

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Thomas O. Orvald, M.D.)	AGREEMENT
Complaint No. CR14-85)	

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 Thomas O Orvald, M.D. The parties to the Consent Agreement are: Thomas O. Orvald, M.D. (“Dr. Orvald”), 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. Orvald a license to practice as a physician in the State of Maine on October 29, 2013. Dr. Orvald specializes in General Surgery.
2. On May 13, 2014, the Board reviewed information received from the State of Washington, Department of Health, Medical Quality Assurance Commission (“Commission”) regarding an action taken against Dr. Orvald’s medical license in that state. According to a “Stipulation to Informal Disposition” dated April 3, 2014, Dr. Orvald stipulated that, if proven, his conduct in qualifying a patient for the medical use of cannabis because asthma caused bronchospasms would constitute a violation of RCW 18.130.180(4).¹ According to the stipulation, the patient had a history of asthma for which he was treated with Albuterol nebulization. In addition, asthma is an inflammatory disease that involves bronchial hyper-

¹ The specific language of this section of Washington state regulations provides as follows: Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed.

responsiveness. However, Asthma is not a disease that causes muscle spasms or spasticity that is unrelieved by standard treatments or medications.

3. Following its review of this information on May 13, 2014, the Board voted to initiate a complaint against Dr. Orvald's Maine medical license pursuant to 32 M.R.S. § 3282-A. The Board docketed the complaint at CR14-85. In addition, the Board voted to offer Dr. Orvald this Consent Agreement to resolve complaint CR14-85 without further proceedings.

4. Absent Dr. Orvald'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 June 22, 2014, the complaint will be processed further.

COVENANTS

In lieu of further proceedings regarding complaint CR14-85, Dr. Orvald and the Board agree to the following:

5. Dr. Orvald neither admits nor denies the conduct identified in paragraphs 1-3 above. However, Dr. Orvald concedes that should the matter proceed to an adjudicatory hearing, the Board would have sufficient evidence to conclude that the conduct violated 32 M.R.S. § 3282-A(2)(F)² and grounds for discipline of his Maine medical license.

6. As discipline for the concession in paragraph 5 above, Dr. Orvald agrees to accept, and the Board agrees to issue, the following discipline:

² The specific language of the statute provides as follows: Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior, including engaging in disruptive behavior, that has been established in the practice for which the licensee is licensed. For purposes of this paragraph, "disruptive behavior" means aberrant behavior that interferes with or is likely to interfere with the delivery of care.

a. **Prohibition.** Dr. Orvald shall not issue medical cannabis authorizations or certifications to any patients for the treatment of asthma.

b. **Monitoring.** Dr. Orvald shall subject his medical practice in Maine to monitoring by the Board and its staff/agents until this monitoring requirement is modified or rescinded in writing by the agreement of all of the parties to this Consent Agreement. Dr. Orvald agrees that a representative/agent of the Board may make announced visits to his Maine medical practice to review his compliance with this Consent Agreement. Dr. Orvald agrees to maintain a log of all Maine patients to whom he issues certificates for medical marijuana, including but not limited to patients with a history or diagnosis of asthma. The practice review may include inspection and copying of any medical records of patients identified in the log, and interview of Dr. Orvald, Dr. Orvald's partners, and office staff. Dr. Orvald must maintain clear and legible paper and/or electronic records that enable the Board and its representatives/staff to verify his compliance with this Consent Agreement.

c. **Costs.** Dr. Orvald shall be responsible for all costs associated with his compliance with the terms and conditions of this Consent Agreement, including but not limited to any costs incurred by the Board to monitor and conduct visits of his Maine medical practice.

7. Violation by Dr. Orvald 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.

8. Pursuant to 10 M.R.S. § 8003(5) the Board and Dr. Orvald 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.

9. Dr. Orvald waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Orvald agrees that this Consent Agreement is a final order resolving complaint CR14-85. This Consent Agreement is not appealable and is effective until modified or rescinded by agreement of all of the parties hereto.

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

11. 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.

12. 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).

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

14. The Board and Dr. Orvald 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. Orvald 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. Orvald's Maine physician license.

15. Dr. Orvald 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.

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

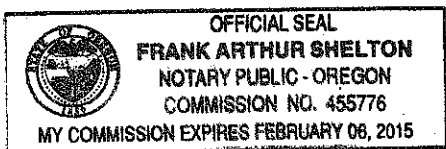
I, THOMAS O. ORVALD, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT 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 4, 2014 Thomas O. Orvald
THOMAS O. ORVALD, M.D.

STATE OF OREGON
MULTNOMAH, S.S. (County)

Personally appeared before me the above-named Thomas O Orvald, 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: 06/04/2014 [Signature]
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS: 02/06/2015



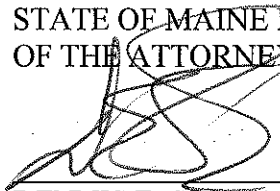
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 2/10/15 [Signature]
MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

2/10/15



DENNIS E. SMITH
Assistant Attorney General

Effective Date:

2/10/15