

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:)
)
Brandt E. Rice, M.D.) ORDER OF IMMEDIATE SUSPENSION
)
AD18-95)

On June 12, 2018, the Maine Board of Licensure in Medicine (“the Board”) met and reviewed materials received regarding Brandt E. Rice, M.D., license number MD17950 (“Dr. Rice”). On the basis of its review of these materials, the Board concludes that the continued ability of Dr. Rice to hold an active license to practice medicine in the State of Maine constitutes an immediate jeopardy to the health and safety of the public who might receive his medical services, and that it is necessary to immediately suspend his license pending a hearing in order to adequately respond to this risk.

This suspension is issued pursuant to 5 M.R.S. § 10004(3). Dr. Rice’s Maine medical license shall be suspended effective immediately upon issuance of this Order for a thirty (30) day period ending on July 12, 2018, at 11:59 p.m., pending further Board action at an adjudicatory hearing, which shall be scheduled shortly. A formal notice of hearing shall be transmitted, which will outline the issues and procedures for the hearing.

PRELIMINARY FINDINGS

Specifically, the Board preliminarily finds for purposes of this Order and pursuant to the materials received and reviewed as follows:

1. Dr. Rice was first licensed to practice medicine in Maine on September 25, 2008. His current license to practice medicine in Maine expires on December 1, 2019.
2. On January 16, 2018, Dr. Rice submitted an application to renew his Maine medical license. On that application, he represented that he provides “gratis/concierge/and locums work in the State of Maine” and updated his work and home address information with the Board, providing the following information:

Address: Concierge Medicine of Maryland and Maine
6517 80th Street
City: Cabin John
County: Montgomery
State: MD
Zip: 20818

3. On May 8, 2018, the Board received a complaint from Patient A who alleged that Dr. Rice was under investigation by authorities in the State of Maryland “for procuring oxycodone for a fake patient.” In addition, Patient A alleged that during the time she

was a patient of Dr. Rice, “he was liberal in handing out of samples of benzodiazepines and non-benzodiazepines as well as opiates...” which led Patient A to become physically dependent on Xanax. The Board docketed this complaint as CR18-94.

4. On May 11, 2018, the Board received a complaint from the spouse of Patient B, who alleged that he had made numerous requests to Dr. Rice for copies of Patient B’s medical records during the previous month and left numerous phone messages for Dr. Rice that have been mostly unanswered. According to the complaint, as of May 11, 2018, despite multiple requests and messages, they have received nothing from Dr. Rice, not even an acknowledgment. The Board docketed this complaint as CR18-98. On June 1, 2018, the complainant indicated that they had still received no further communication from Dr. Rice.
5. On May 14, 2018, Board staff called Dr. Rice, using a phone number that he provided to the Board, regarding complaint CR18-98 in an attempt to assist Patient B in obtaining medical records from Dr. Rice. Dr. Rice did not answer the phone, and Board staff was unable to leave a voicemail as the mailbox was full. Board staff then sent an email to Dr. Rice, at the email address that he provided to the Board, regarding Patient B’s medical records, and requested that he communicate with the Board “as soon as possible.” To date, Dr. Rice has not responded to the email.
6. On May 14, 2018, Board staff obtained an online news article indicating that Dr. Rice had been charged criminally by law enforcement authorities in Montgomery County, Maryland, with forging numerous prescriptions for Oxycodone and Hydrocodone for a fake patient identified as Aaron Rice. According to the article, investigators attempted to locate Aaron Rice, but neither his Maryland or Maine addresses as provided by Dr. Rice existed. In addition, law enforcement searched multiple national and local data bases for Aaron Rice and could not find that he existed. The article also indicated that a pharmacist at Rite Aid alerted Montgomery County Police, who obtained information from Rite Aid’s internal data base. The article reported in 2017 alone, Dr. Rice obtained 11,600 30 mg tablets of Oxycodone – an average of 225 tablets per week – and Dr. Rice paid for all of the drugs, never using insurance.
7. Review of records of the Maine Prescription Monitoring Program (“MPMP”) confirmed that Dr. Rice has issued over 200 prescriptions for Oxycodone and other controlled substances (over 27,000 pills) between June 2014 and December 2017 to Aaron Rice. Most recently, PMP records reflect that individual prescriptions for 250 30 mg Oxycodone HCL tablets representing a daily dose of 2250 morphine milligram equivalents (“MME”) were prescribed for Aaron Rice by Dr. Rice on October 4, 15, 20, 28, November 5, 14, 19, 28, and December 3, 2017. Aaron Rice’s identified addresses includes Dr. Rice’s current Board contact address:

