

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
MICHAEL B. BRUEHL, M.D. )  
Complaint No. CR16-24 )

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 Michael B. Bruehl, M.D. The parties to the Consent Agreement are: Michael B. Bruehl, M.D. ("Dr. Bruehl"), 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. Bruehl has held a license to practice medicine in the State of Maine since July 13, 1976 (license number MD8517), and specializes in family practice.

2. On December 23, 2015, the Board received a report pursuant to 24 M.R.S. § 2505 from a physician who works at Eastern Maine Medical Center's Walk-In Care Department. The physician reported that Dr. Bruehl prescribed a patient large numbers of oxycodone tablets, fentanyl patches of varying strength, and benzodiazepines. The physician also reported that a review of the patient's medical records showed sporadic visits and no pill counts or toxicology screens in the prior 9-10 months. The patient's medical records included documented concerns by the patient's insurance company about the

amount of opiates being prescribed, a lack of physician exam information, and a lack of clarity regarding the patient's source and level of pain.

3. On December 30, 2015, the Board subpoenaed the patient's medical records.

4. Based upon the report and medical records, the Board initiated a complaint on February 17, 2016 against Dr. Bruehl. The Board docketed that complaint as CR16-24, and sent it to Dr. Bruehl for a response.

5. By letter dated April 14, 2016, Dr. Bruehl responded to the complaint. In his response, Dr. Bruehl provided a description of the patient's medical history which includes a series of complications from a 2003 gastric bypass surgery. Dr. Bruehl acknowledges that he prescribed large doses of oxycodone, fentanyl, and benzodiazepines to the patient because she has "chronic pain secondary from her multiple abdominal surgeries", osteoarthritis, fibromyalgia, osteoporosis and multiple infections. He stated that in his view, the patient has "chronic pain requiring comfort measures." He expressed his belief that the patient is not abusing her medications. Dr. Bruehl described the care he provided to the patient in 2015 and 2016, and acknowledged that he did not conduct "enough pill counts and urine drug screens" and his notes "often do not address her level of pain." He "knows" that the pain medication that he has ordered for her "keeps her comfortable."

6. Further investigation by the Board revealed several notices sent to Dr. Bruehl from the Prescription Monitoring Program notifying him that the patient had received a morphine milligram equivalent greater than 100 within

90 days or had received multiple overlapping opioid prescriptions within 90 days.

7. On May 10, 2016, the Board reviewed CR16-24 and voted to investigate the matter further by reviewing additional patient charts and requesting that Dr. Bruehl answer specific questions regarding his treatment of the patient.

8. By letter dated June 15, 2016, Dr. Bruehl responded to the Board's questions.

9. Review of additional patient records and the responses to the Board's questions indicated inappropriate assessments and plans, inappropriate prescribing, inappropriate follow-up, poor documentation, and concerns with clinical knowledge. In response to specific Board questions, Dr. Bruehl did not recall what other treatments were considered with the patient, although he stated that he typically tries physical therapy and pain management. In addition, some treatment appeared to be contraindicated and the patient's depression was not sufficiently addressed.

10. 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.

11. Pursuant to 32 M.R.S. § 3282-A(2)(H), the Board may impose discipline for violation of Board statute or rule, including rules regarding the

use of controlled substances for treatment of pain that are contained in Board Rules, Chapter 21.

12. On July 12, 2016, the Board reviewed CR 16-24 and voted to set the matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Bruehl this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Bruehl'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 October 30, 2016, the matter will be scheduled for an adjudicatory hearing.

#### COVENANTS

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

14. As discipline for the foregoing conduct, Dr. Bruehl agrees to accept the following:

a) A LICENSE RESTRICTION prohibiting the prescribing of any controlled substance for a period greater than seven (7) days.

b) A LICENSE PROBATION for a period of at least one (1) year during which the following is required:

1) Within three (3) months of the effective date of this Consent Agreement, Dr. Bruehl shall enroll in an in person primary care

update medical education course of not less than thirty (30) hours in length approved by the Case Reporter and submit written evidence of course completion to the Board.

2) Within forty-five days of the effective date of this Consent Agreement, Dr. Bruehl shall retain a Board approved physician monitor who shall meet with Dr. Bruehl at least monthly and review five (5) patient charts. The physician monitor shall review and address the appropriateness of assessments and plans, medication prescribing, medical record documentation, coordination of care or follow-up, and demonstration of clinical knowledge. Dr. Bruehl shall cause the physician monitor to report to the Board on a quarterly basis, with the first report being due no later than four (4) months from the effective date of this Consent Agreement. In the reports to the Board, the physician monitor shall provide a summary of his or her monitoring activities and identify any issues regarding the appropriateness of assessments and plans, medication prescribing, medical record documentation, coordination of care or follow-up, and demonstration of clinical knowledge. Dr. Bruehl understands that the physician monitor will be an agent of the Board pursuant to 24 M.R.S. § 2511. Dr. Bruehl shall permit the physician monitor full access to his medical practice, including but not limited to all patient information. After one (1) year of monitoring by the physician monitor, the Board shall review the quarterly reports required by this subparagraph, and in its sole discretion determine whether to continue,

modify, or terminate the requirements of this subparagraph for an additional specified period.

15. Violation by Dr. Bruehl 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.

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

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

18. 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.

19. 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.

20. 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.

21. Dr. Bruehl 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.

22. Dr. Bruehl has been represented by Sandra L. Rothera, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

23. 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, MICHAEL B. BRUEHL, 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: 10/25/16   
MICHAEL B. BRUEHL, M.D.

STATE OF Maine  
Penobscot, S.S.

Personally appeared before me the above-named Michael B. Bruehl, 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: 10-25-16   
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: \_\_\_\_\_  
LILLIAN B. COTE  
Notary Public, State of Maine  
My Commission Expires 3/3/2019

DATED: 10/31/16   
SANDRA L. ROTHERA, ESQ.  
Attorney for Michael B. Bruehl, M.D.




STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 11/8/16

  
MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: November 8, 2016

  
MICHAEL MILLER  
Assistant Attorney General

Effective Date: November 8, 2016