

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
PHILLIP L. SAUNDERS, M.D.)
Complaint No. CR17-153)

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 Phillip L. Sanders, M.D. The parties to the Consent Agreement are: Phillip L. Saunders, M.D. (“Dr. Saunders”), 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. Saunders has held a license to practice medicine in the State of Maine since July 28, 2006 (license number MD17225), and specializes in ophthalmology.

2. On July 25, 2017, the Board initiated a complaint alleging that Dr. Saunders failed to disclose information related to substance misuse or receiving substance misuse treatment and monitoring on his 2013, 2015, and 2017 applications for renewal of his Maine medical license. The complaint also alleged that on May 23, 2017, the Alabama Medical Board (“Alabama Board”) issued an Order temporarily suspending his license to practice medicine based upon concerns related to substance misuse. The Board docketed the complaint as CR17-153, and sent it to Dr. Saunders for a response.

3. In lieu of a hearing in front of the Alabama Board, Dr. Saunders and the Alabama Board entered into a Stipulation and Consent Order (“SCO”), which placed Dr. Saunders’ Alabama medical license on indefinite probation until such time as Dr. Saunders completes the required treatment for his chronic medical condition prescribed in the SCO. On July 27, 2017, Dr. Saunders voluntarily disclosed the SCO to the Board.

4. By letter dated August 10, 2017, Dr. Saunders responded to the complaint. In his letter, Dr. Saunders explained that his staff made inadvertent errors in completing the applications to renew his Maine medical license and acknowledged his responsibility for “such unintentional mistakes.” He stated that the Board was aware of his voluntary participation in monitoring programs since 2006 when he first obtained a license in Maine.

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

6. Pursuant to 32 M.R.S. § 3282-A(2)(B), the Board may impose discipline for the misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients.

7. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline for engaging in unprofessional conduct by violating a standard of professional behavior that is established in the practice of medicine.

8. Pursuant to 32 M.R.S. § 3282-A(2)(M), the Board may impose discipline for suspension or restriction of a license to practice or other disciplinary action by another state if the conduct resulting in disciplinary action would, if committed in this State, constitute grounds for discipline under the laws or rules of this State.

9. At its meeting on September 12, 2017, the Board reviewed Complaint CR 17-153, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Saunders this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Saunders'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 December 6, 2017, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

10. Dr. Saunders admits that if this matter were to proceed to an adjudicatory hearing, the Board could find by a preponderance of the evidence that grounds for discipline exist, and the Board hereby does find that grounds for discipline exist pursuant to 32 M.R.S. § 3282-A(2)(A) (for engaging in misrepresentation in obtaining a license), § 3282-A(2)(B) (for misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients), § 3282-A(2)(F) (for engaging in unprofessional conduct), and § 3282-

A(2)(2)(M) (for disciplinary action by another state for conduct that if committed in Maine would constitute grounds for discipline).

11. As discipline for the conduct described above, Dr. Saunders agrees to the IMMEDIATE SURRENDER of his Maine medical license effective upon the execution of this Consent Agreement.

12. Violation by Dr. Saunders 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.

13. Dr. Saunders acknowledges that while this Consent Agreement is in effect he 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.

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

15. Any conduct of Dr. Saunders described herein may be considered in future Board action(s) as evidence of a pattern of misconduct. All admissions made by Dr. Saunders, however, are solely for disposition of this matter and any subsequent administrative proceedings or civil litigation involving the Board and Dr. Saunders. Dr. Saunders denies said admissions for any other use.

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

17. 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.

18. 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.


19. 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.

20. Dr. Saunders 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.

21. 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, PHILLIP L. SAUNDERS, 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: 12/8/2017




PHILLIP L. SAUNDERS, M.D.

STATE OF Alabama

Madison County, S.S.

Personally appeared before me the above-named Phillip L. Saunders, 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: 12/8/2017



NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 12/15/2020

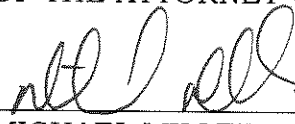
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 12/12/17


MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: December 12, 2017


MICHAEL MILLER
Assistant Attorney General

Effective Date: December 12, 2017