

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
THOMAS J. KEATING, M.D.)
No. AD17-130)

This document is a Consent Agreement, effective when signed by all parties, regarding reactivating the license to practice medicine in the State of Maine held by Thomas J. Keating, M.D. The parties to the Consent Agreement are: Thomas J. Keating, M.D. ("Dr. Keating"), 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. At all relevant times, Dr. Keating has held a license to practice medicine in the State of Maine beginning July 30, 1985 (license number MD11930). Dr. Keating specializes in hospice and palliative care medicine, internal medicine, and oncology.
2. On June 9, 2017, the Board received a mandated report that Dr. Keating may have a mental or physical condition that impairs his ability to provide safe patient care. An investigation was opened and docketed as AD17-130.
3. On June 12, 2017, Dr. Keating agreed to stop practicing medicine and change his medical license status to inactive until the matter is resolved with the Board. Dr. Keating submitted a written confirmation of those actions by letter dated June 13, 2017.

4. At its meeting on July 11, 2017, the Board voted to require Dr. Keating to obtain a psychiatric/neurocognitive evaluation.

5. On January 9, 2018, the Board reviewed AD17-130 and Dr. Keating's request to return to the active practice of medicine, and voted to offer this Consent Agreement to Dr. Keating in order to change his license status to active so that he may engage in the practice of medicine. Absent Dr. Keating'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 February 23, 2018, the Board shall take whatever further action it deems appropriate.

COVENANTS

6. Dr. Keating agrees to accept the following in order to change his license status to active so that he may engage in the practice of medicine:

A license PROBATION for a period of at least one (1) year subject to the following terms and conditions:

a) Dr. Keating shall continue monitoring with the Medical Professionals Health Program ("MPHP") and comply with all recommended treatment, testing, counseling, and monitoring. Dr. Keating shall provide the Board with a copy of his MPHP monitoring contract, and shall provide the Board with a copy of any amendments or modifications to that contract within five (5) business days.

Dr. Keating shall continue treatment with a licensed psychologist on a weekly basis or as recommended by the licensed

psychologist. Dr. Keating shall cause the licensed psychologist to submit written reports to the Board on a quarterly basis confirming his continued treatment and confirming that no issues exist that may impact his ability to provide patient care.

Dr. Keating shall continue to see his family physician or family physician staff every 1-2 weeks, or as recommended by his treatment providers. Dr. Keating shall cause his family physician to submit written reports to the Board on a quarterly basis confirming his continued treatment and confirming that no issues exist that may impact his ability to provide patient care.

b) Prior to engaging in the practice of medicine, Dr. Keating must engage a physician practice monitor approved by the Board Chair or the Board Chair's designee, who shall monitor his medical practice. In complying with this requirement, Dr. Keating shall submit to the Board for its approval the name of a licensed physician as a proposed physician practice monitor. The Board Chair or the Board Chair's designee has the sole discretion to approve or reject the physician practice monitor. Dr. Keating understands that the physician practice monitor is an agent of the Board pursuant to 24 M.R.S. § 2511. The physician practice monitor shall provide the Board with quarterly reports regarding Dr. Keating's practice beginning ninety (90) days after the date on which Dr. Keating begins practicing medicine. The reports shall include a statement identifying his or her observations of Dr. Keating's practice, the review of patient charts, and a discussion of any issues related to

medical decisionmaking, knowledge, judgment, clinical skills, or documentation. Dr. Keating must provide a copy of this Consent Agreement, together with any amendments hereto, to his physician practice monitor. After one year of physician practice monitoring in compliance with this subparagraph, Dr. Keating may submit a written request to modify the requirements of this subparagraph. Upon receipt of such request, the Board shall review all information, and in its sole discretion, may maintain, modify, or eliminate the requirements of this subparagraph for a specified period.

7. Dr. Keating 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 will be considered a violation of this Consent Agreement.

8. Violation by Dr. Keating 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. Any conduct of Dr. Keating described herein may be considered in future Board action(s) as evidence of a pattern of misconduct.

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

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

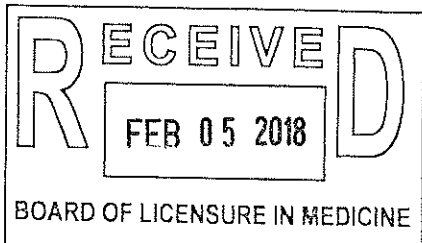
12. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

13. This Consent Agreement constitutes 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.

14. 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.

15. Dr. Keating 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.

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, THOMAS J. KEATING, 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: 2 February 2018 Thomas J. Keating M.D.
THOMAS J. KEATING, M.D.

STATE OF Maine
Cumberland, S.S.

Personally appeared before me the above-named Thomas J. Keating, 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: 2/2/2018 [Signature]
NOTARY PUBLIC/ATTORNEY

EDWARD D. THIBAUT JR.
Notary Public
Maine
My Commission Expires Feb. 11, 2023

MY COMMISSION ENDS: 2/11/2023

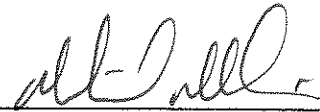
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 2/13/18


MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: February 13, 2018


MICHAEL MILLER
Assistant Attorney General

Effective Date: February 13, 2018