

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:)	CONSENT AGREEMENT
RUTH O'MAHONY, M.D.)	FOR DISCIPLINE AND
Complaint No. CR11-508)	INACTIVE LICENSURE
)	

This document is a Consent Agreement For Discipline and Inactive Licensure, effective when signed by all parties, regarding discipline imposed upon and the issuance of an inactive license to practice medicine in the State of Maine to Ruth O'Mahony, M.D. The parties to this Consent Agreement are: Ruth O'Mahony, M.D. ("Dr. O'Mahony"), the State of Maine Board of Licensure in Medicine (the "Board") and the Maine Office of the Attorney General.

STATEMENT OF FACTS

1. The Board first issued Dr. O'Mahony a medical license on December 10, 2008. Dr. O'Mahony specializes in General Surgery.

2. On September 9, 2009, Dr. O'Mahony entered into a Settlement Agreement with the State of New Hampshire Board of Medicine. The Settlement Agreement was based upon an investigation that was instituted following a report that Dr. O'Mahony had resigned her privileges in general surgery at Southern New Hampshire Medical Center (SNHMC), which had also temporarily suspended her privileges prior to her resignation on the basis of clinical and patient safety concerns. Investigation revealed that four of six surgical cases reviewed constituted either a pattern of incompetent practice or repeated instances of simple negligence. As a result, Dr. O'Mahony agreed to

accept a reprimand, successfully complete a preceptorship under the direction of a physician, and provide a copy of the Settlement Agreement to any current or future employer. A copy of that Settlement Agreement is affixed to and incorporated into this Consent Agreement as "Attachment A."

3. On December 13, 2011, the Board reviewed information received from Mayo Regional Hospital in Dover-Foxcroft, Maine that it had taken the following adverse action with regard to Dr. O'Mahony's surgical privileges at that facility:

- a. It revoked her clinical privileges in the areas of all abdominal procedures and colonoscopies;
- b. It removed her from general surgery or other service call; and
- c. It required precepting on all other privileges.

According to Mayo Regional Hospital, its Medical Staff Executive Committee had taken this action based upon five cases of concern during a two-week period in 2011. According to Mayo Regional Hospital, Dr. O'Mohony accepted this action by the hospital, and her employment was terminated on October 3, 2011. Following its review of this information, the Board voted to initiate a complaint against Dr. Mahony's Maine medical licensed pursuant to 32 M.R.S. § 3282-A. The Board docketed the complaint as Complaint No. CR11-508, and sent it to Dr. O'Mahony for a response.

4. On January 11, 2012, the Board received a written response from Dr. O'Mahony to Complaint No. CR11-508. According to Dr. O'Mahony, when

she began working at Mayo Regional Hospital she was required to undergo a one-year preceptorship that included supervision during certain operative procedures and a review of her patient charts. According to Dr. O'Mahony at no time during the preceptorship did any preceptors express any concerns regarding her professional competency, and she continued to work at Mayo Regional Hospital for the next two and a half years without concern. Dr. O'Mahony acknowledged that in July 2011, she had a period of approximately ten days during which five of her patients had major complications as a result of her treatment. As a result, Mayo Regional Hospital conducted an investigation, which resulted in the restriction of her privileges and early termination of employment.

5. On or about February 8, 2012, the Board received supplemental information from Dr. O'Mahony, which she requested the Board to consider along with her earlier response. According to Dr. O'Mahony, at the time of the five surgical complications, she was under tremendous and unusual stress, which Dr. O'Mahony attributed to the on-going and unusually frequent on-call responsibility, a new medical diagnosis, and the death of a close relative. Dr. O'Mahony stated that her work duties made it difficult to engage in lifestyle modifications critical for her to get and remain healthy. This confluence of stressors, along with her increasing fatigue, began weighing heavily upon Dr. O'Mahony's mental health. As a result, Dr. O'Mahony indicated that she sought to relocate to another state to pursue, for the foreseeable future, a non-

clinical position in the healthcare field where she can apply her medical knowledge and training, and where her husband is more likely to find employment in his specialized field.

6. On February 14, 2012, the Board reviewed complaint CR11-508, and voted to offer Dr. O'Mahony this Consent Agreement in order to resolve the matter without further proceedings.

