

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:)
)
MARC D. CHRISTENSEN, M.D.) INTERIM CONSENT AGREEMENT
)
AD 2015-21)

PARTIES

This document is an Interim Consent Agreement, effective when signed by all parties, pertaining to disciplinary action taken against Marc D. Christensen's license to practice as a physician in the State of Maine. The parties to this Interim Consent Agreement are: Marc D. Christensen, M.D. ("Dr. Christensen"), the Maine Board of Licensure in Medicine ("the Board") and the Maine Office of the Attorney General ("the Attorney General"). This Interim Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

FACTS

1. The Board first issued Dr. Christensen a license (MD16235) to practice as a physician, on July 23, 2003. Dr. Christensen specializes in neurological surgery and at all times relevant herein practiced at St. Mary's Regional Medical Center ("St. Mary's") in Lewiston, Maine.
2. On February 8, 2015, while he was on call at St. Mary's for the care of his patients, Dr. Christensen was involved in a motor vehicle accident in Falmouth, Maine. Following the accident, Dr. Christensen was charged with criminal Operating Under

the Influence of alcohol and is now the subject of a criminal investigation.

3. By letter dated February 11, 2015; Dr. Christensen notified the Board of this criminal charge. The Board docketed this matter as AD 2015-21.
4. By letter dated March 9, 2015, St. Mary's notified the Board that it had terminated Dr. Christensen's employment for cause after he admitted that the results of his blood alcohol test on February 8, 2015, exceeded the legal limit to operate a motor vehicle and that the incident occurred while he was on call for the treatment of patients at St. Mary's.
5. The Board is prepared to set this matter for an initial presentation and consideration of whether it should impose an immediate suspension of Dr. Christensen's license.
6. Dr. Christensen acknowledges that if this complaint was presented to the Board, existing evidence could provide a basis for the Board to conclude that the continued licensure of Dr. Christensen 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. Christensen and set the matter for an adjudicatory hearing pursuant to 5 M.R.S. § 10004(3).
7. Dr. Christensen desires to avoid testifying before the Board at a hearing to adjudicate the complaint in this matter prior to the completion of the criminal investigation and the resolution of any criminal charges that may result from that investigation. Accordingly, Dr. Christensen requests that the Board postpone any presentation or adjudication of this matter pending the outcome of the criminal investigation.

8. This Interim Consent Agreement has been negotiated by legal counsel for Dr. Christensen 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 initial 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 Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 9, 2015, the Board will conduct an initial presentation of this matter on April 14, 2015, and take whatever action deemed necessary.
9. By signing this Interim Consent Agreement, Dr. Christensen waives, in his personal capacity and through legal counsel, any and all objections to, and hereby consents to the presentation of this proposed Interim Consent Agreement to the Board for ratification. Dr. Christensen waives, in his personal capacity and through legal counsel, any arguments of bias or otherwise against any of the Board members in the event that the Board ratifies or fails to ratify this proposed Interim Consent Agreement.

COVENANTS

10. Dr. Christensen acknowledges the facts as stated above and agrees to the IMMEDIATE SUSPENSION of his license to practice as a physician in the State of Maine effective upon final execution of this Consent Agreement, which suspension shall remain in effect until such time as the Board takes final action regarding this complaint. Dr. Christensen understands and agrees that he will not practice as a


physician or render any health care services to any person in the State of Maine during the term of this Interim Consent Agreement.

11. As consideration for Dr. Christensen's acceptance of this immediate license suspension, the Board agrees to postpone further action on this matter until: (a) the criminal proceedings involving the allegations of this complaint are resolved; or (b) a party to this Consent Agreement requests that the matter be set for presentation and consideration by the Board for further determination of what action, if any, should be taken. The Board will not set the matter for presentation less than thirty (30) days after notice to the other parties of the request for presentation. The Board shall make reasonable efforts to ensure that the presentation occurs within sixty (60) days after notice to the other parties.
12. This Interim Consent Agreement is not appealable, constitutes interim disciplinary action, and is effective until modified or rescinded by the parties hereto or until the Board takes final action regarding this matter.
13. The Board and the Office of the Attorney General may communicate and cooperate regarding any matter related to this Interim Consent Agreement.
14. Nothing in this Interim Consent Agreement shall restrict in any way the Board's or the Attorney General's authority or ability to investigate this matter further.
15. 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.

16. The license suspension imposed pursuant to this Interim Consent Agreement constitutes adverse licensing action that will be reported to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).
17. Nothing in this Interim Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
18. Nothing in this Interim Consent Agreement shall be construed to prevent the Board from taking further disciplinary action against Dr. Christensen in the event that the allegations are substantiated.
19. Violation of any of the terms or conditions of this Interim Consent Agreement by Dr. Christensen shall constitute unprofessional conduct and grounds for discipline.
20. Dr. Christensen has been represented by James F. Martemucci, Esq., who has participated in the negotiation of this Interim Consent Agreement on his behalf.
21. Dr. Christensen acknowledges by his signature hereto that he has read this Interim Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Interim Consent Agreement, that he executed this Interim Consent Agreement of his own free will, and that he agrees to abide by all terms and conditions set forth herein.
22. The effective date of this Interim Consent Agreement shall be the date on which the final signature is affixed to this Interim Consent Agreement.

I, MARC D. CHRISTENSEN, 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 INTERIM CONSENT 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: 3/30/15




MARC D. CHRISTENSEN, M.D.

STATE OF Maine
Cumberland, S.S. (County)

Personally appeared before me the above-named, Marc D. Christensen, 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: 3/30/15



NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS: 9/14/18
JUDITH GILLIS
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES SEPTEMBER 14, 2018

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE


DATED: 4/14/15



MAROULLA S. GLEATON, M.D.,
Chairman

OFFICE OF THE ATTORNEY GENERAL

DATED: April 14, 2015



MICHAEL MILLER
Assistant Attorney General

Effective Date: 4/14/15