

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In Re: Charles D. Clemetson, M.D.)
)
Non Compliance with Decision and Order in 14-204)

DECISION AND ORDER

I. PROCEDURAL HISTORY

Pursuant to the authority found in 5 M.R.S. §§ 9051 et seq., 10 M.R.S. § 8003(5), and 32 M.R.S. §§ 3269 and 3282-A, the Maine Board of Licensure in Medicine (“Board”) met in public session at its offices in Augusta, Maine, on November 8, 2016, and January 10, 2017. The purpose of the meetings was to conduct an adjudicatory hearing to determine whether grounds existed to impose discipline on the medical license of Charles D. Clemetson, M.D., (“Licensee”).

On September 19, 2016, a Notice of Hearing was issued setting the hearing for October 11, 2016. On September 30, 2016, a telephonic prehearing conference was convened. A Conference Order was issued on September 30, 2016, setting deadlines for the submission of final witness and exhibit lists. On October 7, 2016, a prehearing telephonic conference was held and the Licensee’s request to continue the hearing was granted. A Conference Order was issued on October 11, 2016. On October 14, 2016, an Amended Notice of Hearing was issued setting the hearing in this matter for November 8, 2016. On October 27, 2016, the Licensee filed a motion to partially dismiss the Amended Notice of Hearing. On November 2, 2016, the State filed a response to the Licensee’s motion. On November 6, 2016, a Recommended Decision to deny the Licensee’s motion was issued. The hearing commenced on November 8, 2016, at the start of which the Board unanimously adopted the Recommended Decision of the Hearing Officer to deny the Licensee’s motion to partially dismiss the Notice of Hearing. The hearing did

not conclude on November 8, 2016. A Scheduling Order was issued on November 10, 2017, setting a second day of hearing for January 10, 2017. On January 9, 2017, a telephonic status conference was convened to review additional prehearing submissions of the Licensee. Also on January 9, 2017, a Conference Order was issued regarding the Licensee's prehearing motions.

A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Maroulla Gleaton, M.D., Chair; Susan Dench, Public Member; Christopher Ross, P.A.-C.; Louisa Barnhart, M.D.; David Dumont, M.D.; Lynne Weinstein, Public Member; and Brad Waddell, M.D. Dr. Clemetson was present and represented by Edward MacColl, Esq. Michael Miller, Esq., Assistant Attorney General, represented the State of Maine. Rebekah Smith, Esq., served as Hearing Officer. The hearing was held in accordance with the requirements of the Maine Administrative Procedure Act, 5 M.R.S. §§ 9051 et seq.

State Exhibits #1 to #35 were admitted without objection. Licensee Exhibits #1 to #6¹ were admitted without objection. Licensee Exhibits #8, #9, and #12 were admitted over objection. Licensee Exhibits #10, #11, and #13 were excluded.

The admitted exhibits are identified as follows:

- State Exhibit #1: Notice of Hearing issued on September 19, 2016
- State Exhibit #2: ALMS Licensing Information
- State Exhibit #3: March 18, 2016, Letter with March 9, 2016, Decision and Order
- State Exhibit #4: March 10, 2016, Emails between the Licensee and Board Staff with Attachment
- State Exhibit #5: Licensee as Prescriber Prescription Monitoring Program Report from February 9, 2016, through September 19, 2016 - CONFIDENTIAL
- State Exhibit #6: Selected Patient Prescriptions Prescription Monitoring Program Report from March 4, 2016, through July 24, 2016 - CONFIDENTIAL
- State Exhibit #7: Emails between the Licensee, Proposed Practice Monitor, and Board Staff dated March 3, 2016, through April 15, 2016
- State Exhibit #8: Licensee Letter to Board Staff Member filed on April 20, 2016
- State Exhibit #9: Emails between the Licensee, Proposed Practice Monitor, and Board

¹ Licensee Exhibit #7 was not an actual exhibit but was a citation to the State's exhibits.

