

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
PHILLIP J. DIN, M.D.)
Complaint No. CR18-188)
)

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 Phillip J. Din, M.D. The parties to the Consent Agreement are: Phillip J. Din, M.D. (“Dr. Din”), 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. Din has held a license to practice medicine in Maine since October 19, 2009 (license number MD18293). Dr. Din held a temporary license to practice medicine in Maine from April 27, 2009 through October 27, 2009. Dr. Din specializes in internal medicine.

2. On September 14, 2018, the Board initiated a complaint following a pharmacist report that a member of Dr. Din’s extended family attempted to fill a prescription written by Dr. Din using a prescription pad from a medical center at which he was no longer employed. The prescription was for Adderall for the family member’s child. The complaint also alleged that Dr. Din prescribed controlled substances to other specified members of his family, and that Dr. Din had answered “no” on his 2017 application to renew his license

whether he had prescribed controlled substances to himself, family or household members. The Board docketed the complaint as CR18-188, and sent it to Dr. Din for a response.

3. By letter dated October 30, 2018, Dr. Din responded to the complaint. In his response, Dr. Din stated that he no longer had a “familial relation with” this individual or her children because his relationship to them was through another family member who is deceased. Dr. Din stated that he sees the extended family member and her child only once or twice a year when he and his wife are in the area visiting. Dr. Din admitted that he wrote the prescription for Adderall based on his understanding that the medication was a refill, but that he subsequently learned that it was an “incorrect medication” which had never been previously prescribed to the child. Dr. Din denied using the medical center prescription pads, but acknowledged that his prescriptions contained the name, location, and phone number of the medical center. Dr. Din explained his prescribing of controlled substances to family members, and that he mistakenly stated in his 2017 renewal application that he had never prescribed controlled substances for family members. He told the Board that he provided copies of treatment notes directly to family member patients, and it was his understanding that they would provide those records to their regular providers.

4. By letter dated November 20, 2018, Dr. Din responded to questions sent to him on November 7, 2018. Dr. Din explained his attempt to transition care of his spouse’s family following their marriage in 2014. Dr. Din

explained why he wrote a prescription for a one month supply of Adderall to an extended family member's child, stated that he did not consider them "family" at the time because his relationship was through a family member who had since deceased, and acknowledged that he wrote the prescription on what the extended family member told him. He acknowledged that he did not attempt to contact the child's normal provider or pharmacy, nor did he check records in the prescription monitoring program prior to issuing the prescription.

5. Pursuant to 32 M.R.S. § 3282-A(2)(A), the Board may refuse to renew or impose other discipline for the practice of fraud, deceit or misrepresentation in obtaining a license or in connection with service rendered within the scope of the license issued.

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 January 8, 2019, the Board reviewed complaint CR18-188, and voted to set the matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Din this Consent Agreement to resolve the matter without further proceedings. Absent Dr. Din'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 March 1, 2019, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

8. Dr. Din admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(A) for misrepresentation in obtaining a license, and § 3282(F) for engaging in unprofessional conduct.

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

a) A REPRIMAND for misrepresentation on his application to renew his license and unprofessional conduct related to his prescribing of controlled substances to family members;

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;

c) A License CONDITION that Dr. Din shall not prescribe any medications to self, family or household members; and

d) A REQUIREMENT that within thirty (30) days of the effective date of this Consent Agreement, Dr. Din shall enroll in an in-person continuing medical education course on the subject of professional ethics pre-approved by the Board Chair, Board Secretary, or Board designee. Dr. Din shall successfully complete the professional ethics 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.

10. Dr. Din 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. Din 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. Din described herein may be considered in future Board action(s) as evidence of a pattern of misconduct.

12. Violation by Dr. Din 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. Din 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. Din 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. Din has been represented by John D. Gleason, 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, PHILLIP J. DIN, 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: 2/27/19 
PHILLIP J. DIN, M.D.


STATE OF New York

Jennifer L. Bort
Notary Public, State of New York
No. 01BC6377445, S.S.

Qualified in Onondaga County
Commission Expires 7/2/2023
Personally appeared before me the above-named Phillip J. Din, 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: 2/27/2019 
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 7/2/2023

DATED: 2/28/19 
JOHN D. GLEASON, Esq.
Counsel for Phillip J. Din, M.D.


STATE OF MAINE BOARD
OF LICENSURE IN MEDICINE

DATED: 3/14/19


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