

driving conviction in July 2017 and for seeking treatment for alcohol use disorder.” On his application, he answered “no” to the question “Have you been diagnosed with or treated for any medical or mental health disorder that impaired your behavior, judgment, understanding, or ability to function in school, work or other important life activities?”

3. On April 25, 2018, Dr. Zahra submitted a copy of an August 1, 2017 evaluation report from Positive Sobriety Institute that contained information providing his diagnoses, and recommending treatment and monitoring. Dr. Zahra entered into a five year monitoring contract with the Missouri Physicians Health Program (MoPHP) on August 3, 2017.

4. Pursuant to 32 M.R.S. § 3280-A(2)(A), the Board may deny license renewal if the Board finds cause that may be considered grounds for refusal to renew the license.

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

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

7. On August 14, 2018, the Board reviewed the foregoing information and voted to preliminarily deny Dr. Zahra’s application for renewal of his

medical license. In lieu of the denial, the Board also voted to offer Dr. Zahra this Consent Agreement. Should Dr. Zahra decide to accept this Consent Agreement, he should sign it and date it in front of a notary and return it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before October 25, 2018. Should Dr. Zahra decide not to accept this Consent Agreement and wish to appeal the preliminary denial of his application for permanent licensure, Dr. Zahra must submit a written request for an adjudicatory hearing to the Board within thirty (30) days of receipt of the Notice of Preliminary Denial of License Application or the preliminary denial of his application will become final.

COVENANTS

8. Dr. Zahra admits the foregoing facts and that such conduct constitutes grounds for denial of licensure and imposition of other discipline pursuant to 32 M.R.S. §§ 3282-A(2)(A) and (2)(B).

9. As discipline for his conduct, Dr. Zahra agrees to the following terms and conditions:

a) Dr. Zahra shall maintain and comply with all requirements of his August 3, 2017 five-year monitoring contract with MoPHP. Within seven (7) days of the effective date of this Consent Agreement, Dr. Zahra shall enroll in the Maine Professionals Health Program ("MPHP") and ensure that there is coordinated monitoring between MoPHP and MPHP. Such coordinated monitoring shall include immediate notification of any violation of the August 3, 2017 monitoring contract or any MPHP monitoring contract, and of any

positive or problematic toxicology test. Dr. Zahra must maintain monitoring through MoPHP or MPHP until at least August 2, 2022. Dr. Zahra expressly authorizes and agrees to execute any release necessary for the Board, Board staff, and the Board's assigned Assistant Attorney General to communicate directly with and obtain information from MPHP and/or MoPHP. Dr. Zahra shall ensure that the Board receives quarterly compliance reports from MPHP or MoPHP; and

b) A CIVIL PENALTY in the amount of Five Hundred Dollars (\$500.00), payment of which shall be made by certified check or money order made payable to "Treasurer, State of Maine," and remitted to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, within thirty (30) days of the execution of this Consent Agreement.

10. Dr. Zahra 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 unprofessional conduct and a violation of this Consent Agreement.

11. Any conduct of Dr. Zahra described herein may be considered in future Board action(s) as evidence of a pattern of misconduct.

12. Upon execution of this Consent Agreement, the Board shall issue a renewal of Dr. Zahra's license contingent upon his meeting all other licensure requirements.

13. Violation of any of the terms or conditions of this Consent Agreement by Dr. Zahra shall constitute unprofessional conduct and grounds for additional discipline of his Maine medical license by the Board, including but not limited to imposition of civil penalties, or modification, suspension, and revocation of licensure.

14. This Consent Agreement is not appealable, constitutes disciplinary action, is reportable to the National Practitioner Data Bank, the Federation of State Medical Boards, and other licensing jurisdictions, and is effective until modified or rescinded in writing by all of the parties hereto.

15. The Board and the Department of Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.

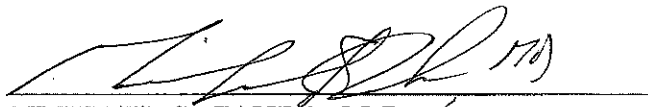
16. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

17. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

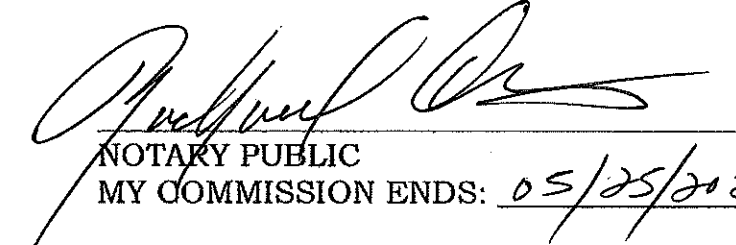
18. Dr. Zahra acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions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

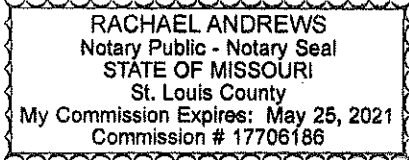
19. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.

I, MICHAEL S. ZAHRA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, THAT I WAIVE CERTAIN RIGHTS. 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: 10/17/18 
STATE OF Missouri
St. Louis County, S.S. (County)
MICHAEL S. ZAHRA, M.D.

Personally appeared before me the above-named Michael S. Zahra, 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.

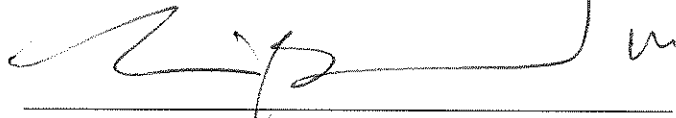
DATED: 10/17/2018 
NOTARY PUBLIC
MY COMMISSION ENDS: 05/25/2021



STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

11-13-18

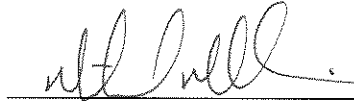


MARY LOUISA BARNHART, M.D.,
Acting Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

November 13, 2018



MICHAEL MILLER
Assistant Attorney General

Effective Date:

November 13, 2018