

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

<u>In re:</u>)	FIRST AMENDMENT TO
ELMER H. LOMMLER, M.D.)	CONSENT AGREEMENT
Complaint No. CR15-77)	

This document is a First Amendment to Consent Agreement effective November 8, 2016, regarding disciplinary action imposed upon the license to practice medicine in the State of Maine held by Elmer H. Lommler, M.D (“First Amendment”). The parties to this First Amendment are: Elmer H. Lommler, M.D. (“Dr. Lommler”), the State of Maine Board of Licensure in Medicine (“the Board”), and the Department of the Attorney General (the “Attorney General”). This First Amendment is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

BACKGROUND

1. On November 8, 2016, the parties entered into a Consent Agreement (“the Consent Agreement”).

2. In accordance with the Consent Agreement, on September 12, 2017, the Board conducted a chart review and voted to offer Dr. Lommler this First Amendment which will terminate Dr. Lommler’s probation while incorporating some terms of probation as permanent conditions upon his license to practice medicine in Maine. Absent acceptance of this First Amendment by Dr. Lommler by signing it and dating it in front of a notary and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-

0137 on or before February 9, 2018, all terms and conditions of the Consent Agreement effective November 8, 2016 shall remain in full force and effect, and the Board may take such further action it deems necessary.

AMENDMENT

3. Dr. Lommler, the Board, and the Department of the Attorney General hereby agree to amend the Consent Agreement dated November 8, 2016 by:

Deleting paragraph 9 and substituting the following:

As discipline for the foregoing conduct, Dr. Lommler agrees to accept:

The following conditions which shall be in effect at any time Dr. Lommler holds an active license to practice medicine in Maine:

- a) Dr. Lommler shall only prescribe one (1) benzodiazepine per patient;
- b) Dr. Lommler shall only prescribe controlled substances in multiples of seven (7) days of supply; and
- c) Dr. Lommler shall clearly document in the medical record all treatment plans and rationale for prescribing any controlled substance. He shall also document the use of universal precautions associated with any controlled substance that has been prescribed.

4. Dr. Lommler acknowledges by his signature hereto that all other terms and conditions of the Consent Agreement effective November

8, 2016, as amended, remain in full force and effect.

5. Dr. Lommler acknowledges by his signature hereto that he has read this First Amendment, that he has had an opportunity to consult with an attorney before executing this First Amendment, that he executed this First Amendment of his own free will and that he agrees to abide by all terms and conditions set forth herein.

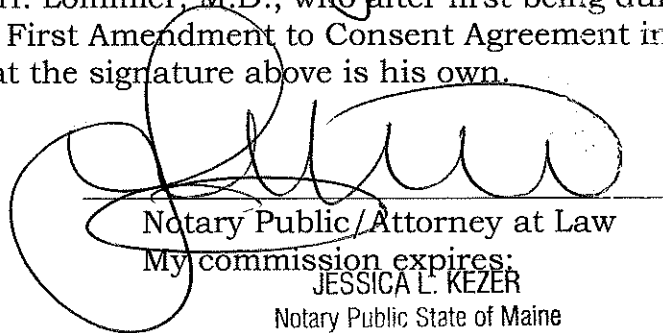
I, ELMER H. LOMMLER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING FIRST AMENDMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS FIRST AMENDMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS FIRST AMENDMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS FIRST AMENDMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Dated: 2/5/2018

Elmer H. Lommler MD
ELMER H. LOMMLER, M.D.

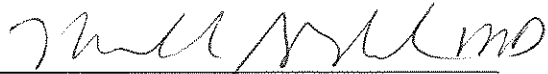
STATE OF MAINE
Penobscot, SS.

Before me this 5th day of February, 2018, personally appeared Elmer H. Lommler, M.D., who after first being duly sworn, signed the foregoing First Amendment to Consent Agreement in my presence or affirmed that the signature above is his own.


Notary Public/Attorney at Law
My commission expires:
JESSICA L. KEZER
Notary Public State of Maine
My Commission Expires September 17, 2019


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