

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
WHITNEY HOUGHTON, M.D. )  
Complaint No. CR14-56 )

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Whitney Houghton, M.D. The parties to the Consent Agreement are: Whitney Houghton, M.D. ("Dr. Houghton"), 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. Dr. Houghton was first licensed to practice medicine in the State of Maine on November 3, 1981 (license number MD10913), and she specializes in Psychiatry.

2. On or about April 1, 2014, the Board received a complaint from the husband of Patient A who alleged that his wife had been a patient of Dr. Houghton's for many years and had a long history of addiction and abusing drugs, including her prescribed medication. Patient A's husband alleged that he had expressed concerns to Dr. Houghton about her prescribing benzodiazepines to his wife who had a history of abusing them. He claimed to have had serious conversations with Dr. Houghton on at least four to five occasions, telling her about the adverse effects of his wife's abuse of her prescription medication, including falls, incoherent states of sedation, and car

accidents. He stated that when told of an incident, Dr. Houghton would discontinue the medication only to prescribe it again later. The Board docketed that complaint as CR14-56, and sent it to Dr. Houghton for a response.

3. On July 25, 2014, the Board received Dr. Houghton's response to the complaint. In her response, Dr. Houghton explained that Patient A has a complicated and serious psychiatric and psychosocial history and that she first started treating her in 1993. Dr. Houghton currently sees Patient A once a month for medication management unless there is a specific need to see her more frequently. Dr. Houghton believed that Patient A was active in recovery. Dr. Houghton first prescribed clonazepam for Patient A in 1996. Dr. Houghton informed the Board about the medications prescribed for patient A and stated that she has been treating her with "essentially the same combination of psychiatric medications since 1999." Dr. Houghton stated that she discussed tapering Patient A off clonazepam but that the patient reported increased psychiatric symptoms. Dr. Houghton informed the Board that in her opinion Patient A's car accidents were not connected to her medications but rather may have been intentional suicide attempts based on Patient A's comments to her during appointments. Dr. Houghton stated that Patient A has never requested an early refill and that periodic checks of the prescription monitoring program records raised no concerns. Dr. Houghton also stated she had no cause to suspect that Patient A was misusing her medication. Dr. Houghton consulted with Patient A's primary care provider and therapist.

4. By letter dated September 11, 2014, the Board requested that Dr. Houghton respond to specific questions in writing concerning her care of Patient A, including questions related to her notes and medical recordkeeping and requesting explanations for certain prescriptions and early refills reflected in the prescription monitoring report. The Board specifically requested that Dr. Houghton explain her medical decision to continue to prescribe Patient A benzodiazepines and hypnotics despite a September 30, 2013 note that the patient had "totaled another car," which was noted as the sixth accident in three years, and a September 3, 2013 note indicating that the patient stated that she "wanted to die."

5. On October 21, 2014, Dr. Houghton provided her response to the Board's questions. Dr. Houghton explained that the Board's questions referenced her process notes which are not traditional SOAP notes. She stated that she had increased Patient A's dosage of clonazepam and provided a 90 day supply on a specific occasion in connection with Patient A's anxiety and anticipated attendance for the birth of a grandchild in Connecticut. Dr. Houghton also explained that she does not usually refill prescriptions for controlled substances early unless there is an increase in dose, and provided a response to the remaining Board questions.

6. At the request of the Board, the records that Dr. Houghton provided to the Board regarding Patient A were sent for an independent outside expert review. The reviewer completed that review and provided a written report to the Board dated April 10, 2015. The reviewer identified psychiatric

records standards and indicated that the use of process notes is not an appropriate substitute for appropriate documentation for medication management. Based upon the records provided by Dr. Houghton to the Board, the reviewer was unable to determine whether the medications were appropriate for the diagnoses established for the patient. The outside reviewer noted many concerns with specific medications that were prescribed including a lack of knowledge regarding mirtazepine's inverse or partial agonist properties, excessive dosing of Lunesta (hypnotic) and Seroquel (anti-psychotic), and a lack of rationale for increasing the dose for clonazepam (benzodiazepine). He also expressed a concern regarding potential contraindications and Serotonin Syndrome. The reviewer found the medical records did not meet the standard of care and that universal precautions for prescribing controlled medications were not documented.