- Staff dated March 22, 2016, through May 12, 2016
- State Exhibit #10: Executive Director Memo to File dated May 26, 2016
- State Exhibit #11: Email from Executive Director to Licensee's Potential Employer dated May 26, 2016
- State Exhibit #12: July 1, 2016, Letter from Board Staff Member to Licensee
- State Exhibit #13: Licensee Letter to Board Staff Member filed on July 11, 2016
- State Exhibit #14: Executive Director Memo to File dated July 19, 2016
- State Exhibit #15: Licensee Fax to Board Staff Member filed on July 25, 2016
- State Exhibit #16: Letter from Licensee's Potential Employer to the Board filed on July 25, 2016
- State Exhibit #17: Complaint Coordinator Memo to File dated August 8, 2016
- State Exhibit #18: Emails between the Licensee and Board Staff Member dated August 11 and 12, 2016
- State Exhibit #19: Executive Director Memo to File dated August 17, 2016
- State Exhibit #20: Email from the Licensee and Board Staff Member dated August 25, 2016
- State Exhibit #21: Letter from Licensee's Potential Practice Monitor to Board Staff Member filed on August 31, 2016
- State Exhibit #22: Board Decision and Order dated July 11, 2013
- State Exhibit #23: 32 M.R.S. § 3282-A
- State Exhibit #24: 10 M.R.S. § 8003
- State Exhibit #25: Notice of Hearing issued on October 14, 2016
- State Exhibit #26: Code of Medical Ethics
- State Exhibit #27: Licensee as Prescriber Prescription Monitoring Program Report from February 9, 2016, through September 19, 2016, including Date Prescribed – CONFIDENTIAL
- State Exhibit #28: Consent Agreement between Licensee and the Board dated September 9, 2002
- State Exhibit #29: Board Decision and Order dated June 12, 2001
- State Exhibit #30: Prescriptions Written by the Licensee on May 29, 2016, and July 12, 2016 - CONFIDENTIAL
- State Exhibit #31: Licensee Patient Notes for Multiple Patients – CONFIDENTIAL
- State Exhibit #32: April 28, 2016, Letter from Board Staff Member to Licensee
- State Exhibit #33: Board Policy on Decision and Orders
- State Exhibit #34: 5 M.R.S. § 10004
- State Exhibit #35: Maine Rules of Civil Procedure 80C and 60B
- Licensee Exhibit #1: Prescription Monitoring Program Query for dispense dates June 7, 2016, through October 2, 2016 - CONFIDENTIAL
- Licensee Exhibit #2: Moby RX Fax Cover and Enclosure re M.T. Prescription – CONFIDENTIAL
- Licensee Exhibit #3: Appointment Calendar and Copy of Last Prescription written for M.T. - CONFIDENTIAL
- Licensee Exhibit #4: Appointment Calendar and Copy of Last Prescription written for M.B. - CONFIDENTIAL
- Licensee Exhibit #5: Appointment Calendar and Copy of Last Prescription written for A.J. - CONFIDENTIAL

Licensee Exhibit #6: List of Prescriptions in Prescription Monitoring Program written after July 27, 2016, with Copies of Prescriptions -
CONFIDENTIAL

Licensee Exhibit #8: Public Notice of Judgment in Aube S. Plumbing and Heating v. Licensee

Licensee Exhibit #9: Docket of Appeal AP16-0018

Licensee Exhibit #12: July 6, 2016, Letter to Board Staff Member from William Matuzas, M.D.

The Board took notice of its statutes and rules and confirmed that no participating member had any conflict of interest or bias that would prevent him or her from rendering an impartial decision in this matter. Each party presented an opening statement. The State presented the following witnesses: Dennis E. Smith, Esq., Executive Director of the Board; Julie Best, Complaint Coordinator for the Board; the Licensee; and Timothy E. Terranova, Assistant Executive Director of the Board. The Licensee presented the following individuals as witnesses: S.W., former patient; P.G., parent of a former patient; A.R., former patient M.T., former patient; E.R., former patient; and M.P., former patient. Each party made a closing statement. The Board then deliberated and made the following findings of fact and conclusions of law by a preponderance of the credible evidence regarding the allegations against the Licensee.

