

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
Bruce G. Manley, PA-C) CONSENT AGREEMENT
Complaint No. CR15-65)

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to render medical services in the State of Maine held by Bruce G. Manley, PA-C. The parties to the Consent Agreement are: Bruce G. Manley, PA-C (“Mr. Manley”), 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 Mr. Manley a license to practice as a physician assistant in Maine on December 18, 1998 (License number PA599). Mr. Manley most recently rendered medical services in the emergency department of a hospital.
2. By letter dated May 11, 2015, the Board received information from the Maine Medical Professionals Health Program (“MPHP”) reporting that Mr. Manley, a voluntary participant in MPHP, tested positive for morphine on April 27, 2015, and admitted to his case manager to a “relapse of substance use.”
3. On May 12, 2015, the Board reviewed the foregoing information and voted to initiate a complaint. On May 27, 2015, Complaint No. CR15-65 was sent to Mr. Manley for a response.

4. On July 13, 2015, the Board received Mr. Manley's response to the complaint in which he admitted that he ingested morphine tablets that he had previously obtained from a relative, and that he had relapsed. He also informed the Board that he was in a residential treatment program.

5. On September 3, 2015, the Board received a report pursuant to 24 M.R.S. § 2506 that Mr. Manley's employment was terminated on August 19, 2015, after he voluntarily admitted to ingesting an "illegal substance" and coming to work on April 27, 2015 with the substance in his system.

6. At its meeting on September 8, 2015, the Board reviewed the complaint, response, and related information, and voted to set this matter for an adjudicatory hearing. In lieu of holding a hearing, the Board also voted to offer Mr. Manley this Consent Agreement. Should Mr. Manley decide to accept this Consent Agreement, he should sign it and date it in front of a notary and return it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before October 23, 2015.

COVENANTS

7. Mr. Manley admits the foregoing facts and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. 3282-A(2)(B) for misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients.

8. Mr. Manley agrees to accept the following discipline for the conduct described above:

a. A REPRIMAND for misuse of drugs and for working after ingesting a controlled substance that was not prescribed to him;

b. A CIVIL PENALTY in the amount of One Thousand Dollars (\$1,000.00), payment of which shall be made by certified check or money order made payable to "Treasurer, State of Maine," and remitted to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, within thirty (30) days of the execution of this Consent Agreement.

c. A LICENSE PROBATION for five (5) years following the execution of this Consent Agreement. The following specific conditions of probation are imposed:

(1) Abstinence. Mr. Manley shall totally refrain from the use or possession of any and all Prohibited Substances except drugs that are dispensed or prescribed to him by a licensed health care practitioner for legitimate medical purposes. "Prohibited Substances" as used throughout this Consent Agreement shall mean all controlled substances, alcohol, illegal substances, and all mood and/or consciousness or mind-altering substances, whether illicit or not. Upon receipt of a report of use or possession of any Prohibited Substance by Mr. Manley, Mr. Manley's license shall be immediately and automatically suspended until an adjudicatory hearing may be held. Notice of such suspension of license may be provided orally or in writing.

(2) Enrollment and Successful Participation in the Maine Medical Professionals Health Program. Mr. Manley shall enroll in and successfully participate in the Maine Medical Professionals Health Program (MPHP) pursuant to a written contract approved by the Board. **No later than October 23, 2015**, Mr. Manley shall provide the Board with documentation of his enrollment in and participation in the MPHP. Mr. Manley understands and agrees that his written contract with the MPHP must be approved by the Board, and that any changes to his written contract with the MPHP must be approved by the Board. In complying with this provision, Mr. Manley expressly authorizes the

Board, Board counsel, and Board staff to have unrestricted access to: (a) the written contract with the MPHP, and any amendments thereto; (b) all records pertaining to his compliance with his MPHP contract; and (c) all records, including but not limited to substance abuse treatment records and laboratory reports, in the possession of the MPHP regarding Mr. Manley.

The MPHP contract must at a minimum require: (i) that Mr. Manley undergo testing or monitoring for the presence of Prohibited Substances; (ii) that he participate in substance misuse counseling and treatment as recommended by MPHP or his health care providers; (iii) that he have a physician workplace monitor or monitors who must be able to make reports to MPHP or the Board based upon direct observation of Mr. Manley; and (iv) that provides that any violation of any provision in the contract must be reported to the Board within one business day. Mr. Manley agrees that any failure to participate in the MPHP program or comply with any requirement contained in his MPHP contract constitutes a violation of this Consent Agreement and shall result in the immediate, indefinite, and automatic suspension of his license until the Board holds a hearing on the matter. Notice of such suspension of license may be provided orally or in writing.

