ESQ.
Attorney for
Reinaldo O. de los Heros, M.D.

STATE OF MAINE BOARD
OF LICENSURE IN MEDICINE

DATED: 4/11/17

MAROULLA S. GLEATON, M.D.,
Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: April 11, 2017

MICHAEL MILLER
Assistant Attorney General

Effective Date: April 11, 2017
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:}
ROBIN E. LOCKE, M.D. ) INTERIM CONSENT AGREEMENT
No. AD2017-46 ) FOR LICENSE SUSPENSION
}

This document is an Interim Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Robin E. Locke, M.D. The parties to the Interim Consent Agreement are: Robin E. Locke, M.D. ("Dr. Locke"), the State of Maine Board of Licensure in Medicine ("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. § 3282-A.

STATEMENT OF FACTS

1. Dr. Locke has held a license to practice medicine in the State of Maine since May 7, 2009 (license number MD18128), and specializes in internal medicine and oncology.

2. On March 16, 2017, the Board received a report from MaineGeneral Medical Center ("MGMC") pursuant to 24 M.R.S. § 2506 stating that MGMC had received a report of unprofessional conduct alleging that Dr. Locke for a period of approximately two years had been writing prescriptions for herself for controlled substances under the name and credentials of a MGMC colleague and that MGMC had placed Dr. Locke on precautionary suspension effective March 10, 2017.
3. On March 20, 2017, the Board received a report pursuant to 24 M.R.S. § 2505 from a physician who stated that in reviewing his prescriptions in the prescription monitoring program ("PMP"), he discovered many prescriptions for Schedule II drugs to Dr. Locke under his DEA number dating back to January of 2013, and that Dr. Locke was not his patient. The prescriptions were primarily for oxycodone.

4. Review of the PMP revealed approximately 109 prescriptions for Dr. Locke for oxycodone, oxycontin, alprazolam, and lorazepam from the physician who filed the § 2505 report for the period January 2013 through February 2017. In addition, the PMP review revealed approximately 38 prescriptions for Dr. Locke for oxycodone and oxycontin from an Advance Practice Registered Nurse, Certified Nurse Practitioner for the period March 2012 through December 2012.

5. On March 28, 2017, Board staff contacted the Advance Practice Registered Nurse, Certified Nurse Practitioner who stated that she worked with Dr. Locke at the Alford Cancer Center until May 2012. She told Board staff that she never prescribed controlled substances to Dr. Locke nor was Dr. Locke ever her patient.

6. On March 9, 2017, Dr. Locke sent an email to MGMC stating that she had enrolled herself in a rehabilitation program and was seeking assistance in managing narcotic use.

7. Dr. Locke acknowledges that if this information docketed as AD2017-46 was presented to the Board, existing evidence could provide a
basis for the Board to conclude that the continued licensure of Dr. Locke as a physician would place the health and physical safety of the public in immediate jeopardy and that waiting for a full hearing to adjudicate the matter would fail to adequately respond to this known risk. Accordingly, the Board would have justification to summarily suspend the license of Dr. Locke and set the matter for an adjudicatory hearing pursuant to 5 M.R.S. § 10004(3).

8. Dr. Locke desires to avoid a required adjudicatory hearing on any summary suspension ordered within 30 days of such action. Accordingly, Dr. Locke requests that the Board postpone any presentation or adjudication of this matter for a period of at least six (6) months. Thereafter, any party to this Interim Consent Agreement may request the matter be presented to the Board upon 30 days notice to the other parties.

9. This Interim Consent Agreement has been negotiated by legal counsel for Dr. Locke and legal counsel for the Board in order to alleviate the need for the Board to consider whether to issue a summary suspension of licensure and hold an adjudicatory hearing within thirty days following the presentation of this matter to the Board, and to ensure the protection of the public. Absent acceptance of this Interim Consent Agreement by signing and dating it before a notary and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 10, 2017, the Board will consider whether to issue a summary suspension of Dr. Locke’s license on April 11, 2017, and take whatever other action deemed necessary.
COVENANTS

10. Without admitting the facts as stated above Dr. Locke agrees to the IMMEDIATE SUSPENSION of her license to practice as a physician in the State of Maine as of the execution of this Interim Consent Agreement, which suspension shall remain in effect until such time as the Board takes further action regarding this matter. Dr. Locke understands and agrees that she will not practice as a physician or render any health care services.

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

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

13. This Interim 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.

14. This Interim 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.

15. Nothing in this Interim Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Interim Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Interim Consent Agreement.
16. Dr. Locke acknowledges by her signature hereto that she has read this Interim Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Interim Consent Agreement, that she executed this Interim Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

17. Dr. Locke has been represented by Walter F. McKee, Esq., who has participated in the negotiation of the terms of this Interim Consent Agreement.

18. For the purposes of this Interim Consent Agreement, the term “execution” means the date on which the final signature is affixed to this Interim Consent Agreement.
I, ROBIN E. LOCKE, M.D., HAVE READ AND UNDERSTAND THE FOREGOING INTERIM 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 INTERIM CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS INTERIM CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 04/07/17

ROBIN E. LOCKE, M.D.

STATE OF Maine

Kennebec, S.S.

Personally appeared before me the above-named Robin E. Locke, 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: 4/7/17

Alana McCannish
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 2/7/2024

DATED: 4/7/17

WALTER F. MCKEE, Esq,
Counsel for Robin E. Locke, M.D.
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 4/11/17

MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: April 11, 2017

MICHAEL MILLER
Assistant Attorney General

Effective Date: April 11, 2017
Date: April 4th 2017

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

Re: Surrender of License In Lieu of Proceeding to Adjudicatory Hearing – Complaint CR17-11

Dear Members of the Board:

I, Harry M. Peddie, M.D., hereby surrender my Maine medical license (MD5232) to the Maine Board of Licensure in Medicine ("Board") in lieu of proceeding to an adjudicatory hearing on April 11, 2017, regarding Complaint CR17-11. I understand that if the Board votes to accept the surrender of my Maine medical license in lieu of proceeding to an adjudicatory hearing, that such action is reportable to the National Practitioner Data Bank, the Federation of State Medical Boards, and that it will constitute a publicly available adverse action on the Board’s website. I also understand that if the Board accepts the surrender of my Maine medical license, no further action will be taken against my license by the Board.

I understand that I have a right to an adjudicatory hearing before the Board regarding Complaint CR17-11, the right to be represented by a private attorney at my expense at such a hearing, and that by signing and dating this letter I am waiving those rights.

Sincerely,

[Signature]

Harry M. Peddie, M.D.
BOARD OF LICENSURE IN MEDICINE

DATE: APRIL 4, 2017
TO: BOARD MEMBERS
CC: 
FROM: TIMOTHY TERRANOVA
RE: LICENSING STATUS REPORT AND LISTS

The following information is included:

A summary of all new licenses granted in March 2017 by license type (66);

A list of all individuals granted a new license in March 2017 by license type;

A summary of all pending applications by license type (160);

A list of online vs. paper renewals by license type (91.05%); and

A list of licenses lapsed on April 3, 2017 (21).

We look forward to your feedback.
SUMMARY BY LICENSE PREFIX

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SUMMARY BY LICENSE STATUS

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