

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
PATRICK J. TANGNEY, M.D. )  
Complaint No. CR16-67 )

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 Patrick J. Tangney, M.D. The parties to the Consent Agreement are: Patrick J. Tangney, M.D. (“Dr. Tangney”), 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. Tangney has held a license to practice medicine in the State of Maine since October 28, 1992 (license number MD13411), and specializes in internal medicine and pulmonary diseases.

2. On March 17, 2016, the Board initiated a complaint alleging that on two occasions in October 2015, Dr. Tangney issued prescriptions for a patient for morphine sulfate 100 mg/5 ml that were in error. The intended dosage was morphine sulfate 10 mg/5 ml. A pharmacist discovered and corrected the error for the first prescription dated October 1, 2015. The second error was not caught until after the patient received one incorrect dosage. The Board docketed the complaint as CR16-67, and sent it to Dr. Tangney for a response.

3. By letter dated June 3, 2016, Dr. Tangney responded to the complaint. In his response, he acknowledged that on both occasions he had issued prescriptions to the patient for morphine sulfate with an unintended dosage.

4. 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.

5. At its meeting on September 13, 2016, the Board reviewed Complaint CR16-67, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Tangney this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Tangney'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 November 24, 2016, the matter will be scheduled for an adjudicatory hearing.

#### COVENANTS

6. Dr. Tangney 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).

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

- a. A CENSURE for engaging in unprofessional conduct;

b. A CIVIL PENALTY in the amount of One Thousand Five Hundred Dollars (\$1,500.00), 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; and

c. Dr. Tangney SHALL submit to the Board in writing within sixty (60) days after the effective date of this Consent Agreement a root cause analysis and remedial plan for his electronic medical record system to ensure that the same type of error does not recur.

8. Violation by Dr. Tangney 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.

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

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

11. 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.

12. 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.

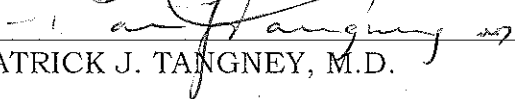
13. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

14. Dr. Tangney 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.

15. Dr. Tangney has been represented by Heidi A. Bean, Esq., and Karen Frink Wolf, Esq., who have participated in the negotiation of the terms of this Consent Agreement.

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, PATRICK J. TANGNEY, 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: 11-15-14   
PATRICK J. TANGNEY, M.D.  
STATE OF Maine  
Cumberland, S.S.

Personally appeared before me the above-named Patrick J. Tangney, 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: 11-15-14   
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: \_\_\_\_\_

DATED: 11-15-14   
HEIDI A. BEAN, ESQ.  
KAREN FRINK WOLF, ESQ.  
Attorney for Patrick J. Tangney, M.D.

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 12/13/16

  
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MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: December 13, 2016

  
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MICHAEL MILLER  
Assistant Attorney General

Effective Date: December 13, 2016