II. FINDINGS OF FACTS

1. Dr. Charles D. Clemetson was first licensed as a medical doctor by the Board in 1994. (State Exh. #2.) His current license expires on April 30, 2017. (State Exh. #2.)
2. On February 9, 2016, the Board held an adjudicatory hearing regarding Complaint Number CR14-204 against the Licensee. (State Exh. #3.) Following the close of evidence, the Board orally deliberated on the allegations against the Licensee and concluded that the Licensee had committed multiple violations. (State Exh. #3.) The Board also orally determined the sanctions it would impose as a result of its finding of violations. (State Exh. #3.) At the conclusion of the hearing, the Licensee requested a

stay of the Board's decision but withdrew his request before the Board deliberated on it. (State Exh. #3.) On March 9, 2016, the Board issued a written Decision and Order confirming its oral deliberations. (State Exh. #3.)

3. In its March 9, 2016, Decision and Order, the Board found that the Licensee had engaged in misrepresentation and unprofessional conduct and failed to comply with the conditions of probation contained in a July 11, 2013, Decision and Order of the Board. (State Exh. #3.) Although the Board granted the Licensee's application for renewal of his license, it imposed the following sanctions: a censure and a five year period of probation with terms that limited the Licensee to practicing in a setting with other psychiatrists and required the Licensee to identify and obtain Board approval of a practice monitor. (State Exh. #3.) The Licensee was prohibited from maintaining his own private practice and he was required to close his practice within 90 days of the effective date of the Decision and Order, which was March 9, 2016. (State Exh. #3.) The cover letter sent to the Licensee with the Decision and Order summarized the sanctions and reiterated that the Licensee was required to close his private practice within 90 days of March 9, 2016. (State Exh. #3.)
4. The March 9, 2016, Decision and Order was sent to the Licensee by certified mail, first class mail, and email with a cover letter on March 18, 2016. (State Exh. #3.) The Licensee signed for the certified mail copy of the letter on March 21, 2016. (State Exh. #3.) At hearing, the Licensee testified that he did not recall seeing the cover letter that came with the Decision and Order. (Testimony of Licensee.) The Licensee also testified that he would not have read the cover letter. (Testimony of Licensee.)

5. On March 9, 2016, the Licensee informed several Board staff members by email that he had been offered a position at Protea Integrated Health and Wellness (“Protea”). (State Exh. #4.) Alex Tessmann, CEO of Protea, indicated by letter to the Licensee dated March 3, 2016, that Dr. Ramneesh Trehan would serve as the Licensee’s practice monitor. (State Exh. #4.)
6. On April 15, 2016, the Board’s Executive Director, Dennis E. Smith, Esq., emailed the Licensee to inform him that Board staff members had tried without success to confirm that Dr. Trehan was willing to serve as the practice monitor as required in the Board’s March 9, 2016, Decision and Order. (State Exh. #7.) Mr. Smith’s email reminded the Licensee that it was his responsibility to find a practice monitor and reiterated that the Decision and Order required the Licensee to identify a practice monitor within one month of the effective date of the Decision and Order, which Mr. Smith noted was March 9, 2016. (State Exh. #7.)
7. On April 20, 2016, the Licensee requested a stay of the Board’s March 9, 2016, Decision and Order from the Board. (State Exh. #32.) The same day, April 20, 2016, the Licensee filed an appeal of the Board’s March 9, 2016, Decision and Order in the Cumberland County Superior Court. (Lic. Exh. #9.) The Licensee was represented by Attorney MacColl during his appeal. (Lic. Exh. #9; Testimony of Licensee.)
8. On April 28, 2016, Timothy E. Terranova, Assistant Executive Director of the Board, issued a response to the Licensee indicating that the Board was aware that the Licensee had filed an appeal of the March 9, 2016, Decision and Order and as a result of that appeal, the Board did not have jurisdiction to consider the Licensee’s request for a stay,

and enclosed a copy of a court decision that was consistent with that position.. (State Exh. #32.)

