

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

IN RE: )  
)  
LESLIE C. HARDING, M.D. ) CONSENT AGREEMENT  
)  
Complaint No. CR14-83 )  
)

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed against the license to practice medicine in the State of Maine held by Leslie C. Harding, M.D. The parties to the Consent Agreement are: Leslie C. Harding, M.D. (“Dr. Harding”), the Board of Licensure in Medicine (“the Board”) and the 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.

FACTS

1. The Board first issued Dr. Harding a license (MD9446) to practice as a medical doctor in the State of Maine on July 11, 1978. Dr. Harding specializes in internal medicine.
2. At all times relevant, Dr. Harding practiced medicine in Maine pursuant to the terms and conditions contained in his December 13, 2011 Consent Agreement with the Board which included a restriction prohibiting the prescribing of any controlled medications: a) for the treatment of chronic pain except for patients in skilled nursing facilities or long-term care facilities, hospice care, or patients with metastatic cancer; and b) for the treatment of acute pain for more than ten days.
3. On March 20, 2014, the Board received a report from the Office of the Chief Medical Examiner (“OCME”) regarding the death of a patient of Dr. Harding on August 8, 2013. The Medical Examiner’s report listed the cause of death as deep vein thrombosis with pulmonary

emboli due to obesity, with a contributory cause of death being acute intoxication due to multiple prescribed medications, including tramadol, chlorpromazine, promethazine, and aripiprazole.

4. On June 26, 2014, following review of the OCME report, the patient records, and Prescription Monitoring Program records, the Board initiated a complaint against Dr. Harding's Maine medical license. The Board docketed it as Complaint No. CR14-83 and sent it to Dr. Harding for a response.

5. On July 30, 2014, the Board received Dr. Harding's response to the complaint. In his response, described the complicated medical treatment history of the patient with diagnoses including PTSD, depression, bipolar disorder, COPD, obesity, and chronic pain. In addition, Dr. Harding acknowledged that he had prescribed the controlled substance Lyrica for chronic pain in violation of his consent agreement with the Board.

6. At its September 9, 2014 meeting, the Board considered the information gathered to date regarding Complaint No. CR 14-83, and voted to seek an independent outside case review of the medical care provided to the patient by Dr. Harding.

7. On November 7, 2014, the Board received the independent outside case review, which concluded that Dr. Harding's care of the patient did not meet the standard of care in the following areas: a) the patient's drug regimen included combinations of medications that can cause QT prolongation putting the patient at risk of a potentially fatal cardiac arrhythmia, and there was no indication in the patient chart of electrocardiographic surveillance for this when periodic monitoring of the patients ECG was indicated; b) Tramadol was prescribed at maximum dose, and the combination with also prescribed chlorpromazine should have been avoided, especially with the concurrent use of promethazine due to seizure risk; c) Dr. Harding used two phenothiazines in combination without explanation in the chart; d) the patient's chart reflected

symptoms of hypertension, but the documentation did not demonstrate that Dr. Harding addressed this issue; and e) the patient's chart indicated a prior metformin prescription, suggesting a diagnosis of diabetes at some point, yet she was later treated with atypical antipsychotics which could aggravate or precipitate diabetes, and the chart failed to indicate any monitoring for this condition.

8. On April 14, 2015, the Board held an informal conference with Dr. Harding regarding Complaint No. CR14-83 to discuss the following issues: a) his medical management of the patient; b) his prescribing of controlled substances to the patient; c) his inconsistent use of universal precautions and apparent lack of prescribing or treatment changes following unexpected results; d) the conclusions of the independent outside reviewer regarding the treatment provided; and e) his general prescribing practices. Just prior to the informal conference, Dr. Harding presented the Board with a letter that announced that he had retired in February 2015, and that he had closed his practice. At the conclusion of the informal conference, in light of the representations made by Dr. Harding regarding his retirement and that he will not be practicing independently again, the Board voted to offer Dr. Harding this Consent Agreement in order to resolve Complaint No. CR14-83.

9. Absent Dr. Harding's acceptance of this Consent Agreement by signing and dating it before a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before May 29, 2015, the Board will take such further action that it deems necessary in accordance with applicable law.

## COVENANTS

In lieu of further proceedings regarding Complaint No. CR14-83, the parties agree to the following:

10. Dr. Harding admits to the facts stated above, and that such conduct constitutes grounds for the Board to impose discipline against him pursuant to: a) 32 M.R.S. § 3282-A(2)(E) (engaging in behavior that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a patient or that evidences a lack of knowledge or inability to apply principles or skills to carry out the licensed practice); b) 32 M.R.S. § 3282-A(2)(F) (for engaging in unprofessional conduct by violating a standard of professional behavior); c) 32 M.R.S. § 3282-A(2)(H) (for violation of a Board Rules contained in Chapter 21, regarding use of controlled substances for chronic pain); and d) 32 M.R.S. § 3282-A(2)(P) (for noncompliance with a Board consent agreement).

11. As discipline for the conduct stated above, Dr. Harding agrees that:

- a. **Controlled Substances**. He will never prescribe controlled substances under any circumstances unless authorized by the Board, in its sole discretion. Dr. Harding agrees that any Board determination made pursuant to this subparagraph shall not be subject to appeal.
- b. **Practice Limitation**. Should Dr. Harding resume the practice of medicine, he shall not practice in an independent setting. Dr. Harding's practice of medicine shall be limited to practice in a skilled nursing facility, nursing facility, or multi-level long-term care facility, or in connection with a hospice program that maintains a current certification by Medicare. Prior to initiating any medical practice with an acceptable entity as provided herein, Dr. Harding

shall submit to the Board for its approval, a written plan describing how his prescribing will be monitored by another physician or in association with a consulting pharmacist. The approval of the plan referenced in this subparagraph shall be at the sole discretion of the Board and Dr. Harding agrees that the Board's determination on this issue shall not be appealable.

- c. **Costs.** Dr. Harding shall be responsible for all costs associated with his compliance with the terms and conditions of this Consent Agreement. In addition, Dr. Harding shall reimburse the Board Nine Hundred Seventy-Two Dollars and Ten Cents (\$972.10) as the actual costs for the investigation of Complaint No. CR14-83. Dr. Harding shall ensure that he completes the reimbursement to the Board within six (6) months of the effective date of this Consent Agreement.

12. Violation by Dr. Harding 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. Dr. Harding waives his right to a hearing before the Board or any court regarding all findings, terms, and conditions of this Consent Agreement. This Consent Agreement is not appealable and is effective until modified or terminated in writing by agreement of all of the parties hereto.

14. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Harding 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.

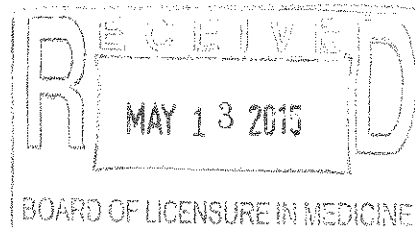
16. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).

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

18. The Board and Dr. Harding agree that no further agency or legal action will be initiated against him by the Board based upon the facts admitted to or found 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 allegations are brought against Dr. Harding 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. Harding's Maine physician license.

19. Dr. Harding 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.

20. The effective date of this Consent Agreement shall be the date on which the final



signature is affixed to this Consent Agreement.

**I, LESLIE C. HARDING, 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: 9 May 2015 Leslie Harding MD  
LESLIE C. HARDING, M.D.

STATE OF MAINE  
Franklin, S.S. (County)

Personally appeared before me the above-named, Leslie C. Harding, 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: 5/9/2015 Gail E. Dolan  
NOTARY PUBLIC/ATTORNEY  
MY COMMISSION ENDS: 4/7/2018

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 7/2/15 Maroulla S. Gleaton  
MAROULLA S. GLEATON, M.D., Chairman

OFFICE OF THE ATTORNEY GENERAL

DATED: July 7, 2015 Michael Miller  
MICHAEL MILLER  
Assistant Attorney General

Effective Date: July 7, 2015

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

IN RE:	)	CONSENT AGREEMENT
LESLIE C. HARDING, M.D.	)	FOR DISCIPLINE AND
Complaint Nos. CR10-475/582	)	RESTRICTED/CONDITIONAL
	)	LICENSURE

This document is a Consent Agreement For Discipline and Restricted/Conditional Licensure, effective when signed by all parties, regarding discipline imposed upon and the issuance of an active conditional license to practice medicine in the State of Maine to Leslie C. Harding, M.D. The parties to this Consent Agreement are: Leslie C. Harding, M.D. ("Dr. Harding"), the State of Maine Board of Licensure in Medicine (the "Board") and the Maine Office of the Attorney General.