7. This Consent Agreement has been negotiated by and between legal counsel for Dr. O'Mahony and the Maine Office of the Attorney General in order to resolve complaint CR11-508 without an adjudicatory hearing. Absent Dr. O'Mahony's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 26, 2012, the Board shall take further action as authorized by law.

8. By signing this Consent Agreement, Dr. O'Mahony waives any and all objections to, and hereby consents to allow the Board's legal counsel to present this proposed Consent Agreement to the Board for possible ratification. Dr. O'Mahony also forever waives any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

COVENANTS

In lieu of proceeding to an adjudicatory hearing the Board and Dr. O'Mahony agree to the following disposition.

9. Dr. O'Mahony concedes that based upon the facts described in paragraphs 1 to 8 above that the Board has sufficient evidence from which it could conclude that she engaged in a pattern of conduct that constitutes incompetence in the practice of medicine. Dr. O'Mahony concedes that such conduct, if proven, could constitute grounds for discipline of her Maine medical license pursuant to 32 M.R.S.A. § 3282-A(2)(E).

10. As discipline for the conduct admitted above, Dr. O'Mahony agrees to accept an INACTIVE MEDICAL LICENSE. Until and unless this Consent Agreement is rescinded or amended in writing, Dr. O'Mahony's Maine medical license shall remain inactive. Dr. O'Mahony understands and agrees that she cannot and will not practice medicine in the State of Maine with an inactive medical license.

11. Dr. O'Mahony waives her right to a hearing before the Board or any court regarding all findings, terms, restrictions and conditions of this Consent Agreement. Dr. O'Mahony agrees that this Consent Agreement is a final order resolving complaint CR11-508. This Consent Agreement is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General.

12. The Board and the Maine Office of the Attorney General may communicate and cooperate regarding Dr. O'Mahony or any other matter

relating to this Consent Agreement.

13. 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. This Consent Agreement constitutes disciplinary and adverse licensing action that is reportable to the Federation of State Medical Boards (FSMB), the National Practitioner Data Bank (NPDB), and the Healthcare Integrity and Protection Data Bank (HIPDB).

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

15. The Board and Dr. O'Mahony agree that no further agency or legal action will be initiated against her by the Board based upon complaint CR11-508, except or unless she fails to comply with the terms and conditions of this Consent Agreement.

16. Dr. O'Mahony acknowledges that, pursuant to Title 10 M.R.S. § 8003(5)(B), her failure to comply with any of the terms or conditions of this Consent Agreement shall constitute grounds for additional disciplinary action against her Maine medical license, including but not limited to an order, after hearing, imposing additional fines and costs.

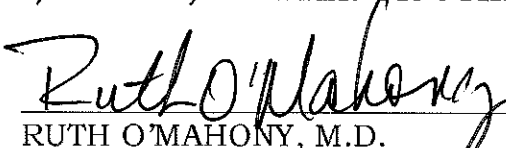
17. Dr. O'Mahony acknowledges and agrees that, pursuant to Title 10 M.R.S. § 8003(5), the Board has the authority to suspend or revoke her medical license in the event that she fails to comply with any terms or conditions of this Consent Agreement.

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

19. Dr. O'Mahony 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.

I, RUTH O'MAHONY, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING IT, 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: 5/16/2012

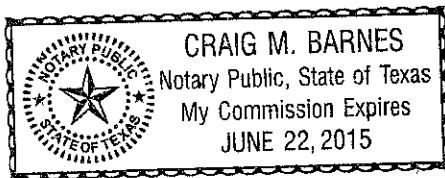

RUTH O'MAHONY, M.D.

STATE OF TEXAS
TRAVIS COUNTY, S.S.

Personally appeared before me the above-named, Ruth O'Mahony, 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: 5/16/12


NOTARY PUBLIC/ATTORNEY



MY COMMISSION ENDS: JUNE 22 2015

Dated:

5/22/12



EMILY A. BLOCH, ESQ.
Attorney for Ruth O'Mahony, M.D.

STATE OF MAINE BOARD OF
LICENSURE IN MEDICINE

Dated:

5/23/12

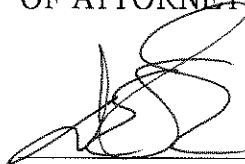


GARY R. HATFIELD, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF ATTORNEY GENERAL

Dated:

5/30/12



DENNIS E. SMITH
Assistant Attorney General

Effective Date:

5/30/12