

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
ARTHUR C. WINTER, M.D.)
Complaint No. CR16-272)

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 Arthur C. Winter, M.D. The parties to the Consent Agreement are: Arthur C. Winter, M.D. ("Dr. Winter"), 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. Winter has held a license to practice medicine in the State of Maine since June 17, 1987 (license number MD12331), and specializes in urological surgery. Dr. Winter has no prior disciplinary history with the Board.
2. On December 22, 2016, the Board received a complaint from a patient. The patient stated that Dr. Winter received a CT scan report from a CT conducted on February 4, 2014, and another CT scan report from a CT conducted on August 28, 2014, in which different radiologists reported abnormalities regarding the pancreas. The patient alleged that Dr. Winter did not review the August 28, 2014 CT scan report or take any action regarding it until the patient had subsequent imaging done in August 2015. The patient was diagnosed with pancreatic cancer in August 2015, and believed that the

cancer “could have been diagnosed in February 2014.” The Board docketed that complaint as CR16-272, and sent it to Dr. Winter for a response.

3. By letter dated March 22, 2017, Dr. Winter responded to the complaint. In his response, Dr. Winter stated that since 2000, he had regularly followed the patient for episodic kidney stones and accompanying symptoms. Dr. Winter reported that the February 4, 2014 CT scan report “did not yield abnormal results.” He stated that he reviewed the “CT films” with the patient during a September 3, 2014 follow up appointment as was his practice, but was unsure whether he had the August 28, 2014 CT scan report at that time. He stated that although he would have focused on the report for urological problems, for which the study was ordered, he would not have ignored information “about cancer.” Dr. Winter stated he has no recollection why he did not finish discussing the remainder of the August 28, 2014 CT scan findings with the patient, and that it was shocking to learn from a discussion with the patient’s primary care provider in August 2015 that the study was concerning for the pancreas and metastatic disease, and for that he was profoundly sorry.

4. The patient office visit report for the September 3, 2014 appointment states “C.T. Abdomen/Pelvis: Reviewed films. Reviewed Report. Discussed with Patient. Small stones bil no cause for pain”.

5. By letter dated May 18, 2017, Dr. Winter responded to questions posed by the Board and explained that he had clicked the “reviewed report”, “reviewed films” and “discussed with patient” buttons in the electronic health

record prior to the September 3, 2014 office visit. He stated that he does not recall the details of that particular appointment or whether he had received the CT scan report, but if he had he “would have gone over all of it with him right then because in more than thirty years of practice that is what [he] always [did].”

6. Medical record documentation must be accurate and complete to ensure competent patient care. Medical records “serve important patient interests for present health care and future needs ... and other purposes.” Code of Medical Ethics of the American Medical Association, Opinions of the Council on Ethical and Judicial Affairs 3.3.1, Management of Medical Records.

7. 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.

8. On June 13, 2017, the Board reviewed complaint CR16-272 and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Winter this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Winter’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 March 1, 2018, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

9. Dr. Winter agrees that if the Board were to hold an adjudicatory hearing in these matters, the Board would have sufficient evidence by a preponderance of the evidence by which it could find that grounds for discipline exist pursuant to 32 M.R.S. § 3282-A(2)(F), and the Board hereby finds that grounds for discipline exist pursuant to 32 M.R.S. § 3282-A(2)(F).

10. As discipline for the foregoing conduct, Dr. Winter agrees to accept the following:

A WARNING for unprofessional conduct for including inaccurate information in a patient medical record.

11. Violation by Dr. Winter 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. Winter 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. Winter 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.

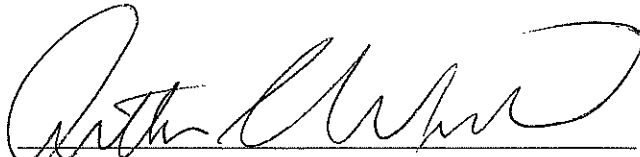
18. Dr. Winter has been represented by Emily A. Bloch, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

19. 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, ARTHUR C. WINTER, 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:

2/27/19



ARTHUR C. WINTER, M.D.

STATE OF

MAINE

YORK

, S.S.

Personally appeared before me the above-named Arthur C. Winter, 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:

2-27-18

Patricia a Stillson

NOTARY PUBLIC/ATTORNEY

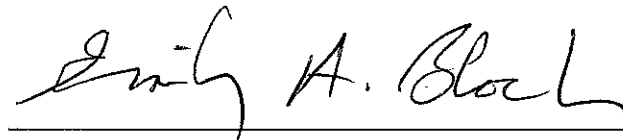
Patricia A. Stillson

Notary Public, State of Maine

MY COMMISSION EXPIRES ~~NOV. 17, 2022~~ NOV. 17, 2022

DATED:

2/23/18



EMILY A. BLOCH, ESQ.

Attorney for Arthur C. Winter, M.D.

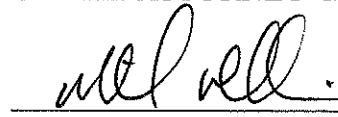
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 4/10/18


MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: April 10, 2018


MICHAEL MILLER
Assistant Attorney General

Effective Date: April 10, 2018