9. Prescription Monitoring Program (“PMP”) Reports and prescription records showed that the Licensee issued prescriptions after June 9, 2016 and up until July 12, 2016. (State Exh. #6; Testimony of Smith.)
10. By letter dated July 1, 2016, sent by certified mail, Julie Best, Complaint Coordinator for the Board, reminded the Licensee that the March 9, 2016, Decision and Order limited him to practicing medicine in a setting with other psychiatrists, that he was prohibited from maintaining his own private practice, and that he was required to close his practice no later than June 7, 2016, which was 90 days after the March 9, 2016, Decision and Order. (State Exh. #12.) Ms. Best’s letter requested that the Licensee immediately confirm that he had closed his private practice and that he was not practicing in Maine or engaging in group practice in Maine, provide a copy of the letter sent to patients notifying them of his private practice closure, and provide the name and contact information of his proposed practice monitor, if he were practicing in Maine. (State Exh. #12.)
11. On July 6, 2016, the Superior Court dismissed the Licensee’s appeal because he did not file a brief by the deadline set by the Court. (Lic. Exh. #9.)
12. By response filed by July 11, 2016, five days after the Superior Court dismissed his appeal, the Licensee informed Ms. Best that he had received the Board’s letter on July 8, 2016, and he had appealed the Board’s March 9, 2016, decision through counsel. (State Exh. #13.) The Licensee’s letter indicated that although he disagreed with the Board’s March 9, 2016 Decision and Order, he planned to “comply with most components” of

- the Decision and Order, without specifying which ones. (State Exh. #13.) He did not specifically confirm that he had closed his practice by the June 9, 2016, deadline, despite Ms. Best's prior request that he do so. (State Exh. #13; Testimony of Licensee.)
13. On July 15, 2016, the Licensee filed in Superior Court a motion for relief from judgment and to allow late filing of his brief. (Lic. Exh. #9.)
 14. On July 19, 2016, Mr. Smith created a memo that went into the Licensee's file indicating, among other things, that he had run a follow-up PMP query to see if any medications were being dispensed to patients pursuant to prescriptions issued by the Licensee. (State Exh. #14.) The PMP showed medications being dispensed as recently as July 16, 2016, even though the Licensee was supposed to have closed his private practice by June 7, 2016. (State Exh. #14.)
 15. On July 25, 2016, the Licensee submitted a fax to Ms. Best, as an updated response to her letter of July 1, 2016. (State Exh. #15.) The Licensee indicated that he took issue with the evidence presented at the hearing and that he felt no purpose was being served by requiring him to close his private practice. (State Exh. #15.) The Licensee reported that although he disagreed with the March 9, 2016, Decision and Order, his letter should be considered assurance that he had closed his private practice, he was not practicing medicine in Maine or any other state and was not engaged in a group practice, and he had written his active patients to notify them of the closure of his private practice. (State Exh. #15.) The Licensee also provided a generic letter, addressed "Dear Patients," dated July 21, 2016, informing them of the closure of his private practice. (State Exh. #15.) The "Dear Patients" letter indicated that as many of his patients knew, the Board had required him to close his practice and work in a setting with other

psychiatrists, one of whom had to be a practice monitor. (State Exh. #15.) The letter went on to state that the Licensee had taken a position at Protea, he would be glad to continue to care for his patients there, and that his patients should contact Protea to make an appointment and to call him with any questions. (State Exh. #15.) At hearing, the Licensee testified that this letter went to most of his active patients. (Testimony of Licensee.) The Licensee also testified that he last saw patients in his private practice on July 25, 2016, and he did not write any prescriptions after that date. (Testimony of Licensee.) After July 25, 2016, the Licensee continued to have conversations with patients helping them to arrange alternative care. (Testimony of Licensee.) At the time that his practiced closed, the Licensee had between forty and fifty patients. (Testimony of Licensee.)

