

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
MIGUEL WEST, M.D. )  
Complaint No. CR17-236 )

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 Miguel West, M.D. The parties to the Consent Agreement are: Miguel West, M.D. ("Dr. West"), 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. West has held a license to practice medicine in the State of Maine since September 21, 2016 (license number MD21343), and specializes in general surgery.
2. On December 27, 2017, the Board initiated a complaint following a mandated report from a physician. The physician reported that on November 22, 2016, Dr. West performed a left colon resection on Patient A, and that the removed colon section showed no pathologic abnormalities. The physician reported that Patient A subsequently underwent additional surgery to remove the inflamed sigmoid bowel. The physician also reported that on December 14, 2016, Dr. West operated on Patient B for gastric outlet obstruction secondary to ulcer disease, and continued with surgery after finding ascites and diffuse thickening of the entire stomach which could be evidence of undiagnosed

advanced gastric cancer. The Board docketed that complaint as CR17-236, and sent it to Dr. West for a response.

3. By letter dated March 23, 2018, Dr. West responded to the complaint. In his response, Dr. West explained the surgeries that he performed. Dr. West explained that Patient A's colon resection was complicated by two complex cysts in the left adnexa abutting the bowel and uterus which were not being explored following a gynecological consult. Regarding Patient B, Dr. West stated that he did not believe that the ascites he found necessarily meant undiagnosed cancer because of the patient's known history of moderate ethanol abuse, and felt the dilated stomach may be due to chronic gastric outlet obstruction.

4. On April 23, 2018, the Board received an independent outside expert review of the two surgical cases performed by Dr. West. The independent expert reviewer concluded that Dr. West did not meet standards of care for both patients.

5. On December 14, 2018, the Board received the Center for Personalized Education for Professionals ("CPEP") Assessment Report regarding Dr. West following the evaluation of his practice of general surgery which occurred on September 26-27, 2018. The CPEP report identified educational needs in the areas of medical knowledge, clinical judgment and reasoning, and technical skills. Dr. West's technical skills were graded on his performance on an endoscopic simulator and a laparoscopic simulator examination.

6. 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.

7. On May 8, 2018, September 11, 2018, and January 8, 2019, the Board reviewed complaint CR17-236 and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. West this Consent Agreement to resolve this matter without further proceedings. Absent Dr. West'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 May 27, 2019, the matter will be scheduled for an adjudicatory hearing.

#### COVENANTS

8. Dr. West 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 such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(F) (for engaging in unprofessional conduct).

9. As discipline for the foregoing conduct, Dr. West agrees to accept the following:

a) Upon the effective date of this Consent Agreement, Dr. West's license in Maine shall be converted to an Administrative License and limited to the practice of administrative medicine. Administrative medicine means

“professional managerial or administrative activities related to the practice of medicine or to the delivery of health care services, but not the practice of clinical medicine” or “medical research, excluding clinical trials on humans”; and

b) Dr. West represents that he does not intend to apply for, and agrees that he will not apply for, any license in Maine that authorizes the clinical practice of medicine.

10. Dr. West 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 relevant to his Maine license within the timeframe specified or requested. 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. West described herein may be considered in future Board action(s) as evidence of a pattern of misconduct.

12. Violation by Dr. West 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. West 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. West 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. West has been represented by Emily A. Bloch, 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, MIGUEL WEST, 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: June 6, 2019 Miguel West  
MIGUEL WEST, M.D.

STATE OF Michigan  
D36-48-3995, S.S.

Personally appeared before me the above-named Miguel West, 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: 6-6-19 [Signature]  
NOTARY PUBLIC/ATTORNEY  
MY COMMISSION ENDS: June 24, 2019

**GENESIS JOHNSON**  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF WASHTENAW  
My Commission Expires June 24, 2019  
Acting in the County of Washtenaw

DATED: 6/11/19 Emily A. Bloch  
EMILY A. BLOCH, ESQ.  
Attorney for Miguel West, M.D.


STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 6/13/19

  
MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: June 11, 2019

  
MICHAEL MILLER  
Assistant Attorney General

Effective Date: 6/12/19