

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	
William L. Salomon, M.D.)	CONSENT
Complaint No. CR14-11)	AGREEMENT

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed upon the license to practice as a physician in the State of Maine held by William L. Salomon, M.D. The parties to the Consent Agreement are: William L. Salomon, M.D. ("Dr. Salomon"), 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. The Board first issued Dr. Salomon a license to practice as a physician in the State of Maine on January 28, 1992. At all times relevant to this complaint, Dr. Salomon was licensed as a physician by the Board.

2. On January 14, 2014, the Board reviewed information received from the Office of Attorney General, including documents related to Dr. Salomon's arrest on October 9, 2010, Dr. Salomon's criminal conviction for Disorderly Conduct¹ on May 9, 2011, and Dr. Salomon's online renewal of his Maine medical license in 2011 and 2013. Following its review of this information, the Board voted to initiate a complaint against Dr. Salomon's physician license pursuant to 32 M.R.S. § 3282-A alleging unprofessional conduct and fraud or deceit in obtaining the renewal of his Maine medical license based upon: (a) Dr. Salomon's conduct on October 9, 2010; (b) Dr. Salomon's failure to disclose his arrest on his 2011 renewal application; and (c) Dr. Salomon's failure to disclose his

¹ Dr. Salomon was originally charged with Disorderly Conduct by accosting, insulting, taunting, or challenging an Androscoggin County Deputy Sheriff by grabbing the deputy's duty belt, and with Refusing to Submit to Arrest by physical force. Dr. Salomon pled no contest to a substituted charge of Disorderly Conduct by making loud and unreasonable noise in a public or private place after having been warned by a law enforcement officer.

conviction on his 2013 renewal application. The Board docketed the complaint as CR14-11 and sent it to Dr. Salomon for a written response.

3. On or about March 17, 2014, the Board received a response from Dr. Salomon to complaint CR14-11. In his response, Dr. Salomon described his considerable background, education, and training in the scientific and medical fields. Dr. Salomon indicated that in 2003 he gave up the practice of clinical medicine (neonatal and pediatric critical care) (i.e. practicing medicine on patients), and that since that time he has worked as a medical informatician designing and implementing electronic medical records.

a. The October 9, 2010 Incident. Dr. Salomon asserted that on October 9, 2010, his actions at the scene of a single-car accident on his road in which his wife was the driver and sole occupant were solely an attempt to get medical care for his wife. Dr. Salomon did not believe that he acted unprofessionally because he did not "act as a doctor in a manner that interfered with or was likely to interfere with the delivery of care" nor "bring disrepute on the profession." Dr. Salomon indicated that he became "upset" when a deputy sheriff was not taking seriously his wife's "likely injuries." Dr. Salomon alleged that the Emergency Medical Services ("EMS") personnel who responded to his wife's car accident failed to perform their duties competently, and allowed the deputy sheriff to administer field sobriety tests to his wife, who was subsequently arrested and charged with Criminal Operating Under the Influence of alcohol and/or drugs.² Dr. Salomon admitted that he was "very upset and scared" when he concluded that his wife "was not being assessed properly." Dr. Salomon stated that he expressed his fears, concerns and incredulity to the deputy sheriff in a non-violent way and with the goal not to impede his wife's treatment. However, Dr. Salomon did not deny that his actions were interfering with the deputy sheriff's attempt to assess his wife for possible alcohol/drug intoxication. Dr. Salomon denied interfering with the EMS personnel. Dr. Salomon denied being intoxicated as indicated by the deputy sheriff's report, but

²Although Dr. Salomon's wife was charged with criminal OUI, she pleaded no contest to the charge of failing to report an accident and was, therefore, convicted for failing to report an accident.

admitted that he and his wife had been drinking wine just prior to the incident during dinner earlier in their home with two friends. Dr. Salomon recalled feeling "provoked" by the deputy sheriff and became "more upset" when he was told that his wife had been assessed by the EMS personnel when he "believed" they had not assessed her. Dr. Salomon stated that he "felt completely helpless to alter the course of events" that resulted in his wife being arrested for Criminal OUI and taken to jail instead of to a hospital. His wife was subsequently diagnosed by two doctors with closed head trauma and post-concussive syndrome. Dr. Salomon indicated that, while he did not think that he acted unprofessionally, he could have "handled the situation better" by being "less emotional."

b. The On-Line License Renewal of February 25, 2011. Dr. Salomon indicated that he did disclose his arrest for Disorderly Conduct on October 9, 2010 on his on-line renewal application on February 25, 2011, and never intended to deceive the Board regarding his arrest. Board staff investigation confirmed that Dr. Salomon sent this information to the Board in 2011; however, through no fault of Dr. Salomon this information was not, in fact, received by the Board.

c. The On-Line License Renewal of February 27, 2013. Dr. Salomon admitted that on his on-line renewal application dated February 27, 2013, he answered "no" to the question that asked if he had been convicted of any crime. Dr. Salomon had no complete explanation for why he denied having a criminal conviction on his on-line license renewal application, but denied any intent to deceive the Board in light of his previous attempt to disclose the incident to the Board.

4. On April 8, 2014, the Board reviewed complaint CR14-11, including Dr. Salomon's response and all information obtained to date, and voted to set Complaint CR14-11 for an adjudicatory hearing. In addition, the Board voted to offer this Consent Agreement to resolve Complaint CR14-11 without further proceedings, including an adjudicatory hearing.