16. On August 8, 2016, Mr. Terranova issued a memo to Ms. Best indicating that A.F., a patient of the Licensee's, had called him indicating that the Licensee had been treating him for about three years, that the Licensee had informed A.F. four or five months prior that he was involved in some court related issues regarding his practice, that every month when A.F. asked the Licensee if he need to find a new psychiatrist the Licensee kept telling the patient not to worry, that on July 12, 2016, that the Licensee gave A.F. a prescription with a refill even though the Licensee never provided refills, and that the Licensee told A.F. that he was not sure if the prescription would be processed. (State Exh. #17.) The Licensee agreed at hearing that A.F.'s last appointment with him was probably on July 12, 2016. (Testimony of Licensee.)

17. On August 11, 2016, the Licensee emailed Ms. Best to indicate that although he had closed his private practice nearly all of his patients wished to continue seeing him once

he had transitioned to Protea. (State Exh. #18.) The Licensee reported that until the prior day, he was able to manage this reasonably well because many primary care physicians were sympathetic and eager to help by prescribing needed medications, including controlled substances, on a short time basis for their mutual patients. (State Exh. #18.) The Licensee noted that unfortunately some primary care physicians were not willing to write prescriptions for controlled substances and many of his patients did not have primary care physicians, but he had been able to arrange for “vacation” coverage with another psychiatrist, who would issue prescriptions after the Licensee provided him with the patients’ insurance, demographics, and treatment history. (State Exh. #18.) The colleague, however, had informed the Licensee the previous day that he would not continue providing this service. (State Exh. #18.) The Licensee requested that Ms. Best clarify whether he needed Board approval of a practice monitor prior to beginning his practice and that she also look into the possibility of the Board allowing him to write prescriptions for his patients and see those who needed appointments until he signed a contract with Protea, which he believed should occur within a few days. (State Exh. #18.)

18. On August 12, 2016, Ms. Best emailed the Licensee in response and reiterated the terms of the Board’s March 9, 2016, Decision and Order at issue, specifically that the Licensee was limited to practicing medicine in a setting with other psychiatrists, he was prohibited from maintaining a private practice, and his current practice was required to have been closed within 90 days of the effective date of the March 9, 2106, Decision and Order, which meant that his practice was required to be closed no later than June 8, 2016. (State Exh. #18.) Ms. Best stated that the Licensee was not allowed to treat

patients or write prescriptions for any patients after June 8, 2016, unless he was employed with another psychiatrist and had a Board-approved practice monitor. (State Exh. #18.) Ms. Best informed the Licensee that she was not able to contact Board members to seek permission for the Licensee to prescribe drugs to patients from his closed private practice and that the Decision and Order was clear that he could not practice medicine, including writing prescriptions, until he was employed in a setting with another psychiatrist and had a Board-approved monitor. (State Exh. #18.)

19. On August 15, 2016, the Licensee withdrew his motion for relief from judgment and the Superior Court appeal concluded with a dismissal by the Court. (Lic. Exh. #9.)

20. On August 17, 2016, Mr. Smith created a memo that went into the Licensee's file indicating that on August 12, 2016, the Licensee had called him and again requested permission to continue writing prescriptions to his patients. (State Exh. #19.) Mr. Smith informed the Licensee that his practice was supposed to be closed by June 9, 2016, pursuant to the Board's March 9, 2016, Decision and Order. (State Exh. #19.) Mr. Smith reminded the Licensee that the Board had allowed him three months to transition his patients. (State Exh. #19.) The Licensee then indicated that he had recently stopped prescribing medications to patients once he realized that he had not obtained a stay of the Board's March 9, 2016, Decision and Order. (State Exh. #19.) The Licensee stated that he believed that his appeal of the Board's Decision and Order had stayed it, a statement that Mr. Smith found to be incredible given that the Licensee had initially requested a stay of the Board's Decision and Order during the hearing on February 9, 2016, indicating that he understood that a stay would be required to put the Decision and Order's sanctions on hold, and then had withdrawn that request. (State Exh. #19.) Mr.

Smith also reminded the Licensee that he had not requested a stay of the Board's Decision and Order from the Court in his appeal so his belief that he had obtained a stay was not reasonable. (State Exh. #19.)

21. On August 25, 2016, the Licensee emailed Ms. Best indicating that he had been able to obtain coverage for his patients. (State Exh. #20.)

