

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
JOHN C. O'CONNELL, M.D.)
Complaint No. CR14-87)

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 John C. O'Connell, M.D. The parties to the Consent Agreement are: John C. O'Connell, M.D. ("Dr. O'Connell"), 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. O'Connell has held a license to practice medicine in the State of Maine since June 1, 2012 (license numbers EL 121018 and MD19349), and reports specializing in neurology.
2. On June 26, 2014, the Board initiated a complaint alleging unprofessional conduct, incompetence, and violation of Board rules following receipt of information that the Kentucky Board of Medical Licensure had issued an emergency order prohibiting Dr. O'Connell from prescribing, dispensing or otherwise professionally utilizing controlled substances" based upon information that Dr. O'Connell had prescribed controlled substances for his wife, daughter and mother-in-law, and after obtaining an outside review of Dr. O'Connell's prescribing of controlled substances to other patients. The Board

docketed the complaint as CR14-87, and sent it to Dr. O'Connell for a response.

3. By letter dated July 25, 2014, Dr. O'Connell responded to the complaint. In his response, he stated that he was disputing the complaint of the Kentucky Board of Medical Licensure.

4. On March 23, 2015, the Kentucky Board of Medical Licensure after adopting findings of facts and conclusions of law issued an Order of Indefinite restriction in Case No. 1568 ("the Kentucky Order"), and ordered that Dr. O'Connell's license to practice medicine in Kentucky be restricted/limited for an indefinite period of time during which he is not permitted to practice medicine for at least two years. The Kentucky Order further provides that Dr. O'Connell's medical license shall remain restricted/limited until he requests amendment or termination following successful completion of a medical recordkeeping course, and a prescribing controlled drugs course, after obtaining a clinical skills assessment and education plan, and paying costs.

5. This Consent Agreement has been negotiated by legal counsel for the Board and Dr. O'Connell in order to resolve Complaint CR 14-87 without further proceedings. Absent Dr. O'Connell'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 8, 2016, the matter will be scheduled for an adjudicatory hearing.

6. By signing this Consent Agreement, Dr. O'Connell hereby consents to the presentation of this proposed Consent Agreement to the Board for ratification. Dr. O'Connell waives any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

COVENANTS

7. Dr. O'Connell admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3282-A(2)(F) (for engaging in unprofessional conduct), and (2)(M) (for disciplinary action by another state for conduct that if committed in Maine would constitute grounds for discipline).

8. In order to resolve this matter without further proceedings, Dr. O'Connell agrees to the IMMEDIATE VOLUNTARY SURRENDER of his Maine license to practice medicine effective upon the execution of this Consent Agreement.

9. Violation by Dr. O'Connell 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.

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

11. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. O'Connell or any other matter relating to this Consent Agreement.

12. 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.

13. 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.

14. 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.

15. Dr. O'Connell 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.

16. 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, JOHN C. O'CONNELL, 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: 10-14-2016 John C. O'Connell
JOHN C. O'CONNELL, M.D.

STATE OF _____

_____, S.S.

Personally appeared before me the above-named John C. O'Connell, 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.

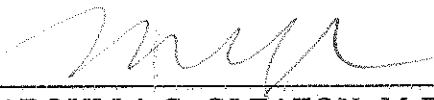
DATED: 10/14/16 Robert G. M. - 543665
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 11-4-19

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

11/8/16

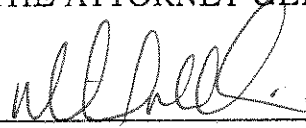


MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

November 8, 2016



MICHAEL MILLER
Assistant Attorney General

Effective Date: November 8, 2016