

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
MICHAEL A. WEICKER, M.D.)
Complaint No. CR17-133)
)

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 Michael A. Weicker, M.D. The parties to the Consent Agreement are: Michael A. Weicker, M.D. (“Dr. Weicker”), 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. Weicker held a temporary license to practice medicine in the State of Maine from November 14, 2016 through May 14, 2017 (license number TD161119). Dr. Weicker specializes in neurological surgery.
2. On June 20, 2017, the Board initiated a complaint following receipt of information that Eastern Maine Medical Center (“EMMC”) had issued a summary suspension of Dr. Weicker’s clinical privileges for “repeatedly failing to accurately and legibly document the clinical services provided to EMMC patients and failing to comply with federal and state law and regulation and hospital policy with regard to patient confidentiality.” Information received from EMMC indicated that Dr. Weicker worked at that facility in November and December 2016, and that there were issues with the sufficiency, accuracy, and

timeliness of Dr. Weicker's medical record documentation. EMMC alleged that Dr. Weicker cut and pasted incorrect information into the medical records, including patient names not in the system, performed a procedure at the wrong level, and failed to perform an appropriate sign out for a patient. The Board docketed the complaint as CR17-133, and sent it to Dr. Weicker for a response.

3. On September 26, 2017, Dr. Weicker responded to the complaint. In his response, Dr. Weicker stated that he attempted repeatedly to address outstanding documentation at the time of his departure from EMMC, was unable to gain remote access through the IT department, and was provided no alternative to completing the incomplete notes. Dr. Weicker denied that he failed to appropriately sign out patients. Dr. Weicker explained difficulties associated with the referenced surgical procedure which was performed in the lateral decubitus position on a morbidly obese patient.

4. On February 13, 2018, the Board received an independent outside expert review report of fifteen medical records related to Dr. Weicker's care of EMMC patients. The reviewer did not find issues with Dr. Weicker's medical decisionmaking and surgical practice, but concluded that Dr. Weicker's medical recordkeeping was inadequate in some cases.

5. On February 15, 2018, Dr. Weicker underwent a neuropsychological evaluation requested by the Board. On May 17, 2018, Dr. Weicker underwent a neurological evaluation requested by the Board.

6. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline for unprofessional conduct if the licensee has engaged in conduct

that violates a standard of professional behavior that has been established for the practice of medicine.

7. On July 10, 2018, the Board reviewed complaint CR17-133, and voted to set the matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Weicker this Consent Agreement to resolve the matter without further proceedings. Absent Dr. Weicker'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 February 26, 2019, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

8. Dr. Weicker admits the facts stated above and agrees that if the Board were to hold an adjudicatory hearing in this matter, the Board would have sufficient evidence by a preponderance of the evidence by which it could find, and the Board hereby does find, that grounds for discipline exist pursuant to 32 M.R.S. § 3282-A(2)(F) for engaging in unprofessional conduct.

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

- a) A REPRIMAND for inadequate medical record documentation;
- b) Within thirty (30) days of the effective date of this Consent Agreement, Dr. Weicker shall enroll in an in-person continuing medical education course on recordkeeping pre-approved by the Board, Board Chair, Board Secretary, or Board designee. The following courses are pre-approved: 1)

Case Western Medical Documentation Course; 2) KSTAR Medical Record Course; 3) PACE Medical Record Keeping Course; and 4) CPEP Medical Recordkeeping Seminar. Dr. Weicker shall successfully complete the medical recordkeeping course required by this subparagraph within six (6) months of the effective date of this Consent Agreement and provide the Board with documentary evidence of his completion of the continuing medical education course within thirty (30) days of his successful completion of the course; and

c) Prior to submitting an application to the Board for any Maine medical license, Dr. Weicker shall undergo a neurological examination arranged by Board staff and simultaneously submit the examination report with his application for a Maine medical license.

10. Dr. Weicker acknowledges that while this Consent Agreement together with any amendments 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. If providing notice or supplying information to the Board is required by any provision of this Consent Agreement, Dr. Weicker shall provide such notice in writing to Julie Best, Complaint Coordinator, or her successor. Failure to comply with or respond to any request shall be considered unprofessional conduct and a violation of this Consent Agreement.

11. Any conduct of Dr. Weicker described herein may be considered in future Board action(s) as evidence of a pattern of misconduct.

12. Violation by Dr. Weicker 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.

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

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

15. 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.

16. 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.

17. 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.

18. Dr. Weicker 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

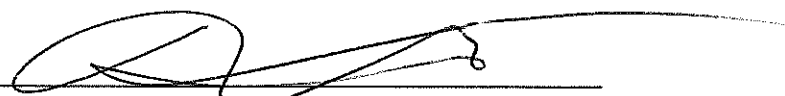
Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

19. Dr. Weicker has been represented by Kenneth W. Lehman, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

20. 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, MICHAEL A. WEICKER, 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: Feb 13/2019


MICHAEL A. WEICKER, M.D.

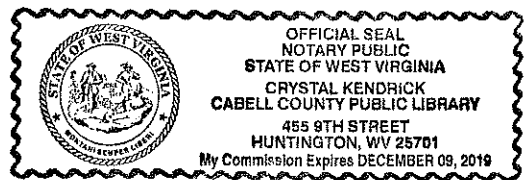
STATE OF West Virginia

County of Cabell, S.S.

Personally appeared before me the above-named Michael A. Weicker, 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: 02/13/2019


NOTARY PUBLIC/ATTORNEY



MY COMMISSION ENDS: 12/09/2019

DATED: 2/20/2019


KENNETH W. LEHMAN, Esq.
Counsel for Michael A. Weicker, M.D.


STATE OF MAINE BOARD
OF LICENSURE IN MEDICINE

DATED: 3/12/19


MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: March 12, 2019


MICHAEL MILLER
Assistant Attorney General

Effective Date: March 12, 2019