

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
DONALD B. SHEA, M.D.) INTERIM CONSENT AGREEMENT
Complaint No. CR16-49)

This document is an Interim Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Donald B. Shea, M.D. The parties to the Interim Consent Agreement are: Donald B. Shea, M.D. (“Dr. Shea”), 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. Shea has held a license to practice medicine in the State of Maine since December 17, 2008 (license number MD18015), and specializes in cardiovascular diseases.

2. On November 2, 2015, the Board of Licensure in Medicine (“the Board”) received a report from the Maine Medical Professionals Health Program (MPHP) reporting that Dr. Shea was returning to work following a leave of absence from work in September 2015, and that Dr. Shea had admitted to consuming alcoholic beverages while on leave in violation of an agreement. After considering the information contained in the report, the Board reviewed MPHP’s recommendations and voted to take no further action at that time regarding the report.

3. On January 21, 2016, the Board received an email from Thomas Avery, Board of Pharmacy Investigator, reporting that a pharmacist had contacted him and alleged that, on January 20, 2016, Dr. Shea attempted to fill a prescription that he had written for his girlfriend at two pharmacies for oxycodone. Mr. Avery further reported that the pharmacist stated that she called Dr. Shea's medical practice and was told that he was on leave and should not have written the prescription.

4. On January 25, 2016, the Board received a report from the MPHP stating that Dr. Shea was not currently practicing medicine, and was on leave from work. In addition, the MPHP stated that when confronted he admitted that he had suffered a relapse.

5. At its meeting on February 9, 2016, the Board reviewed the investigation information, and voted to initiate a complaint. The Board docketed that complaint as CR16-49, and sent the complaint to Dr. Shea for a response on February 24, 2016.

6. In addition, at its meeting on February 9, 2016, the Board voted to offer Dr. Shea a Consent Agreement to resolve this matter without further proceedings. The Board is prepared to consider whether it should impose an immediate suspension of Dr. Shea's license at its meeting scheduled for April 12, 2016.

7. Dr. Shea acknowledges that if this complaint was presented to the Board, existing evidence could provide a basis for the Board to conclude that the continued licensure of Dr. Shea as a physician would place the health and

physical safety of the public in immediate jeopardy and that waiting for a full hearing to adjudicate the matter would fail to adequately respond to this known risk. Accordingly, the Board would have justification to summarily suspend the license of Dr. Shea and set the matter for an adjudicatory hearing pursuant to 5 M.R.S. § 10004(3).

8. Dr. Shea desires to avoid a required adjudicatory hearing on any summary suspension ordered within 30 days of such action. Accordingly, Dr. Shea requests that the Board postpone any presentation or adjudication of this matter at least until the September 2016 Board meeting. Thereafter, any party to this Interim Consent Agreement may request the matter be presented to the Board upon 30 days notice to the other parties.

9. This Interim Consent Agreement has been negotiated by legal counsel for Dr. Shea and legal counsel for the Board in order to alleviate the need for the Board to consider whether to issue a summary suspension of licensure and hold an adjudicatory hearing within thirty days following the presentation of this matter to the Board, and to ensure the protection of the public. Absent acceptance of this Interim Consent Agreement by signing and dating it before a notary and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 1, 2016, the Board will consider whether to issue a summary suspension of Dr. Shea's license on April 12, 2016, and take whatever other action deemed necessary.

COVENANTS

10. Dr. Shea acknowledges the facts as stated above and agrees to the IMMEDIATE SUSPENSION of his license to practice as a physician in the State of Maine effective upon final execution of this Interim Consent Agreement, which suspension shall remain in effect until such time as the Board takes further action regarding this matter. Dr. Shea understands and agrees that he will not practice as a physician or render any health care services.

11. This Interim 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. Shea or any other matter relating to this Interim Consent Agreement.

13. This Interim 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-A.

14. This Interim 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 Interim Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of

this Interim Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Interim Consent Agreement.

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

17. Dr. Shea has been represented by Kenneth W. Lehman, Esq., who has participated in the negotiation of the terms of this Interim Consent Agreement.

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

I, DONALD B. SHEA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING INTERIM 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 INTERIM CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: March 29, 2016 Donald B. Shea M.D.
DONALD B. SHEA, M.D.

STATE OF Florida
Alachua, S.S.

Personally appeared before me the above-named Donald B. Shea, 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: March 29, 2016 Sarah Bogatay
NOTARY PUBLIC/ATTORNEY



MY COMMISSION ENDS: 3/31/2018

DATED: April 4, 2016 [Signature]
KENNETH W. LEHMAN, Esq.
Counsel for Donald B. Shea, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

4/12/16

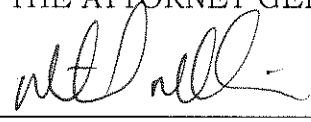


MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

April 12, 2016



MICHAEL MILLER
Assistant Attorney General

Effective Date:

4/12/2016