

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
JOEL A. SABEAN, M.D.) CONSENT AGREEMENT
No. AD15-153)

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 Joel A. Sabean, M.D. The parties to the Consent Agreement are: Joel A. Sabean, M.D. ("Dr. Sabean"), 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. Sabean has held a license to practice medicine in the State of Maine since August 3, 1977 (license number MD9008), and specializes in dermatology.

2. On October 20, 2015, Dr. Sabean was indicted in the United States District Court for the District of Maine, Criminal Case No. 2:15-cr-175-GZS, on 5 counts of Tax Evasion in violation of 26 U.S.C. § 7201, 52 counts of Unlawful Distribution of Controlled Substances in violation of 21 U.S.C. § 841(a)(1), and 1 count of Health Care Fraud in violation of 18 U.S.C. §§ 2, 1347 ("the Federal Criminal Case"). On November 18, 2016, a jury returned guilty verdicts on all counts as charged in the Federal Criminal Case. Dr. Sabean is currently scheduled to be sentenced on March 21, 2017.

3. On October 26, 2015, the Board of Licensure in Medicine (“the Board”) upon learning of the pending federal criminal charges opened an investigation and docketed the matter as AD15-153.

4. Following entry of the jury verdict in the Federal Criminal Case, the Board is prepared to consider whether it should impose an immediate suspension of Dr. Sabean’s license at its meeting scheduled for December 13, 2016, and set the matter for an adjudicatory hearing pursuant to 5 M.R.S. § 10004(3).

5. Pursuant to 32 M.R.S. § 3282-A(2)(G), the Board may impose discipline for criminal convictions that involve dishonesty or false statement, that relate directly to the practice of medicine, or that may result in incarceration for one year or more.

6. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline for unprofessional conduct for a violation of a standard of professional behavior that has been established in the practice of medicine.

7. Pursuant to 32 M.R.S. § 3282-A(2)(A), the Board may impose discipline for the practice of fraud, deceit or misrepresentation in connection with a service rendered within the scope of the medical license.

8. This Consent Agreement has been negotiated by legal counsel for Dr. Sabean and legal counsel for the Board in order to alleviate the need for the Board to consider whether to issue a summary immediate suspension of licensure and hold an adjudicatory hearing within thirty days following the presentation of this matter to the Board, and to ensure the protection of the

public. Absent acceptance of this Consent Agreement by signing and dating it before a notary and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before December 12, 2016, the Board will consider whether to issue a summary suspension of Dr. Sabean's license on December 13, 2016, and take whatever other action deemed necessary.

COVENANTS

9. Dr. Sabean acknowledges the facts as stated above and, while he disputes the underlying facts that gave rise to the Verdict of November 18, 2016 and will appeal his conviction and sentence to the United States Court of Appeals for the First Circuit, he agrees that upon his sentencing grounds exist for the Board to impose discipline pursuant to 32 M.R.S. §§ 3282-A(2)(A), (F), and (G).

10. As discipline for the conduct described above, Dr. Sabean agrees to accept, and the Board imposes:

a) a period of PROBATION until Dr. Sabean is sentenced on the Federal Criminal Case for the sole purpose of winding down and closing his medical practice and transferring patient care. During the period of probation, Dr. Sabean shall not accept any new patients and shall not prescribe or dispense any controlled substances; and

b) upon a sentence being entered on any of the charges in the Federal Criminal case, Dr. Sabean shall IMMEDIATELY AND VOLUNTARILY

SURRENDER his license to practice medicine in the State of Maine, without prejudice to his right to apply for reinstatement.

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

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

13. 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.

14. 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.

15. 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 Interim Consent Agreement.

16. Dr. Sabean 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.

17. Dr. Sabean has been represented by Jay P. McCloskey, Esq., and Thimi R. Mina, Esq., who have participated in the negotiation of the terms of this Consent Agreement.

18. 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, JOEL A. SABEAN, 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: 12/6/2016 Joel A. Sabean, MD
JOEL A. SABEAN, M.D.

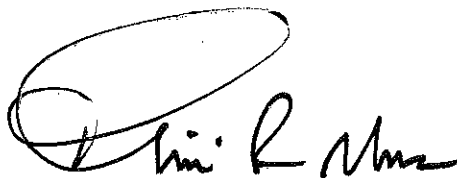
STATE OF Maine
Cumberland, S.S.

Personally appeared before me the above-named Joel A. Sabean, 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: 12/6/16 Julia Brennan MacDonald
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 12/16/21

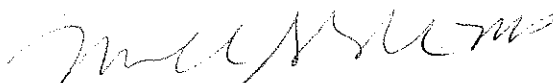
DATED: 12-6-16



JAY P. MCCLOSKEY, Esq.
THIMI R. MINA, Esq.
Counsel for Joel A. Sabeau, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 12/13/16



MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: December 13, 2016



MICHAEL MILLER
Assistant Attorney General

Effective Date: December 13, 2016

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