

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
MARK W. OVERTON, M.D.)
Complaint No. CR15-147)

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 Mark W. Overton, M.D. The parties to the Consent Agreement are: Mark W. Overton, M.D. (“Dr. Overton”), 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. Overton has held a license to practice medicine in the State of Maine since December 16, 2010 (license number MD18675), and specializes in psychiatry.

2. On August 24, 2015, the Board received a report from Northern Maine Medical Center (“NMMC”) pursuant to 24 M.R.S. § 2506. The report informed the Board that it had taken disciplinary action against Dr. Overton following an NMMC investigation that determined that Dr. Overton “engaged in a romantic workplace relationship with a female employee of the hospital from February 2014 to April 2014, which included sexual conduct.” The report also stated that the female employee was not a patient of Dr. Overton’s at the time of their romantic involvement but that after the relationship ended, the female employee sought and received treatment from Dr. Overton. Dr. Overton also

subsequently provided treatment to the employee/patient's daughter. NMMC informed the Board that Dr. Overton was permitted to resume his employment duties as of August 19, 2015, but was required to complete a course in maintaining appropriate workplace relationships, attend a sexual harassment awareness program, and attend a program on maintaining professional boundaries. NMMC also stated that other workplace safeguards were implemented.

3. On August 26, 2015, the Board received a letter from Dr. Overton regarding the report made by NMMC. Dr. Overton stated that he wrote the letter to assure the Board that he was committed to the measures imposed by NMMC, and that he regretted his actions.

4. Upon request by the Board, NMMC provided additional information related to its report on September 8, 2015. The information included the original complaint received by NMMC dated August 13, 2015 written by the former husband of the employee/patient. The original complaint alleged that during an August 12, 2015 custody hearing, Dr. Overton testified on behalf of the complainant's former spouse and revealed that he had a "sexual relationship" with the employee/patient. The complaint further alleged that "this past winter, [the complainant] had a great deal of pressure" from his former spouse to change their minor daughter's counseling to Dr. Overton and that he never would have agreed to do so had he known of their relationship.

NMMC additional information included a statement that the investigation “concluded that Dr. Overton did not engage in sexual relations with [the employee/patient] during or after she was a patient of Dr. Overton’s.”

5. On September 28, 2015, the Board received Dr. Overton’s medical records relating to the employee/patient and her minor daughter. The records reflect that Dr. Overton first treated the employee/patient during the last week in November 2014, and first treated the minor daughter on February 6, 2015.

6. Upon review of the above information the Board initiated a complaint against Dr. Overton on October 20, 2015. The Board docketed that complaint as CR15-147, and sent it to Dr. Overton for a response.

7. On November 20, 2015, the Board received Dr. Overton’s response to the complaint. In his response, Dr. Overton explained his relationship with the employee/patient and acknowledged that he should not have undertaken her treatment or her daughter’s treatment following their romantic relationship. He expressed remorse for his actions and described the steps he has taken to improve his practice and professionalism.

8. In addition to the courses required by NMMC, Dr. Overton submitted evidence to the Board that he attended the Intensive Course in Medical Ethics, Boundaries, and Professionalism held at Case Western Reserve University School of Medicine on February 2, 2016 to February 5, 2016.

9. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline for unprofessional conduct. A licensee is considered to have engaged

in unprofessional conduct if the licensee violates a standard of professional behavior, that has been established for the practice of medicine.

10. On April 12, 2016, the Board reviewed CR 15-147 and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Overton this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Overton'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 July 11, 2016, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

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

12. As discipline for the foregoing conduct, Dr. Overton agrees to accept the following:

a) A REPRIMAND for engaging in unprofessional conduct related to his treatment of the employee and her minor daughter approximately eight months after the sexual relationship with the employee ended.

b) A LICENSE SUSPENSION for ten (10) days commencing on August 16, 2016, at 1:00 a.m., and ending at August 25, 2016, at 1:00 a.m.

c) 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.

13. Violation by Dr. Overton 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.

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

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

16. 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.

17. 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.

18. 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.


19. Dr. Overton 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.

20. Dr. Overton has been represented by James F. Martemucci, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

21. 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, MARK W. OVERTON, 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: 7/1/2016



MARK W. OVERTON, M.D.

STATE OF Maine

Aroostook, S.S.

Personally appeared before me the above-named Mark W. Overton, 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: 7/1/2016



NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: April 4, 2021

DATED: 7/2/16

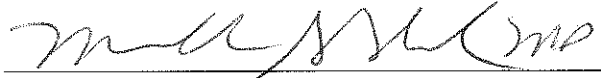


JAMES F. MARTEMUCCI, ESQ.
Attorney for Mark W. Overton, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

7/12/16



MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

July 12, 2014



MICHAEL MILLER
Assistant Attorney General

Effective Date:

July 12, 2014