

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
SHARON MARBLE, M.D. )  
Complaint No. CR15-68 )

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 Sharon Marble, M.D. The parties to the Consent Agreement are: Sharon Marble, M.D. (“Dr. Marble”), 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. Marble was first licensed to practice medicine in the State of Maine on July 1, 2004 (license number MD16567), and she specializes in psychiatry.

2. On April 10, 2015, the Board received a report pursuant to 24 M.R.S. § 2506 that Kennebec Behavioral Health (“KBH”) terminated the employment of Dr. Marble effective March 26, 2015, for “unprofessional conduct.” KBH reported that it had received information that Dr. Marble was involved in a romantic relationship with a KBH patient for whom she had provided mental health treatment. The allegations reported included that the patient was living with Dr. Marble, that she had shared her credit card with him, that he had helped her move and that she was storing furniture in his apartment. KBH reported that Dr. Marble denied some of the allegations but

admitted having a relationship with the patient, having strong feelings for the patient, liking the way he treats her, and donating furniture to him. KBH also reported that the patient terminated his relationship with KBH effective February 6, 2015, and that it was not known if the relationship began prior to that date. KBH concluded that the termination of services by the patient “was unexpected and unplanned and, therefore, suspicious.”

3. On April 29, 2015, the Board received additional information from KBH following the Board’s April 13, 2015 request pursuant to 24 M.R.S. § 2506. Included in the additional information provided was identification of the KBH patient (“Patient A”), and information gathered during KBH’s investigation of the March 11, 2015 allegations that: a) Dr. Marble had been having a sexual relationship for the past two months or so; b) Patient A helped Dr. Marble move furniture out of her camp; c) Dr. Marble was storing furniture in Patient A’s apartment in Leeds; d) Dr. Marble gave Patient A access to her credit card; e) Dr. Marble bought Patient A a new vehicle; f) Patient A moved out of his apartment in Leeds and is staying with Dr. Marble; and g) Dr. Marble uses Patient A for sex on the weekends. KBH personnel met with Dr. Marble on March 19, 2015, during which Dr. Marble denied certain allegations but admitted that she was having a relationship with Patient A that had begun “a while ago,” and that she could not specifically recall when but that it was “after he terminated services.” KBH also provided information that Dr. Marble subsequently told KBH personnel that the reason that she gave Patient A some

of her furniture was that he was moving and did not have any furniture to move into his new place.

4. According to Patient A's KBH medical records, no later than September 15, 2014, a physician-patient relationship existed between Dr. Marble and Patient A. Patient A presented on September 15, 2014 with anxiety and depression having been referred by his primary care provider. Following this appointment, Dr. Marble tapered Patient A off Zoloft and initiated him on Cymbalta which he had not previously been on. She also had Patient A discontinue lorazepam and start on clonazepam. Dr. Marble saw Patient A on November 3, 2014, and noted that he was still having problems with depression. Dr. Marble increased Patient A's dosage of Cymbalta. Dr. Marble also noted that Patient A had taken extra clonazepam. Dr. Marble saw Patient A on December 8, 2014, and noted that Patient A had been doing well and did not feel depressed. She changed his diagnosis from major depressive disorder, recurrent, moderate to major depressive disorder, recurrent, in full remission, and made no changes to his current medications. On February 2, 2015, Patient A called to cancel his appointment with Dr. Marble scheduled for that day and indicated that he would be getting his medications through his primary care provider.

5. At its meeting on May 12, 2015, the Board considered the information received from KBH and voted to initiate a complaint alleging incompetence and unprofessional conduct. The complaint dated May 27,

2015, was docketed as complaint CR15-68, and sent to Dr. Marble for a response.

6. On June 15, 2015, Dr. Marble submitted an application to renew her license.

7. By letter dated June 17, 2015, and endorsed on June 29, 2015, Dr. Marble responded to the complaint. In her response, Dr. Marble denied living with Patient A, buying Patient A a vehicle or using Patient A “for sex on the weekends.” Dr. Marble acknowledged that she “donated” furniture to Patient A and allowed Patient A use of a credit card for food and gas after he became a “former Patient” which she claimed occurred after the “last chart note” in early December 2014. She admitted in her response to a romantic relationship, but claimed that the relationship was not exploitive..

8. At the Board’s request, Dr. Marble underwent a psychological evaluation on August 7, 2015, August 14, 2015, and October 6, 2015. During her evaluation, Dr. Marble admitted that at the end of December 2014, she was selling a home that she owned in Naples and that she offered Patient A furniture from that house and helped him move it into his place. She also told the evaluator that she allowed Patient A to use her credit card to “pay for gas to come see me.” Dr. Marble told the evaluator that she saw her relationship with Patient A as a long term relationship, that she was still romantically involved with him, and that she saw Patient A five days per week. She also stated that the relationship was not sexual “because of physical reasons.” Dr. Marble

denied ever being exposed to ethics information or any specific teachings about ethics, either in medical school or in her psychiatric residency.

9. On November 10, 2015, the Board voted to preliminarily deny Dr. Marble's application to renew her license.

10. Pursuant to 32 M.R.S. § 3282-A(2)(E), the Board may impose discipline or deny the renewal of a license if a licensee engages in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public, or engages in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice of medicine.

11. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline or deny the renewal of a license if a licensee violates a standard of professional behavior, including disruptive behavior, that has been established in the practice for which the licensee is licensed. For purposes of this paragraph, "disruptive behavior" means aberrant behavior that interferes with or is likely to interfere with the delivery of care. Standards of professional behavior include the American Psychiatric Association Annotations Especially Applicable to Psychiatry to the Principles of Medical Ethics, such as the following: a) a psychiatrist shall not gratify her own needs by exploiting the patient. The psychiatrist shall be ever vigilant about the impact that her conduct has upon the boundaries of the doctor-patient relationship, and thus upon the well-being of the patient (Annotation 1, Section 1); and b) sexual activity with a current or former patient is unethical (Annotation 1, Section 2).

12. Pursuant to 32 M.R.S. § 3282-A(2)(H), the Board may impose discipline or deny the renewal of a license if a licensee violates Board Rules, including a violation of Board Rules Chapter 10, Sexual Misconduct. Sexual misconduct is considered incompetence and unprofessional conduct. "Physician/physician assistant sexual misconduct" is behavior that exploits the physician-patient relationship in a sexual way. This behavior is nondiagnostic and/or nontherapeutic, may be verbal or physical, and may include expressions or gestures that have a sexual connotation or that a reasonable person would construe as such.

13. At its meeting on November 10, 2015, the Board reviewed Complaint CR 15-68, and voted to set this matter for an adjudicatory hearing. An adjudicatory hearing in this matter has been scheduled for April 12, 2016. This Consent Agreement has been negotiated by legal counsel for Dr. Marble and legal counsel for the Board in order to alleviate the need for the Board to hold an adjudicatory hearing. Absent Dr. Marble's acceptance of this Consent Agreement by signing and dating it before a notary and returning it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 7, 2016, and absent approval by the Board of this Consent Agreement at its meeting scheduled for April 12, 2016, an adjudicatory hearing on this matter shall be held, and the Board may take whatever further action it deems necessary.

## COVENANTS

14. Dr. Marble admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(E) (for engaging in incompetence), 32 M.R.S. § 3282-A(2)(F) (for engaging in unprofessional conduct), and 32 M.R.S. § 3282-A(2)(H) (for violating Board rules).

15. As discipline for the conduct described above, Dr. Marble agrees to accept the following:

a) A CENSURE for engaging in an inappropriate relationship with a client/former client.

b) A LICENSE PROBATION for no less than five (5) years during which the following conditions apply:

1) Dr. Marble's license to practice medicine shall be limited to the practice of administrative medicine which means "professional managerial or administrative activities related to the practice of medicine or to the delivery of health care services, but does not include the practice of clinical medicine or medical research." After a period of two (2) years, Dr. Marble may petition the Board to remove this restriction. Should Dr. Marble petition the Board in accordance with this paragraph, she shall bear the burden of establishing or proving that she can competently and safely practice clinical medicine. Dr. Marble agrees that in connection with any such petition, the Board may require, as determined in its sole discretion, that Dr. Marble engage

a practice mentor or monitor who may be required to prepare periodic reports to the Board.

2) Dr. Marble shall enroll in and take a course or courses in medical ethics equivalent to not less than twenty-five (25) Category 1 continuing medical education ("CME") hours, with at least fifteen (15) of those hours on the subject of professional boundaries, all of which have been pre-approved by the Board Secretary or his designee. The completion of the CME required by this paragraph must occur within nine (9) months of the execution of this Consent Agreement. Dr. Marble shall submit written evidence of course completion in compliance with this paragraph to the Board no later than February 1, 2017.

3) Effective immediately, Dr. Marble shall terminate any relationship with Patient A, and Dr. Marble shall not engage in any relationship with a patient or former patient that could be deemed a violation of the boundaries of the physician-patient relationship as identified in Board statute or rule, The American Psychiatric Association Annotations to the Principles of Medical Ethics, the American Medical Association Code of Medical Ethics, or any other applicable standard of professional behavior.

4) Dr. Marble shall obtain a substance abuse evaluation through the Maine Medical Professionals Health Program ("MPHP") within six (6) months of the effective date of this Consent Agreement. Dr. Marble shall provide the Board with a copy of the substance abuse evaluation and comply



with all recommended monitoring, testing, or counseling, if any, resulting from such substance evaluation.

c) 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.

16. Violation by Dr. Marble 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.

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

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

19. 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-A.

20. 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.

21. 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.

22. Dr. Marble 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.

23. Dr. Marble has been represented by Jon S. Oxman, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

24. 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, SHARON MARBLE, 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:

7-6-2016

Sharon Marble MD  
SHARON MARBLE, M.D.

STATE OF MAINE  
ANDROSCOGG, N, S.S.

Personally appeared before me the above-named Sharon Marble, 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.


DATED: 4-6-2016

  
NOTARY PUBLIC/ATTORNEY

SANDRA J. FAVREAU  
Notary Public, Maine  
My Commission Expires April 19, 2021

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

DATED: 4-6-2016

  
JON S. OXMAN, ESQ.  
Attorney for Sharon Marble, M.D.

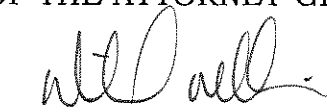
STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

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