STATEMENT OF FACTS

1. The Board first issued Dr. Harding a medical license on July 11, 1978. Dr. Harding specializes in Internal Medicine.
2. On October 12, 2010, the Board reviewed information received from Franklin's Women's Healthcare (FWH) expressing concerns regarding Dr. Harding's prescribing of controlled drugs to a pregnant patient. FWH provided a copy of a letter sent to Dr. Harding in follow-up to two (2) telephone calls regarding medical management of the female patient, his prescribing opiates and benzodiazepines for the patient during her pregnancy and concerns about possible drug diversion. In addition, the Board reviewed the patient's medical records from FWH. Following its review of this information, the Board voted to



initiate a complaint against Dr. Harding's Maine medical license. The Board docketed the complaint as CR10-475, and sent it, together with a subpoena for the patient's medical records, to Dr. Harding for a response.

3. On November 9, 2010, the Board received a written response to complaint CR10-475, together with the patient's medical records, from Dr. Harding.

4. On December 14, 2010, the Board reviewed complaint CR10-475, and voted to schedule the matter for an informal conference with Dr. Harding regarding the following issues:

- a. Dr. Harding's medical management of the patient;
- b. Dr. Harding's failure to advise the patient's obstetrical providers that he was prescribing methadone for her during her pregnancy; and
- c. Dr. Harding's failure to conduct pills counts or urine toxicology screens to ensure the patient was not diverting her medications.

5. On December 14, 2010, the Board also reviewed an article from the *Lewiston Sun Journal* regarding the arrest of a patient for allegedly diverting her opiate medication. Board staff performed a check of the Prescription Monitoring Program (PMP), and learned that Dr. Harding had been prescribing controlled drugs to the patient. Following its review of this information, the Board voted to initiate a complaint against Dr. Harding's Maine medical

license. The Board docketed the complaint as CR10-582, and sent it, together with a subpoena for the patient's medical records, to Dr. Harding for a response.

6. On January 28, 2011, the Board received a written response to complaint CR10-582, together with the patient's medical records, from Dr. Harding.

7. On March 8, 2011, the Board reviewed complaint CR10-582, and voted to schedule the matter for an informal conference with Dr. Harding regarding the following issues:

a. The failure to attempt to seek other appropriate medical treatment for the patient (besides prescribing narcotic medications);

b. The failure to recognize and respond to escalating doses and early refills for narcotics by the patient;

c. The failure to perform random urine screens and pills counts regarding the patient to help prevent potential diversion; and

d. Dr. Harding's prescribing of certain narcotics for long-term use by the patient.

8. On July 12, 2011, the Board held an informal conference with Dr. Harding regarding complaints CR10-475 and CR10-582, during which it discussed with him the issues identified above. In addition, the Board discussed with Dr. Harding the letter of guidance that it issued to him on November 15, 2006, regarding a prior complaint concerning his prescribing

practices for controlled drugs. The letter of guidance recommended that Dr. Harding:

- a. Continue to gain a better understanding of the medications he prescribed;
- b. Determine and enforce significant consequences for patient violation of written pain contracts;
- c. Manage medications by titrating more deliberately; and
- d. Continue his education to develop appropriate monitoring systems for chronic pain.

Following the informal conference, the Board voted to schedule complaints CR-475 and CR10-582 for an adjudicatory hearing. In addition, the Board voted to authorize its assigned legal counsel to negotiate a consent agreement with Dr. Harding to resolve complaints CR10-475 and CR10-582 without hearing.

9. This Consent Agreement has been negotiated by and between legal counsel for Dr. Harding and the Maine Office of the Attorney General in order to resolve complaints CR10-475 and CR10-582 without an adjudicatory hearing. Absent Dr. Harding's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before November 18, 2011, the Board will resolve these matters by holding a consolidated adjudicatory hearing at a later date.

10. By signing this Consent Agreement, Dr. Harding waives any and all objections to, and hereby consents to allow the Board's legal counsel to present this proposed Consent Agreement to the Board for possible ratification. Dr. Harding also forever waives any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

#### COVENANTS

In lieu of proceeding to an adjudicatory hearing the Board and Dr. Harding agree to the following disposition.

11. Dr. Harding concedes that based upon the facts described in paragraphs 1 to 10 above that the Board has sufficient evidence from which it could conclude that he failed to meet the standards of care by:

a. CR10-475: failing to advise the patient's obstetrical providers that he was prescribing methadone for her during her pregnancy; and failing to conduct pills counts or urine toxicology screens to ensure the patient was not diverting her medications.

b. CR10-582: failing to attempt to seek other appropriate medical treatment for the treatment of the patient's chronic pain (besides prescribing narcotic medications); failing to recognize and respond to escalating doses and early refills for narcotics by the patient; failing to perform random urine screens and pills counts regarding the patient to help prevent potential diversion; and prescribing of certain narcotics for

long-term use by the patient.

