

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
KARYN TOCCI, M.D. )  
Complaint No. CR17-50 )  
 )

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 Karyn Tocci, M.D. The parties to the Consent Agreement are: Karyn Tocci, M.D. (“Dr. Tocci”), 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. Tocci has held an administrative medical license in the State of Maine since October 24, 2011 (license number AL91006).
2. On March 27, 2017, the Board initiated a complaint alleging that Dr. Tocci failed to respond to a Board subpoena for patient records and failed to respond to notice of a patient complaint notwithstanding repeated attempts by Board staff to communicate with Dr. Tocci via mail, email, federal express and telephone messages. The Board docketed the complaint as CR17-50, and sent it to Dr. Tocci via email, first class mail, and certified mail for a response. The complaint sent by certified mail was returned to the Board “unclaimed.” Dr. Tocci was served in person with complaint 17-50 by an Attorney General Detective on May 3, 2017.

3. Dr. Tocci failed to respond to complaint 17-50 within thirty (30) days as required by 32 M.R.S. § 3282-A(1).

4. By letter dated September 25, 2017, Dr. Tocci responded to complaint 17-50. In her response, Dr. Tocci explained her work under her medical license, and described her history of a difficult personal relationship that contributed to her lack of response to Board staff communications.

5. On September 29, 2017, Dr. Tocci underwent a neuropsychological assessment requested by the Board.

6. On October 10, 2017, the Board held an informal conference with Dr. Tocci. Following the informal conference, the Board voted to further investigate the complaint and requested that Dr. Tocci agree to provide certain information to the Board and engage in ongoing counseling within specific timeframes.

7. On June 2, 2018, Dr. Tocci underwent a psychological evaluation requested by the Board due to concerns that she had not completed the counseling as agreed. The evaluation report made recommendations regarding further treatment.

8. Pursuant to 32 M.R.S. § 3282-A(2)(H), the Board may impose discipline for a violation of Board statute or rule.

9. Pursuant to 32 M.R.S. § 3282-A(2)(Q), the Board may impose discipline for failing 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.

10. Pursuant to 32 M.R.S. § 3282-A(2)(R), the Board may impose discipline for failure to respond timely to a complaint notification by the Board.

11. On July 10, 2018, the Board reviewed complaint CR17-50, and voted to set the matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Tocci this Consent Agreement to resolve the matter without further proceedings. Absent Dr. Tocci'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 October 28, 2018, the matter will be scheduled for an adjudicatory hearing.

#### COVENANTS

12. Dr. Tocci admits the facts stated above and acknowledges that the Board has determined that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3282-A(2)(H) (violation of Board statute), A(2)(Q) (failure to respond to Board subpoena), and (A)(2)(R) (failure to respond timely to Board complaint notification).

13. As discipline for the foregoing conduct, Dr. Tocci agrees to accept, and the Board imposes a requirement that:

Within thirty (30) days of the effective date of this Consent Agreement, Dr. Tocci shall submit for approval by the Board, Board Chair, Board Secretary or Board designee the name of a licensed psychiatrist or

psychologist with whom she shall engage in weekly psychotherapy sessions for a period of at least one year. Dr. Tocci shall provide copies of the September 29, 2017 neuropsychological assessment and the June 2, 2018 psychological evaluation to the treating psychiatrist or psychologist immediately upon approval, if not previously provided. Dr. Tocci must initiate the weekly psychotherapy sessions no later than thirty (30) days after notification of the approval of the treating psychiatrist or psychologist. Following approval, the treating psychiatrist or psychologist shall submit written reports to the Board every month no later than the 28th day of each month. The reports shall confirm ongoing treatment and shall identify any issues or concerns regarding Dr. Tocci's professionalism or issues that may impact Dr. Tocci's ability to competently and safely practice administrative medicine. After receipt by the Board of no less than twelve (12) reports, the treating psychiatrist or psychologist may in his or her report request that the Board modify or terminate the reporting or ongoing treatment requirement contained in this subparagraph. Upon receipt of such request, the Board may grant or deny the request in its sole discretion.

14. Dr. Tocci acknowledges that while this Consent Agreement together with any amendments is in effect she 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. If providing notice or supplying information to the Board is required by any provision of this Consent Agreement, Dr. Tocci shall provide such notice in

writing to Julie Best, Complaint Coordinator, or her successor. Failure to comply with or respond to any request shall be considered unprofessional conduct and a violation of this Consent Agreement.

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

16. Violation by Dr. Tocci 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.

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

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

19. 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.

20. 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.

21. 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.

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

23. Dr. Tocci has been represented by Elizabeth A. Olivier, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

24. 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, KARYN TOCCI, 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: 10/26/18 Karyn Tocci  
KARYN TOCCI, M.D.

STATE OF Maine  
Cumberland, S.S.

Personally appeared before me the above-named Karyn Tocci, M.D., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED: Oct 26 2018 Nancy N. Condon  
NOTARY PUBLIC/ATTORNEY **NANCY N. CONDON**  
Notary Public, Maine  
My Commission Expires December 3, 2024

MY COMMISSION ENDS: \_\_\_\_\_

DATED: Oct. 26, 2018 Elizabeth A. Olivier  
ELIZABETH A. OLIVIER, Esq.  
Counsel for Karyn Tocci, M.D.

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED:


11-13-18

  
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MARY LOUISA BARNHART, M.D.,  
Acting Chair

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED:

November 13, 2018

  
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MICHAEL MILLER  
Assistant Attorney General

Effective Date: November 13, 2018