14 Wagner Road, Brooksville, Maine 04617
42 Wagner Road, Brooklin, Maine 04616

6517 80th Street, Cabin John, Maryland 20818

8. Board Investigator /Attorney General Detective James Gioia checked local and national data bases, and was unable to locate anyone with the name of Aaron Rice with the same date of birth. In addition, Detective Gioia confirmed that the address listed for Aaron Rice of 14 Wagner Road Brooksville, Maine does not exist.
9. Board staff spoke with pharmacists at the Rite Aid Pharmacy in Blue Hill, Maine regarding Dr. Rice's prescriptions to Aaron Rice. The pharmacists confirmed that Dr. Rice issued numerous prescriptions for Oxycodone and Hydrocodone for Aaron Rice, and that Dr. Rice personally delivered the prescriptions and picked up the prescription drugs paying with cash.
10. Board staff obtained a copy of an interview of Dr. Rice on March 7, 2018, conducted by Detectives with the Montgomery County Police, Special Investigations Division in Maryland. During the interview, Dr. Rice stated that Aaron Rice ("Aaron") contacted him approximately five years prior and became his patient. According to Dr. Rice, Aaron had metastatic prostate cancer and exclusively saw Dr. Rice for treatment. The treatment consisted of Aaron driving himself to Dr. Rice's office, at which time Dr. Rice would meet him in the parking lot for an evaluation. Aaron was very limited in his mobility, but could get himself in a car and drive to Dr. Rice's office. Because of Aaron's limited mobility, Dr. Rice filled all of Aaron's prescriptions for him, both in Maine and in Maryland. All of the prescriptions for pain medication that Dr. Rice wrote to Aaron were written on prescriptions from his clinic in Maine, "Coastal Family Medicine of Maine." Dr. Rice had no idea where Aaron was staying in Maryland, never went to his home, and never obtained any identification from him. Dr. Rice did not have access to any of Aaron's medical records. Dr. Rice was unable to provide any contact information for Aaron because when Aaron came to Maryland, he gave Dr. Rice a prepaid cell phone and would only communicate with Dr. Rice with that cell phone. After Dr. Rice refused to fill any more pain medication prescriptions for Aaron, Dr. Rice threw the phone away.
11. Board staff obtained a copy of information from the District Court of Maryland for Montgomery County regarding pending criminal charges against Dr. Rice. According to that information, Dr. Rice has been charged with four counts of unlawfully obtaining a prescription drug.
12. On May 15, 2018, the Board's Medical Director sent Dr. Rice a letter to his contact address in Cabin John, Maryland, together with a subpoena issued in the name of the Board directing him to provide the Board with the medical records for Aaron on or before June 11, 2018. In addition, the letter to Dr. Rice advised him to contact the Board's Medical Director in the event that he had any questions. As of June 12, 2018, the Board has not received any medical records or communication from Dr. Rice in response to the Medical Director's letter or the subpoena.

13. Board staff also received confidential investigative information provided by the Maryland Board of Physicians, which it reviewed and considered as part of this decision but is not specifically mentioned herein.

For the purposes of this Order of Immediate Suspension and subject to holding the aforementioned full adjudicatory hearing on this matter to determine if any violations have actually occurred, the Board finds that the information regarding Dr. Rice constitutes immediate jeopardy to the health and safety of persons who may receive medical care from Dr. Rice and that delaying imposition of a suspension until holding a hearing would fail to adequately respond to this known risk.

Accordingly and based upon the foregoing preliminary findings of fact, Board action to summarily suspend Dr. Rice's license to practice as a physician in the State of Maine is based upon violations of the following provisions:

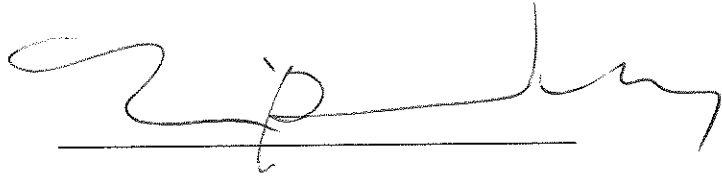
- A. 32 M.R.S. § 3282-A(2)(A) by engaging in the practice of fraud, deceit or misrepresentation in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;
- B. 32 M.R.S. § 3282-A(2)(E)(1) by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public;
- C. 32 M.R.S. § 3282-A(2)(F) by engaging in unprofessional conduct by violating a standard of professional behavior that has been established in the practice of medicine;
- D. 32 M.R.S. § 3282-A(2)(H) by violating Board rules;
- E. 32 M.R.S. § 3282-A(2)(J) by prescribing narcotic or hypnotic or other drugs listed as controlled substances by the Drug Enforcement Administration for other than accepted therapeutic purposes; and
- F. 32 M.R.S. § 3282-A(2)(Q) for failure to produce upon request of the board any documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation by the board, unless otherwise prohibited by state or federal law.

ORDER OF IMMEDIATE SUSPENSION

The Board ORDERS as follows:

1. Dr. Rice's Maine medical license is suspended effective immediately upon issuance of this Order on June 12, 2018, for a thirty (30) day period ending on July 12, 2018, at 11:59 p.m., pending further Board action at an adjudicatory hearing, which shall be scheduled shortly.
2. Dr. Rice may not practice medicine in the State of Maine during this suspension.

Dated: June 12, 2018

A handwritten signature in black ink, appearing to read 'Mary Louisa Barnhart', written over a horizontal line.

Mary Louisa Barnhart, M.D., Acting Chairperson