22. While the Licensee was in the process of securing terms of employment and a practice monitor at Protea, Protea closed. (Testimony of Licensee.)

23. The Licensee testified at hearing that he understood that the Decision and Order imposed a five year period of probation on him and that he was required to close his private practice within 90 days of the effective date of the Decision and Order.

(Testimony of Licensee.) The Licensee testified that he believed that the effective date of the Decision and Order was 90 days from the expiration of his 30 day appeal period following the date of signature on the Decision and Order, which would have been July 9, 2016. (Testimony of Licensee.) Nevertheless, the Licensee never indicated to Board staff members that this was his understanding of the effective date of the Decision and Order in his many communications with Board staff members, despite the fact that multiple Board staff member communications to him calculated the 90 days from the date of signature of the Decision and Order, which was June 7, 2016. (Testimony of Licensee; Testimony of Smith.) The Licensee also testified that he thought that the Decision and Order was on hold if he filed an appeal although he also never indicated this understanding to Board staff members in his many communications with them, until his August 12, 2016, phone call with Mr. Smith, at which point his Superior Court

appeal had been dismissed for over a month. (Testimony of Licensee; Testimony of Smith.)

24. Several former patients of the Licensee testified that the Licensee had been a caring and attentive psychiatric care provider. (Testimony of S.W.; Testimony of P.G.; Testimony of A.R.; Testimony of M.T.; Testimony of E.R.; Testimony of M.R.) They also indicated that the Licensee had varying practices with regard to informing his patients of the closure of his practice. (Testimony of S.W.; Testimony of P.G.; Testimony of M.T.; Testimony of E.R.) S.W. testified that received a letter from the Licensee explaining that he was closing his practice and that the Licensee helped him find a new psychiatrist in June or July 2016. (Testimony of S.W.) S.W. last saw the Licensee in June 2016 and had his last prescription written for him by the Licensee on June 13, 2016. (Testimony of S.W.; State Exh. #6.) S.W. experienced a gap in his ability to obtain medications until later in July or the beginning of August when he secured a new provider. (Testimony of S.W.) In April, the Licensee informed P.G. that she should seek another psychiatrist for her child. (Testimony of P.G.) P.G. obtained medication for her child prescribed by the Licensee on July 13, 2016. (Testimony of P.G.) M.T. testified that he was not aware until he testified at the hearing that the Licensee no longer had a private practice. (Testimony of M.T.) E.R. was verbally informed by the Licensee in late spring or early summer that he could not see patients in his private practice anymore. (Testimony of E.R.)
25. The Licensee has previously received discipline from the Board. (State Exh. #22.) In June 2001, the Board issued a Decision and Order finding that the Licensee had engaged in unprofessional conduct and placing him on probation for one year. (State Exh. #29.)

In September 2002, the Licensee entered into a Consent Agreement in which the Licensee acknowledged failure to comply with the Board's June 2001 Decision and Order, and he agreed to change his license status from "active" to "inactive." (State Exh. #28.) In July 2013, the Board issued a Decision and Order concluding that the Licensee had engaged in unprofessional conduct by violating a standard of professional behavior by failing to create and maintain adequate medical records that met the standard of care for medical record keeping with regard to seven psychiatric patients under his care. (State Exh. #22.)

III. GOVERNING STATUTES AND RULES

1. The Maine Board of Licensure in Medicine may modify, restrict, suspend, revoke, or refuse to renew a license if the licensee engaged in the practice of fraud, deceit, or misrepresentation in obtaining a license or in connection with service rendered within the scope of the license issued. 32 M.R.S. § 3282-A(2)(A).
2. The Board may modify, restrict, suspend, revoke, or refuse to renew a license if the licensee engaged in unprofessional conduct. 32 M.R.S. § 3282-A(2)(F). A licensee is considered to have engaged in unprofessional conduct if he violated a standard of professional behavior that has been established in the practice for which he is licensed. 32 M.R.S. § 3282-A(2)(F).
3. The Board may modify, restrict, suspend, revoke, or refuse to renew a license if the licensee engaged in noncompliance with an order of the Board or failed to comply with conditions of probation. 32 M.R.S. § 3282-A(2)(P) & 10 M.R.S. § 8003(5)(A-1)(4).