5. Unprofessional conduct is defined by 32 M.R.S. § 3282-A(2)(F) as conduct that "violates a standard of professional behavior, including engaging in disruptive behavior, that has been established in the practice for which the licensee is licensed... 'disruptive behavior' means aberrant behavior that interferes with or is likely to interfere with the delivery of care."

6. This Consent Agreement has been negotiated by and between legal counsel for Dr. Salomon and legal counsel for the Board in order to resolve complaint CR14-11 without further proceedings, including an adjudicatory hearing. Absent Dr. Salomon's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before July 3, 2014, the matter will be scheduled for an adjudicatory hearing.

7. By signing this Consent Agreement, Dr. Salomon waives any and all objections to, and hereby consents to allow the legal counsel to the Board to present this Consent Agreement to the Board for possible ratification.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Dr. Salomon and the Board agree to the following:

8. Dr. Salomon agrees and understands that with regard to complaint CR14-11 the Board has sufficient evidence from which it could reasonably conclude that he engaged in unprofessional conduct as defined by 32 M.R.S. § 3282-A(2)(F) and for which his Maine medical license is subject to discipline by:

a. On October 8, 2010, after having been drinking alcohol with dinner, becoming involved as a physician at the scene of his wife's motor vehicle accident when there were licensed EMS personnel, including a paramedic, on the scene who had not consumed any alcohol, and by his behavior³ towards the EMS personnel and deputy sheriff.

b. On February 27, 2013, failing to disclose his criminal conviction for Disorderly Conduct on his on-line license renewal application.

³ According to investigative interviews of the EMS personnel and deputy sheriff conducted by the Board's investigator, Dr. Salomon failed to respond to EMS personnel requests to move so that they could assess his wife, told EMS personnel that he was the "senior" person on the scene, lost control of his emotions and had to be physically removed by the deputy sheriff with the assistance of an EMS provider.

9. As discipline for the conduct described in paragraphs 1-8 above pertaining to complaint CR14-11, Dr. Salomon agrees to accept, and the Board agrees to issue, the following discipline:

a. The October 9, 2010 conduct. For his behavior on October 9, 2010, Dr. Salomon agrees to:

(1) Accept a REPRIMAND. As a physician, Dr. Salomon should be aware that professional objectivity may be compromised when an immediate family member is the patient. Despite the presence of qualified EMS personnel, he became involved as a physician at the scene, and then admittedly became very upset when he believed that the EMS personnel had not conducted an adequate assessment. Although probably the most experienced and knowledgeable medical provider on scene, that did not justify Dr. Salomon's behavior. As a physician, Dr. Salomon is responsible for conducting himself in a manner that comports with the Board's laws and rules. Dr. Salomon shall not engage in any similar type of conduct in the future.

(2) Pay a MONETARY FINE of Five Hundred Dollars and Zero Cents (\$500.00). Dr. Salomon shall ensure that he pays the monetary penalty within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

b. The February 27, 2013 On-Line License Renewal. For his conduct regarding his 2013 license renewal, Dr. Salomon agrees to:

(1) Accept a REPRIMAND. As a physician and licensee of the Board, Dr. Salomon is required to read, understand, and accurately answer all

questions on his license renewal applications. In this instance, the October 9, 2010 event, his arrest, and eventual criminal conviction should have provided Dr. Salomon with sufficient memory to accurately answer the criminal conviction question on his license renewal application. Dr. Salomon shall not engage in any similar type of conduct in the future.

(2) Pay a MONETARY FINE of Five Hundred Dollars and Zero Cents (\$500.00). Dr. Salomon shall ensure that he pays the monetary penalty within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

c. Reimburse the Board Five Hundred Fifty-Three Dollars and Eighty-Seven Cents (\$553.87) as the actual costs of the investigation of this matter. Dr. Salomon shall ensure that he makes full payment of reimbursement to the Board within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Maine Board of Licensure in Medicine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

10. Violation by Dr. Salomon 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.

11. Pursuant to 10 M.R.S. § 8003(5) the Board and Dr. Salomon agree that the Board has the authority to issue an order, following notice and hearing, imposing further discipline, including revocation or suspension of his license, in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

12. Dr. Salomon waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Salomon agrees that this Consent

Agreement is a final order resolving complaint CR14-11. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by agreement of all of the parties hereto.

13. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Salomon or any other matter relating to this Consent Agreement.

14. 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.

15. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).

16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

17. The Board and Dr. Salomon agree that no further agency or legal action will be initiated against him by the Board based upon the facts described herein except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Dr. Salomon in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Dr. Salomon's Maine physician license.

18. Dr. Salomon 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. For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

20. Dr. Salomon has been represented by Ronald W. Schneider, Jr., Esq., who has participated in the negotiation of this Consent Agreement on his behalf.

I, WILLIAM L. SALOMON, 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: 3 July 2014

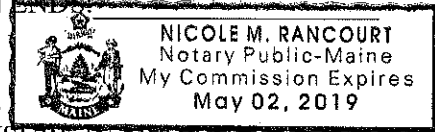
William L. Salomon
WILLIAM L. SALOMON, M.D.

STATE OF MAINE
CUMBERLAND, SS. (County)

Personally appeared before me the above-named William L. Salomon, 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: 7-3-14

Nicole M. Rancourt
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS



STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 7/8/14

Maroulla S. Gleaton
MAROULLA S. GLEATON, M.D., Chairman

DATED: 7/3/14

Ronald W. Schneider, Jr.
RONALD W. SCHNEIDER, JR., ESQ.
Attorney for Dr. Salomon

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 7/8/14

Dennis E. Smith
DENNIS E. SMITH
Assistant Attorney General

Effective Date: 7/8/14