~~Dr. Harding concedes that such conduct, if proven, could constitute grounds for discipline and the denial of his application to renew his Maine medical license pursuant to 32 M.R.S.A. § 3282-A(2)(B).~~ (H) LH

12. ~~As discipline for the conduct admitted above, Dr. Harding agrees to:~~

a. Accept a REPRIMAND. As a medical professional, Dr. Harding was responsible for being aware of and complying with accepted standards of care for the diagnosis and treatment of chronic pain.

b. Reimburse the Board Three Hundred Dollars and Zero Cents (\$300.00) as costs of the investigation of this matter. Dr. Harding shall ensure that he makes full payment of reimbursement to the Board within six (6) months 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 Maria MacDonald, Investigator, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

c. Accept the following license restriction: Dr. Harding shall immediately cease prescribing any controlled medications (i.e. narcotics, including all opiates and opioids) for the treatment of chronic pain except for:

- (i) Patients in skilled nursing facilities or long-term care facilities;

(ii) Patients in hospice care; or

~~(iii) Patients with metastatic cancer.~~

Dr. Harding may prescribe controlled substances for no more than ten (10) consecutive days to treat acute conditions. In addition, to the extent that Dr. Harding prescribes any controlled drugs to patients for acute pain, Dr. Harding shall comply with Board Rule, Chapter 21, "Use of Controlled Substances For Treatment of Pain." In complying with this restriction, Dr. Harding agrees to cooperate with the Board, including permitting the Board or its agent(s) to inspect the medical records of his practice.

13. Dr. Harding waives his right to a hearing before the Board or any court regarding all findings, terms, restrictions and conditions of this Consent Agreement. Dr. Harding agrees that this Consent Agreement is a final order resolving complaints CR10-475 and CR10-582. This Consent Agreement is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General.

14. The Board and the Maine Office of the Attorney General may communicate and cooperate regarding Dr. Harding 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. This Consent Agreement constitutes disciplinary and adverse licensing action that is reportable to the Federation of State Medical Boards (FSMB), the National Practitioner Data Bank (NPDB), and the Healthcare Integrity and Protection Data Bank (HIPDB).

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. Harding agree that no further agency or legal action will be initiated against him by the Board based upon complaints CR10-475 or CR10-582, except or unless he fails to comply with the terms and conditions of this Consent Agreement.

18. Dr. Harding acknowledges that, pursuant to Title 10 M.R.S. § 8003(5)(B), his failure to comply with any of the terms or conditions of this Consent Agreement shall constitute grounds for additional disciplinary action against his Maine medical license, including but not limited to an order, after hearing, imposing additional fines and costs.

19. Dr. Harding acknowledges and agrees that, pursuant to Title 10 M.R.S. § 8003(5), the Board has the authority to suspend or revoke his medical license in the event that he fails to comply with any terms or conditions of this Consent Agreement.

20. Dr. Harding has been represented by David M. Sanders, Esq., who has participated in the negotiation of this Consent Agreement.

21. Dr. Harding 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.

**I, LESLIE C. HARDING, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING IT, 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: Nov 15, 2011

Leslie Harding  
LESLIE C. HARDING, M.D.

STATE OF Maine  
Andrew Scoggin, S.S.

Personally appeared before me the above-named, Leslie C. Harding, 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: 11/15/11

[Signature]  
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: \_\_\_\_\_

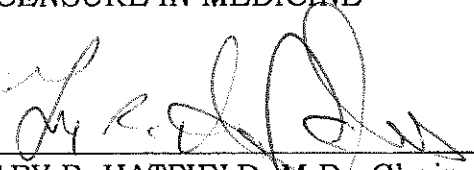
Dated: 11/15/11

[Signature]  
DAVID M. SANDERS, ESQ.  
Attorney for Leslie C. Harding, M.D.



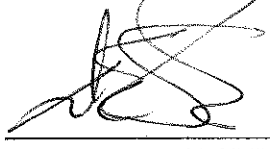
STATE OF MAINE BOARD OF  
LICENSURE IN MEDICINE

Dated: 12/13/11

  
GARY R. HATFIELD, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF ATTORNEY GENERAL

Dated: 12/13/11

  
DENNIS E. SMITH  
Assistant Attorney General

Effective Date: 12/13/11