7. By letter dated June 10, 2015, the Board sent the outside review to Dr. Houghton and requested comment. The Board also recommended that she seek remedial education in the areas of psychopharmacology and medical recordkeeping/charting. Dr. Houghton responded to the Board's request by letter dated August 5, 2015.

8. By letter dated October 27, 2015, Dr. Houghton provided the Board with proof of completion of a course entitled "Psychopharmacology 2015" held from October 22, 2015-October 25, 2015 at Massachusetts General Psychiatry Academy.

9. At its meeting on December 8, 2015, the Board reviewed Complaint CR 14-56, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Houghton this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Houghton's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before January 30, 2016, the matter will be scheduled for an adjudicatory hearing.

#### COVENANTS

10. Dr. Houghton admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(F), for engaging in unprofessional conduct.

11. As discipline for the conduct described above, Dr. Houghton agrees to accept the following:

A LICENSE PROBATION for at least one year during which the following conditions apply:

a) No later than March 15, 2016, Dr. Houghton shall transition to and maintain typewritten medical records that meet psychiatric system records standards. Such standards require that records be complete and legible. Each patient encounter should include as necessary the reason for the encounter and relevant history, physical examination findings, prior diagnostic test results, assessment, clinical impression or diagnosis, plan for care, rationale or medical decision making, patient progress, response to and

changes in treatment. The records should include an organized medications list.

b) Dr. Houghton shall enroll in and pay for a medical recordkeeping/charting course acceptable to the Board Secretary or his designee within three (3) months of the execution of this Consent Agreement and successfully complete the course within six (6) months of the execution of this Consent Agreement. Dr. Houghton shall submit written evidence of the course completion to the Board by September 1, 2016.

c) On or about April 1, 2016, Dr. Houghton will be notified of the selection of (6) patient medical records/charts. Dr. Houghton shall produce copies of the requested patient medical records/charts for the period January 1, 2015 to the present to the Board for its review no later than April 15, 2016. Following the Board's review of the selected patient records, the Board may, in its sole discretion and at any time, request additional information or determine to select additional patient medical records/charts for review. Dr. Houghton agrees to promptly provide any additional information or patient records requested by the Board within the time specified in each such request.

12. Violation by Dr. Houghton 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. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

14. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Houghton 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), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

17. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

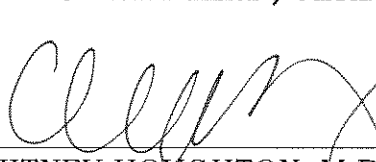
18. Dr. Houghton acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

19. Dr. Houghton has been represented by Heidi A. Bean, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

20. 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, WHITNEY HOUGHTON, 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.**

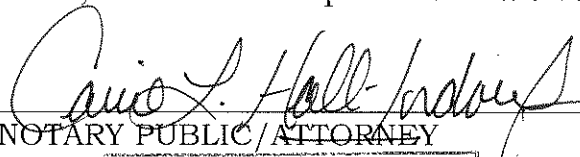
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WHITNEY HOUGHTON, M.D.

STATE OF Maine  
Cumberland, S.S.

Personally appeared before me the above-named Whitney Houghton, M.D., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

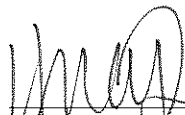
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NOTARY PUBLIC/ATTORNEY  

CARRIE L. HALL - INDORF NOTARY PUBLIC - MAINE My Commission Expires June 07, 2016
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MY COMMISSION ENDS: \_\_\_\_\_

DATED: 1/22/2016

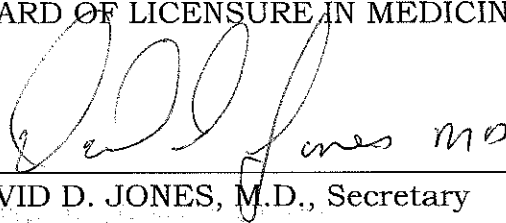
  
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HEIDI A. BEAN, ESQ.  
Attorney for Whitney Houghton, M.D.



STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATE OF ORDER

DATED: 2/12/16

  
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DAVID D. JONES, M.D., Secretary

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: February 17, 2016

  
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MICHAEL MILLER  
Assistant Attorney General

Effective Date:

BOARD OF LICENSURE IN MEDICINE  
STATE OF MAINE