4. For each violation of applicable statutes or rules, the Board may impose a warning and conditions of probation for such time period as the Board determines appropriate, among other sanctions. 10 M.R.S. § 8003(5)(A-1)(1) & (4).
5. The Board may assess a licensee for all or part of the actual expenses incurred by the Board or its agents for investigation and enforcement duties, including the hourly costs of hearing officers. 10 M.R.S. § 8003-D.

IV. CONCLUSIONS OF LAW

The Board, considering the above facts and those alluded to in the record but not referred to herein, determined that it had jurisdiction over Licensee Charles D. Clemetson, M.D., and concluded as follows with regard to the allegations in the Notice of Hearing:

1. By a vote of six to one, that the Licensee did not engage in the practice of fraud, deceit, or misrepresentation in obtaining a license or in connection with services rendered within the scope of the license in violation of 32 M.R.S. Section 3282-A(2)(A).
2. By unanimous vote, that the Licensee did not engage in unprofessional conduct in violation of 32 M.R.S. Section 3282-A(2)(F) by violating a standard of professional behavior that has been established in the practice for which he is licensed.
3. By a vote of six to one, that the Licensee did engage in noncompliance with the March 9, 2016, Decision and Order of the Board and failed to comply with the conditions of probation in violation of 32 M.R.S. Section 3282-A(2)(P) and 10 M.R.S. Section 8003(5)(A-1)(4) by continuing his private practice after June 7, 2016.

As discipline for the Licensee's non-compliance with the Board's Decision and Order and the conditions of probation, the Board imposes the following sanctions:

- a. A warning;

b. Partial payment of the actual expenses of hearing, in the amount of \$1,000 in hourly costs of hearing officer services, due within 90 days of the first date of his employment; and

c. Conditions of probation, which shall be in effect for five years from the effective date of this Decision and Order, as follows:

i. The Licensee is prohibited from opening, operating or maintaining his own private medical practice;

ii. The Licensee is limited to practicing medicine in a setting pre-approved by the Board with at least one other psychiatrist who is licensed to practice medicine in Maine, and who must also be pre-approved by the Board;

iii. Before commencing the practice of medicine in a setting with another psychiatrist, the Licensee must identify a practice monitor and receive the Board's approval for such monitor. The Licensee must ensure that the practice monitor, once approved by the Board, provides reports to the Board every three months from the date upon which the Licensee begins practicing in a setting with another psychiatrist. The reports must include information requested from the monitor by the Board staff, including but not limited to a review of patient charts for legibility, clarity, and medical decision making; and

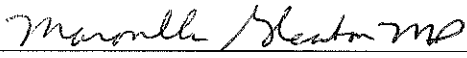
iv. The Licensee must respond to requests for information from any Board staff members who are monitoring the Licensee's compliance with this Decision and Order within the time frame requested by the Board staff.

Costs incurred in the performance of terms of probation are borne by the Licensee. 10 M.R.S. § 8003(5)(A-1)(4). Failure to produce, upon the request of the Board, any documents in

the Licensee's possession or under the Licensee's control concerning a pending complaint or proceeding or any matter under investigation by the Board, unless otherwise prohibited by state or federal law, is a grounds for disciplinary action. 32 M.R.S. § 3282-A(2)(Q).

The effective date of this Decision and Order is the date on which it is signed by the Chair of the Board.

Dated: February 15, 2017


Maroulla Gleaton, M.D.
Chair, Maine Board of Licensure in Medicine

V. APPEAL RIGHTS

Pursuant to the provisions of 10 M.R.S. § 8003(5) and 5 M.R.S. § 11002(3), any party that appeals this Decision and Order must file a Petition for Review in the Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by certified mail, return receipt requested, upon the State of Maine Board of Licensure in Medicine, all parties to the agency proceedings, and the Attorney General.