

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
BRANDON W. CHAN, M.D. )  
Complaint No. CR15-95 )

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 Brandon W. Chan, M.D. The parties to the Consent Agreement are: Brandon W. Chan, M.D. (“Dr. Chan”), 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. Chan has held a license to practice medicine in the State of Maine since February 24, 2015 (license number MD20448), and specializes in diagnostic radiology.
2. On July 15, 2015, the Board initiated a complaint alleging that Dr. Chan failed to disclose the existence of a complaint pending with the West Virginia Board of Medicine (“the West Virginia Board”) at the time that he submitted his November 25, 2014 application for a Maine medical license.<sup>1</sup> The Board docketed that complaint as CR15-95, and sent it to Dr. Chan for a

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<sup>1</sup> The West Virginia Board complaint resulted in a consent agreement dated April 27, 2015, which imposed discipline upon Dr. Chan for engaging in the unlicensed practice of medicine in West Virginia between July 1, 2014 and September 2, 2014 during which his West Virginia medical license had expired.

response via certified mail return receipt requested to the mailing address on file.

3. On August 17, 2015, the United States Postal Service returned the certified mail sent to Dr. Chan as "unclaimed." Board staff thereafter attempted on multiple occasions to locate Dr. Chan through various means including phone calls and email.

4. On September 17, 2015, Dr. Chan acknowledged by email that he had received a copy of the complaint.

5. Dr. Chan was required to respond to the complaint within thirty (30) days. Dr. Chan has failed to respond to the complaint.

6. At its meeting on December 8, 2015, the Board reviewed Complaint CR15-95, and voted to set this matter for an adjudicatory hearing.

7. This Consent Agreement has been negotiated by Dr. Chan and legal counsel for the Board in order to resolve complaint CR15-95 without an adjudicatory hearing. Absent Dr. Chan'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 February 23, 2016, and the Board's acceptance of this Consent Agreement by approving it at its meeting on March 8, 2016, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

8. Dr. Chan admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3282-A(2)(A) (for engaging in misrepresentation in obtaining a license), (2)(F) (for engaging in unprofessional conduct), and (2)(R) (for failing to timely respond to a complaint notification sent by the Board).

9. As discipline for the conduct described above, Dr. Chan agrees to accept the following:

a. A WARNING to fully disclose all requested information on applications and respond in a timely manner to any Board inquiry;

b. A CIVIL PENALTY in the amount of One Thousand Five Hundred Dollars (\$1,500.00), 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; and

c. NOTIFICATION to the Board in writing within ten (10) calendar days of any change in the contact information provided to the Board, including address, phone and email, or commencing the practice of medicine in the State of Maine.

10. Violation by Dr. Chan 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.

11. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

12. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Chan or any other matter relating to this Consent Agreement.

13. 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.

14. 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.

15. 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.

16. Dr. Chan 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.

17. 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, BRANDON W. CHAN, 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.**

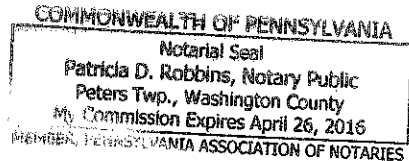
DATED: 2/24/16 *Brandon W. Chan*  
BRANDON W. CHAN, M.D.

STATE OF PA  
5, S.S.:

Personally appeared before me the above-named Brandon W. Chan, 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: 2/24/16 *Patricia D. Robbins*  
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 4-26-2016




STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 3/8/16

  
MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: March 8, 2016

  
MICHAEL MILLER  
Assistant Attorney General

Effective Date: 3/8/2016