(3) Rebuttable Presumption and Admission into Evidence of Test Results. It is agreed and understood that a test evidencing the presence of any Prohibited Substance, shall raise a rebuttable presumption that such substance was in fact used by Mr. Manley. Such a positive test result shall alone, including any test result showing the presence of ethyl glucuronide, ethyl sulfate, or phosphatidyl ethanol, be sufficient to prove the use of the Prohibited Substance by Mr. Manley. Mr. Manley further agrees that the result of the test shall be admitted into evidence in any proceeding regarding his license, whether before the Board or before a Court of competent jurisdiction.

(4) Accidental Ingestion/Exposure Not a Defense. Mr. Manley acknowledges that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time been raised as a defense to a positive screen result for morphine, opiates and/or alcohol. For that reason, Mr. Manley agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the period of monitoring. In the event that Mr. Manley has a positive screen for morphine, opiates and/or alcohol, Mr. Manley agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines shall not constitute a defense to such a positive screen. In addition, Mr. Manley acknowledges that the use of alcohol-based hand sanitizers has from time to time been raised as a defense to a positive screen result for alcohol. For that reason, Mr. Manley agrees to refrain from using alcohol-based hand sanitizers during the period of probation and agrees that in the event of a positive screen for alcohol that the use

of an alcohol-based hand sanitizer shall not constitute a defense to such a positive screen.

(5) Board Hearing to Determine Violation. After receiving report of any violation of Mr. Manley's MPHP contract, the Board shall investigate the situation, including requiring a response from Mr. Manley. The Board will hold a hearing within 60 days of the automatic suspension or as soon thereafter as practicable (unless both Mr. Manley and the Board agree to hold the hearing later) and it shall be held pursuant to the Maine Administrative Procedure Act.

(6) Releases. Mr. Manley agrees to execute any and all releases necessary for the Board, Board staff, and the Board's assigned Assistant Attorney General to:

- (a) communicate directly with the Maine Medical Professionals Health Program regarding his compliance with that program;
- (b) review and obtain copies of all documentation regarding his participation in the MPHP;
- (c) communicate directly with anyone who is involved with his care and treatment; and
- (d) review and obtain copies of all documentation regarding his medical care and treatment, including treatment for substance abuse issues.

9. Mr. Manley agrees to provide a copy of this Consent Agreement to all current and future supervising physicians and physician workplace monitors, and shall maintain appropriate documentation demonstrating compliance. The Board or Board staff may require Mr. Manley to provide documentation of compliance with this provision at any time and failure to respond to such request within the requested period of time shall be deemed a violation of this Consent Agreement.

10. Violation of any of the terms or conditions of this Consent Agreement by Mr. Manley shall constitute unprofessional conduct and grounds for additional discipline of his license by the Board, including but not limited to

possible civil penalties, additional period(s) of suspension, and revocation of licensure.

11. This Consent Agreement is not appealable, constitutes disciplinary action, is reportable to the National Practitioner Data Bank, the Federation of State Medical Boards, and other licensing jurisdictions, and is effective until modified or rescinded in writing by all of the parties hereto.

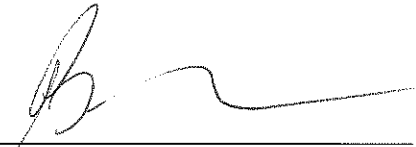
12. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

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

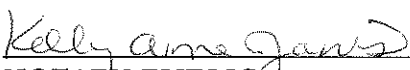
14. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.

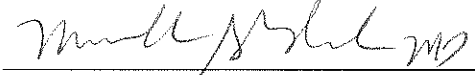
I, BRUCE G. MANLEY, PA-C, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, THAT I WAIVE CERTAIN RIGHTS. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT


AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 10/29/15 
STATE OF Maine
Cumberland, S.S. (County)
BRUCE G. MANLEY, PA-C

Personally appeared before me the above-named Bruce G. Manley, PA-C, 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: 10/29/15 
NOTARY PUBLIC
MY COMMISSION ENDS: 3/9/2021
KELLY ANNE JARVIS
Notary Public, Maine
My Commission Expires March 9, 2021

DATED: 11/12/15 
MAROULLA S. GLEATON, M.D.,
Chairperson
MAINE BOARD OF LICENSURE IN
MEDICINE

DATED: November 3, 2015 
MICHAEL MILLER,
Assistant Attorney General
DEPARTMENT OF THE ATTORNEY
GENERAL

APPROVED
EFFECTIVE: