

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
Edison P. McDaniels, II,, M.D.) CONSENT AGREEMENT
CR15-96)

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 of Edison P. McDaniels, II, M.D. The parties to the Consent Agreement are: Edison P. McDaniels, II, M.D. (“Dr. McDaniels”), 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 Dr. McDaniels a license to practice medicine in Maine on August 1, 2013 (License number MD19821). Dr. McDaniels practices neurological surgery.
2. On his application for his initial Maine medical license, Dr. McDaniels executed an affidavit certifying under oath that:

...all statements I have made or shall make with respect thereto are true...I have answered all questions contained in this application truthfully and completely...I understand my failure to answer questions contained in this application truthfully and completely may lead to denial, revocation or other disciplinary sanction of my license or permit to practice medicine.
3. As part of his initial Maine license application, Dr. McDaniels disclosed five medical malpractice liability claims and provided additional related documentation.

4. On May 30, 2014, Dr. McDaniels filed an online application with the Board for renewal of his Maine license. On that application he answered “no” to question nos. 18 and 19.

Those questions ask:

18. Have you been named as a party or defendant, or as an employee of a party or a defendant, in a medical malpractice liability claim or lawsuit, including a nuisance suit, which has been settled, adjudicated by a court in favor of the other party, or settled by your insurance company/representative without your express consent?

19. Do you have any open malpractice claims?

In addition, on that on-line application, Dr. McDaniels certified “that the information provided on this application is true and accurate to the best of my knowledge and belief.”

5. On June 4, 2015, the Board received a Board Action Disciplinary Alert Report from the Federation of State Medical Boards (“FSMB”) regarding Dr. McDaniels and disciplinary action taken by the Medical Examining Board for the State of Wisconsin (“the Wisconsin Medical Board”).

6. Following receipt of the FSMB report, the Board queried the National Practitioner Data Bank (“NPDB”) for actions reported for Dr. McDaniels. The query response included reports of six medical malpractice payments associated with Dr. McDaniels, including information associated with three of the patients discussed in Dr. McDaniel’s application materials. In addition, three other malpractice settlements which had not been reported to the Board by Dr. McDaniels on either his initial application or renewal application were reported on the NPDB response.

7. On May 20, 2015, the Wisconsin Medical Board found that on February 27, 2013, Dr. McDaniels engaged in unprofessional conduct by practicing in a manner which tends to

constitute a danger to the health, welfare, or safety of patient or public, and as discipline imposed a reprimand and ordered Dr. McDaniels to pay costs.

8. On July 7, 2015, after receipt and consideration of the facts described above, the Board voted to initiate a complaint against Dr. McDaniels which was thereafter docketed as Complaint No. CR15-96 and sent to Dr. McDaniels for a response.

9. On August 8, 2015, the Board received Dr. McDaniels response in which he stated that based upon his understanding “of the facts at the time, [he] thought ‘no’ was an accurate response to both questions” 18 and 19 on his application for renewal of license, and the June 2, 2014 settlement involving Patient A was not “to resolve a medical malpractice suit or medical malpractice claim.” Dr. McDaniels also stated that he disputes some of the medical malpractice allegations contained in the NPDB report and emphasized that he never made an admission of liability in connection with any of the settlements. He denied any intention to deceive the Board in his responses to the questions on his application for renewal. Finally, he indicated that he accepted the Wisconsin medical Board reprimand to “resolve that matter and avoid the time and expense of proceedings....”

10. In order to clarify the timing regarding the notification of any malpractice claim related to Patient A, Board staff and Board counsel contacted the reporting entity and was informed that on May 28, 2014, two days prior to submitting his application for renewal, Dr. McDaniels had a telephone conversation with an attorney specifically about the matter involving Patient A, and that prior to that call Dr. McDaniels would have received a general letter from that attorney.

11. On September 8, 2015, the Board reviewed the foregoing information and voted to set this matter for an adjudicatory hearing. In lieu of holding a hearing, the Board also voted to offer Dr. McDaniels a Consent Agreement.

12. On February 4, 2016, Dr. McDaniels filed a Motion for Reconsideration with the Board. In his motion, Dr. McDaniels explained that he interpreted the Board complaint as focusing on the Wisconsin Board of Licensure in Medicine discipline, and did not realize that there were discrepancies with his original application with the Board which had been submitted on his behalf by a nationwide medical licensing service, Physician Licensing Service (“PLS”). Dr. McDaniels stated that the proposed consent agreement articulated additional factual discrepancies in his original application of which he had been unaware, including his conversations with counsel for his previous employer, and regarding which he wished to offer an explanation.

In connection with his motion, Dr. McDaniels submitted a letter and several exhibits. Dr. McDaniels explained that while not disputing that he had an obligation to provide the Board with information pertaining to all medical malpractice claims in applying for his license, he had provided PLS with accurate and comprehensive information, including information regarding all medical malpractice actions. He reiterated in his letter that he believed that many of the identified medical malpractice settlements were the result of business decisions and not the result of negligence. Dr. McDaniels stated that at the time of his initial application five malpractice actions were listed in the NPDB which was consistent with “the state of [his] license at that time,” and that he did not realize that the information submitted to the Board by PLS on his behalf was incorrect. He submitted a letter from PLS explaining that the inaccuracies were due to a scrivener’s error. Dr. McDaniels also explained in his letter that he had interpreted the

questions contained in the renewal application as limited to a malpractice suit in a court of law, and that he now understands that the questions posed involve any claim or allegation that “a patient suffered injury as a result of” his care. He also provided a detailed explanation regarding the February 2013 claim, including his lack of direct participation and his understanding of the matter based on conversations with his former employer’s legal counsel. Finally, Dr. McDaniels submitted a detailed explanation of each of his malpractice claims.

13. Pursuant to 32 M.R.S. § 3282-A(2)(A), the Board may impose discipline for the practice of misrepresentation in obtaining a license.

14. On March 8, 2016, the Board considered the foregoing information and Dr. McDaniels’ s Motion for Reconsideration, and voted to offer this Consent Agreement to Dr. McDaniels in lieu of holding an adjudicatory hearing. Should Dr. McDaniels 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 April 17, 2016.

COVENANTS

15. Dr. McDaniels admits the foregoing facts and that such conduct constitutes grounds for imposition of discipline pursuant to 32 M.R.S. § 3282-A(2)(A)(for misrepresentation in obtaining a license).

16. As discipline for the conduct described above, Dr. McDaniels agrees to accept the following:

- a. A WARNING to fully disclose all requested information on applications; and
- 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.

17. Violation of any of the terms or conditions of this Consent Agreement by Dr. McDaniels shall constitute unprofessional conduct and grounds for additional discipline of his Maine license to practice medicine, including but not limited to imposition of civil penalties, or modification, suspension, and revocation of licensure.

18. 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.

19. The Board and the Department of Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.

20. 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.

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

22. 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, EDISON P. MCDANIELS, II, M.D., 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: April 8th 2016 Edison P. McDaniels, II, M.D.
Edison P. McDaniels, II, M.D.

STATE OF Arkansas
Craighead, S.S. (County)

Personally appeared before me the above-named Edison P. McDaniels, II, 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: 04/08/16 Kendra L. Ellington
NOTARY PUBLIC
MY COMMISSION ENDS: _____


DATED: 4/19/16 Abigail C. Varga
ABIGAIL C. VARGA, ESQ.
Attorney for Edison P. McDaniels, II, M.D.

DATED: 5/10/16 Maroulla S. Gleaton, M.D.
MAROULLA S. GLEATON, M.D., Chairman
MAINE BOARD OF LICENSURE IN MEDICINE

DATED: May 10, 2016 Michael Miller
MICHAEL MILLER, Assistant Attorney General
DEPARTMENT OF THE ATTORNEY GENERAL

APPROVED
EFFECTIVE: May 10, 2016