

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
CATHERINE CRUTE, M.D. )  
Complaint No. CR17-24 )

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 Catherine Crute, M.D. The parties to the Consent Agreement are: Catherine Crute, M.D. ("Dr. Crute"), 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. Crute has held a license to practice medicine in the State of Maine since June 20, 1986 (license number MD12111), and specializes in family practice.
2. On July 13, 2016, the Board issued three (3) letters of guidance to Dr. Crute, each stating that:

Regardless of whether you have retired, patients must have timely access to their medical records. Inappropriate delays in a patient accessing their records can negatively impact their healthcare. Under Maine law, 22 M.R.S. § 1711-B describes how copies of medical records should be made available to patients. Patient access to health information is also required pursuant to federal law. See 45 C.F.R. § 164.524. The Board strongly recommends that you familiarize yourself with your professional and legal obligations when closing a practice, and provide copies of medical records to your former patients in a more timely fashion when requested. Resources exist that can provide assistance; e.g., the "Physician's Guide to Closing a Medical Practice" which can be found on the Maine Medical Association Website.

3. On February 4, 2017, the Board received a complaint from a former patient of Dr. Crute stating that upon Dr. Crute's retirement, the patient signed a release for her records to be sent to her new physician which records were never received. The patient and her physician made attempts to locate and obtain her prior medical records, but those attempts were unsuccessful. The Board docketed that complaint as CR17-24, and sent it to Dr. Crute for a response.

4. By letter dated March 20, 2017, Dr. Crute responded to the complaint. In her response Dr. Crute stated that the medical record request for the patient "was mailed today" to an identified document storage facility and that "[f]or future reference, this is where all my medical records are being stored and is the location where all future record requests for my former patients should be sent."

5. 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.

6. On April 11, 2017, the Board reviewed complaint CR17-24 and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Crute this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Crute'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 May 25, 2017, the matter will be scheduled for an adjudicatory hearing.

#### COVENANTS

7. Dr. Crute admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(F) for engaging in unprofessional conduct.

8. As discipline for the foregoing conduct, Dr. Crute agrees to accept the following:

a) A REPRIMAND for failure to comply with professional standards related to patient access to records;

b) A LICENSE PROBATION for a period of at least three (3) months during which Dr. Crute shall attempt to notify all patients receiving treatment in the past five (5) years with information regarding how they may obtain their medical records, and shall provide the patients with a records release form that complies with all legal requirements. To accomplish the notification requirement, Dr. Crute shall publish the required information at least once a month for three (3) months in local newspaper(s) designed to reach her former patients. Dr. Crute shall submit proof of all publications made to the Board within ten (10) days of the final publication made pursuant to this subparagraph. In addition, Dr. Crute shall send written notification to her former patients and shall submit evidence of her compliance with this requirement by providing a copy of the notification sent and a list of patients to

whom the information was sent to the Board within three (3) months of the effective date of this Consent Agreement; and

c) A CIVIL PENALTY in the amount of One Thousand Dollars (\$1,000.00), 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.

9. Dr. Crute acknowledges that while this Consent Agreement is in effect she must directly communicate with the Board or Board staff and has the obligation to respond to any request for information or documentation within the timeframe specified or requested. Failure to comply with or respond to any request shall be considered a violation of this Consent Agreement.

10. The duration of any probationary period shall be tolled for: a) any absence from the state that is in excess of thirty (30) continuous days; b) any absence from the state that is in excess of sixty (60) aggregate days in a single year; c) any period in which Dr. Crute does not hold an active license. Dr. Crute shall inform the Board in writing in advance of any such absence from the state.

11. Violation by Dr. Crute 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.

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

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

14. 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.

15. 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.

16. 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.

17. Dr. Crute acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

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, CATHERINE CRUTE, 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: 7/13/17 Catherine Crute, MD  
CATHERINE CRUTE, M.D.

STATE OF Maine  
Cumberland, S.S.

Personally appeared before me the above-named Catherine Crute, M.D., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED: 7-13-17 Cheryl Hagmann  
NOTARY PUBLIC/ATTORNEY

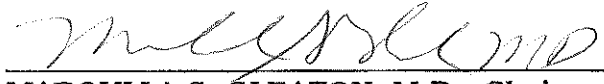
MY COMMISSION ENDS: 12-2-2020

CHERYL HAGMANN  
Notary Public, Maine  
My Commission Expires December 2, 2020

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED:

8/8/17



MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED:

August 8, 2017



MICHAEL MILLER  
Assistant Attorney General

Effective Date: