

**STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE**

IN RE:)	TERMINATION OF
William E. Tiemann, M.D.)	CONSENT AGREEMENT
Complaint No. CR07-329)	

This document terminates a Consent Agreement effective June 10, 2008, which imposed conditions upon the active license to practice medicine in the State of Maine issued to William E. Tiemann, M.D. The parties to that Consent Agreement were: William E. Tiemann, M.D. (“Dr. Tiemann”), the State of Maine Board of Licensure in Medicine (“the Board”), and the Office of the Attorney General (the “Attorney General”).

BACKGROUND

1. On June 10, 2008, the parties entered into a Consent Agreement that imposed conditions upon the Maine medical license of Dr. Tiemann. The Consent Agreement was based upon information received from the Federation of State Medical Boards that the Kentucky Board of Medicine had indefinitely restricted Dr. Tiemann’s license for poly substance abuse. The Consent Agreement required that Dr. Tiemann: remain abstinent from all prohibited substances; undergo monitoring for prohibited substances; enroll in and successfully participate in the Maine Medical Professionals Health Program (MPHP); undergo counseling; and maintain his Maine medical license so long as the Consent Agreement remained in effect.

2. On September 25, 2012, the Board received a written

request from Dr. Tiemann to terminate the Consent Agreement based upon his full compliance to date and his successful completion of a five-year monitoring contract with the Louisiana Physician's Health Program (PHP). In addition, Dr. Tiemann represented that he no longer practices teleradiology, limits his practice of medicine solely to the State of Louisiana, has no plans to practice outside of Louisiana, and requested to withdraw his Maine medical license.

3. On October 10, 2012, the Board received correspondence from the Maine Medical Professionals Health Program (MPHP), who has been a secondary monitoring body for Dr. Tiemann since 2009. According to the MPHP, Dr. Tiemann has been fully compliant with his contract with the Louisiana PHP, and all screens for prohibited substances were negative.

4. On October 15, 2012, the Board received correspondence from the Louisiana PHP. According to the Louisiana PHP, Dr. Tiemann successfully completed a five-year monitoring contract, which included random drug testing (all results were negative), supportive services and participation in various recovery oriented activities. According to the Louisiana PHP, Dr. Tiemann also signed a one-year post-monitoring contract, which will remain in effect until August 24, 2013. In light of Dr. Tiemann's performance in its program, the Louisiana PHP recommended the reinstatement of his medical license to "full and unrestricted status."

5. On November 13, 2012, the Board reviewed Dr. Tiemann's written request to terminate his Consent Agreement and withdraw his Maine medical license. The Board also reviewed the documentation of his compliance with the Consent Agreement and the letters from the Maine MPHP and the Louisiana PHP. Following its review, the Board voted to grant Dr. Tiemann's request to terminate the Consent Agreement and allow him to withdraw from medical licensure in Maine.

COVENANT

6. Dr. Tiemann, the Board, and the Office of Attorney General hereby agree to terminate the Consent Agreement dated June 8, 2008, which termination shall be effective upon the execution of this document.

7. The term "execution" means the date on which the final signature is affixed to this document.

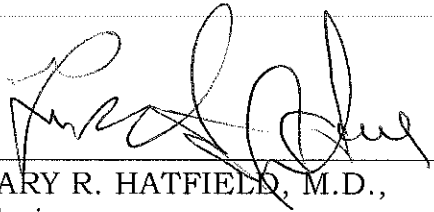
I, WILLIAM E. TIEMANN, M.D., HAVE READ AND UNDERSTAND THE FOREGOING TERMINATION TO THE CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated: 11/29/12 William E. Tiemann, MD
WILLIAM E. TIEMANN, M.D.

Sworn and subscribed before
me, the Joseph Tiemann
Notary - Nov 29, 2012
New Orleans, Louisiana
Orleans
Park

STATE OF MAINE
BOARD OF LICENSURE IN
MEDICINE

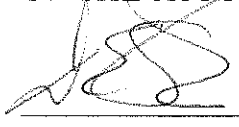
DATED: 12/11/12



GARY R. HATFIELD, M.D.,
Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 12/11/12



DENNIS E. SMITH
Assistant Attorney General

Effective Date: 12/11/12

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
William E. Tiemann, M.D.)	AGREEMENT
Complaint No. CR07-329)	

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against and conditions imposed upon the license to practice medicine in the State of Maine held by William E. Tiemann, M.D. The parties to the Consent Agreement are: William E. Tiemann, M.D. ("Dr. Tiemann"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. Dr. Tiemann has held a license to practice medicine in the State of Maine since April 20, 2006. Dr. Tiemann specializes in Radiology.

2. On October 9, 2007, the Board reviewed information received from the Federation of State Medical Boards that indicated that the Kentucky Board of Medicine had restricted Dr. Tiemann's medical license for an indefinite period of time due to substance abuse. The Board also reviewed the order issued by the Kentucky Board of Medicine indicating that Dr. Tiemann had been diagnosed with opiate dependence, cannabis dependence, alcohol dependence and substance induced mood disorder. Following its review of this information, the Board voted to initiate a complaint against Dr. Tiemann's Maine medical license. The Board docketed that complaint as CR07-329.

3. On November 16, 2007, the Board received Dr. Tiemann's response to complaint CR07-329. In his response, Dr. Tiemann admitted that he was referred to the Kentucky Physician's Health Program following his May 2006 arrest for Driving Under the Influence in New Orleans. Dr. Tiemann admitted that, when drug tested by the Kentucky Physician's Health Program, his hair revealed the presence of Hydrocodone. According to Dr. Tiemann, he was referred to a substance abuse recovery center for addiction to alcohol, marijuana, and opiates, and completed a 90 day program on August 22, 2007. Dr. Tiemann indicated that he had contacted Dr. Simmons of the Maine Physicians Health Program, and that he is participating in the Louisiana Physicians' Health Program for aftercare and monitoring.

4. On April 8, 2008, the Board reviewed complaint CR07-329, and voted to schedule the matter for an adjudicatory hearing. In addition, the

Board authorized its legal counsel to negotiate a consent agreement with Dr. Tiemann regarding this matter.

5. This Consent Agreement has been negotiated by Dr. Tiemann and legal counsel for the Board in order to resolve all pending matters before the Board, including complaint CR07-329 without an adjudicatory hearing. Absent ratification of this proposed Consent Agreement by a majority vote of the Board, the matter will proceed to an adjudicatory hearing.

6. By signing this Consent Agreement, Dr. Tiemann waives, in his personal capacity and through legal counsel, any and all objections to, and hereby consents to the presentation of this proposed Consent Agreement to the Board for possible ratification. Dr. Tiemann waives, in his personal capacity and through legal counsel, forever 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

7. Dr. Tiemann admits that with regard to complaint CR07-329 the Board has sufficient evidence from which it could reasonably conclude that he engaged in habitual substance abuse that was "foreseeably likely to result in his performing services in a manner that endangers the health or safety of patients." Dr. Tiemann admits that such conduct constitutes habitual substance abuse and unprofessional conduct and grounds for discipline of his Maine medical license pursuant to 32 M.R.S.A. § 3282-A(2)(B) & (F).

CONDITIONS OF LICENSURE

8. As discipline for the conduct admitted in paragraph 7 above, Dr. Tiemann agrees to accept modifications¹ to and conditions imposed on his Maine medical license, which shall remain in full force and effect unless or until this Consent Agreement is amended or rescinded. Based on Dr. Tiemann's acceptance of responsibility for his actions, his continuing treatment of his substance abuse problems, as well as the understanding and agreement between Dr. Tiemann and the Board, that any future use of any prohibited substance by Dr. Tiemann may result in revocation of his license, the Board agrees to issue and Dr. Tiemann agrees to accept the following conditions imposed upon his Maine medical license:

¹ Title 32 M.R.S.A. § 3282-A(2) gives the Board the authority to "modify" Dr. Tiemann's Maine medical license by imposing conditions upon it. The "modifications" to Dr. Tiemann's Maine medical license are the conditions imposed upon it pursuant to this Consent Agreement.

a. ABSTINENCE. Dr. Tiemann agrees that, following the execution² of this Consent Agreement he shall completely abstain from the use of any and all Prohibited Substances. "Prohibited Substances" as used throughout this Consent Agreement shall mean: narcotics; opiates; alcohol; cocaine; fentanyl; mood, consciousness or mind-altering substances, whether illicit or not; and all drugs which are dispensed to or prescribed for him by anyone other than a single primary care physician approved by the Board who is knowledgeable of Dr. Tiemann's history of substance abuse, unless the circumstances constitute a genuine medical or surgical emergency.

i. Prescription Medication. If any controlled drug is dispensed or prescribed for Dr. Tiemann for a personal medical condition, Dr. Tiemann or the Supervising Physician shall notify the Board by telephone and in writing within 48 hours or as soon thereafter as possible. This notice shall be followed by a written summary of all pertinent circumstances. The Board shall be apprised of all continuing pertinent circumstances regarding continued use of the controlled drug, and a written report thereof shall be submitted to the Board.

ii. Future Use of Prohibited Substances Shall Result in Loss of Licensure. Dr. Tiemann agrees and understands that any reliable evidence of use at any time in the future, whether in Maine or elsewhere, of any Prohibited Substance, including alcohol, narcotics, opiates or similar drugs shall constitute a violation of this Consent Agreement, which SHALL RESULT IN THE IMMEDIATE, INDEFINITE AUTOMATIC SUSPENSION OF LICENSURE, AND PROOF OF USE MAY RESULT IN REVOCATION/NON-RENEWAL OF LICENSURE.

b. SINGLE PHYSICIAN. Dr. Tiemann agrees and understands that he shall only obtain his prescription medication(s) from a single primary care physician approved by the Board, and who is aware of Dr. Tiemann's substance abuse history.

c. SUBSTANCE MONITORING. Dr. Tiemann understands and agrees that he may, for the remainder of his career as a Maine licensed physician, undergo some level of substance monitoring to test whether he has used a Prohibited Substance. The monitoring shall be through urinalysis testing and/or blood testing, and any other reliable method which may later be developed and approved by the Board. Dr. Tiemann irrevocably agrees that the Board and the Maine Department of Attorney General will have full access to all test data and reports. Dr. Tiemann shall execute any and all releases

² For purposes of this Consent Agreement the term "execution" means the date on which the final signature is affixed to the Consent Agreement.

necessary for the Board and/or the Attorney General to have full access to all data and reports pertaining to his substance monitoring.

i. Supervising Physician. Dr. Tiemann shall propose a Supervising Physician (the "Supervising Physician"), who shall be approved by the Board who shall have Dr. Tiemann appear and provide urine samples for testing for the presence of Prohibited Substances. Under no circumstances shall Dr. Tiemann fail to appear and/or provide a urine sample for testing as required by this Consent Agreement and his Supervising Physician. The Supervising Physician may be the Director of the Maine Medical Association Medical Professionals Health Program, who may coordinate Dr. Tiemann's monitoring with any other jurisdiction's physicians' health program. Dr. Tiemann shall execute any and all releases necessary to permit the Director of the Maine Medical Association Medical Professionals Health Program to communicate and coordinate regarding all issues regarding his substance abuse treatment and monitoring with any other jurisdiction's physicians' health program.

ii. Process. All urine and/or blood samples shall be handled through legal chain of custody methods. All samples provided shall be analyzed by a certified laboratory, which regularly handles drug monitoring tests. All samples shall be tested for the presence of prohibited substances, specifically including but not limited to diphenhydramine or similar drugs and alcohol.

iii. Frequency of Urine Testing. It is Dr. Tiemann's obligation to ensure that all the samples are given and tests occur as specified in this Consent Agreement. Testing shall be randomly scheduled by the Board-approved Supervising Physician in coordination with any other jurisdiction's physicians' health program. The Board, the Supervising Physician, or the Board's agent may request a sample at any time. Failure to maintain this schedule or the random nature of the tests shall be cause for suspension, non-renewal or revocation of Dr. Tiemann's Maine medical license, unless proof of genuine emergent medical circumstances (for Dr. Tiemann or a patient) exist which warrant less serious disciplinary actions being taken by the Board.

iv. Reporting Test Results. It is Dr. Tiemann's responsibility to ensure that all test positive results are reported promptly to the Board.

(a). Immediate Report of Positive Test Results. Any test result evidencing any level of a Prohibited Substance, whether by urine or other sample, shall be reported to the Board by telephone and in writing within 24 hours or as soon thereafter as possible.

(b). Confidentiality Waived. With regard to the Board and its agents and any process to be pursued by the Board, Dr. Tiemann hereby waives all claims of confidentiality and privilege with respect to all tests taken and test results pursuant to this Consent Agreement. Dr. Tiemann shall execute any and all releases in order for the Board to obtain access to and copies of all urine test results.

v. Rebuttable Presumption Raised by Positive Test. It is agreed and understood that a test evidencing the presence of any Prohibited Substance, when confirmed, shall raise a rebuttable presumption that such substance was in fact used by Dr. Tiemann. Such a positive test result shall alone be sufficient to prove the use of the Prohibited Substance by Dr. Tiemann. Dr. Tiemann further agrees that the result of the test may be admitted into evidence in any proceeding regarding his Maine medical license, whether before the Board or before a Court of competent jurisdiction. The confirmatory test shall be performed immediately upon any initial positive test result and it may also be admitted into evidence in any proceeding regarding Dr. Tiemann's Maine license

vi. Immediate, Indefinite, Automatic Suspension for Positive Test. If any urine or blood test is positive (i.e., in any manner evidences any use of any Prohibited Substance), then the result shall be the immediate, indefinite, automatic suspension of Dr. Tiemann's Maine medical license, which shall continue until the Board holds a hearing on the matter, unless the Board, or the Board Secretary and the Department of Attorney General, earlier determine that the report is without merit. The suspension shall begin the moment Dr. Tiemann first learns of a positive test or report of a positive test to the Board, whether from the Supervising Physician or his designee, from the Board or from any other source in writing, orally or by any other means. This shall include non-confirmed, positive tests.

vii. Board Hearing to Determine if Dr. Tiemann Used Any Prohibited Substance. After receiving a positive report evidencing use by Dr. Tiemann of any Prohibited Substance, the Board shall investigate the situation, including demanding a response from Dr. Tiemann. The Board will hold a hearing within 60 days of the automatic suspension or as soon thereafter as practicable (unless both Dr. Tiemann and the Board agree to hold the hearing later) and it shall be held pursuant to the Maine Administrative Procedure Act.

viii. Failure to Maintain Sampling Schedule or Failure to Appear or to Provide Sample. Failure by Dr. Tiemann: to maintain the sampling schedule; to appear when demanded to provide a sample; or to provide samples upon being demanded to do so shall be dealt with as follows:

(a). Suspension. An immediate, indefinite suspension of licensure shall result from any failure by Dr. Tiemann to comply

with the mandated schedule of samples, failing to appear to provide a sample, or failing to provide a urine sample as required by his Supervising Physician and this Consent Agreement. The suspension shall begin the moment Dr. Tiemann actually learns a report has been made or sent to the Board.

(b). Board Action. The Board may order Dr. Tiemann's Maine medical license reinstated or, if appropriate, may continue the suspension and may set the matter for hearing. The Board shall attempt to hold a hearing within 60 days of the automatic suspension, or as soon thereafter as practicable, at which time it may take such action as it deems appropriate, including without limitation, reinstatement, fines, probation, suspension, non-renewal and revocation.

d. PROFESSIONAL MANAGEMENT.

i. Substance Abuse Treatment. Within thirty (30) days following the execution of this Consent Agreement, Dr. Tiemann shall submit for Board approval the name of a licensed individual or agency in the treatment of substance abuse with whom Dr. Tiemann shall consult and counsel for the purpose of working on all issues pertaining to his substance abuse issues, including Dr. Tiemann's compliance with this Consent Agreement.

ii. Prior Evaluation and Treatment Records. The Board and Dr. Tiemann agree that the Board shall transmit/disclose all records received by it concerning Dr. Tiemann to the approved treatment provider(s).

iii. Change of Treatment Provider(s). If Dr. Tiemann desires to change his treatment provider(s), then he shall make written application to the Board, including among other things a letter regarding his reasons for requesting such change(s) and separate letters from the current treatment provider(s) and the proposed new treatment provider(s) relative to their understanding of the reasons for this request and, to the extent applicable, any concerns they may have. The Board shall retain the discretion to grant or deny such application without hearing. Dr. Tiemann acknowledges that any decision by the Board concerning this issue is not appealable. If the request is denied, nothing precludes Dr. Tiemann from proposing another treatment provider for approval. In requesting a change of treatment provider, Dr. Tiemann understands that the Board may inquire into any issues it deems pertinent with any person, including, without limitation, the current treatment provider(s).

iv. Reports from Treatment Provider(s). Following the execution of this Consent Agreement, Dr. Tiemann shall ensure that the Board-approved treatment provider(s) submit(s) to the Board a written report no later than July 1, October 1, January 1, and April 1 of each year that this Consent Agreement remains in effect regarding: The status of Dr. Tiemann's substance

abuse treatment – including his compliance with any recommended treatments(s); Dr. Tiemann’s ability to continue practicing medicine; and the prognosis of Dr. Tiemann’s continued recovery.

v. Board Investigation. At any time the Board may deem appropriate, the Board or its agent may contact Dr. Tiemann and/or the Board-approved treatment provider(s) to obtain further information relative to Dr. Tiemann. In addition, if the Board deems it appropriate, it may directly contact the treatment providers regarding any issues concerning Dr. Tiemann’s treatment. In complying with this requirement, Dr. Tiemann shall execute any and all releases necessary to enable the Board and/or the Attorney General to communicate directly with his treatment provider(s) and to obtain copies of any and all notes, records, and documentation concerning his treatment.

e. SELF-HELP GROUP MEETINGS.

i. Attendance at AA and NA. Dr. Tiemann agrees to attend Alcoholics Anonymous (“AA”) and/or Narcotic Anonymous (“NA”) a minimum of twice per month through one year from the effective date of this agreement and at least once each month through four years thereafter.

ii. Impaired Physicians Self-Help Group. Dr. Tiemann agrees that he shall attend self-help group meetings of an impaired medical professional group (*i.e.* Caduceus), on a regular basis for the term of this agreement. Meetings of the impaired professional self-help groups may be substituted on a one-for-one basis with meetings of AA or NA.

iii. Reports of Attendance. Dr. Tiemann shall submit a signed, written report of his attendance at AA, NA or impaired professional self-help group meetings to the Board no later than July 1, October 1, January 1, and April 1 of each year that this Consent Agreement remains in effect. Any instances of failure to attend the required numbers of meetings shall be noted, together with specific explanation detailing reasons.

iv. Failure to Meet This Requirement. It is the parties’ understanding that, periodically, reasonable explanations may exist for occasionally missing a meeting; however, unexcused continuous or repeated failures to comply with the requirements of this section of the Consent Agreement shall constitute a violation of the Consent Agreement which, after hearing before the Board, can result in licensure discipline, including without limitation a fine, suspension, non-renewal, probation or revocation of Dr. Tiemann’s conditional Maine medical license.

f. MAINTENANCE OF OBLIGATIONS WHEN AWAY FROM MAINE OR HOME.

i. General. Dr. Tiemann agrees to maintain his obligations regarding abstinence, substance monitoring, substance abuse counseling, and self-help group meetings at all times, including times when he is away from home. Dr. Tiemann will notify the Director of the Physician's Health Program sufficiently in advance of travel to make whatever arrangements the Director deems appropriate for monitoring before he leaves. It shall be Dr. Tiemann's obligation to ensure that arrangements are made consistent with this Consent Agreement in such other location(s) to ensure the continuation and satisfaction of his obligations under this Consent Agreement. Any such occurrences shall be noted in writing sent to the Board by Dr. Tiemann explaining the arrangements made and how the arrangements were carried out.

ii. Failure to Comply. Any failure by Dr. Tiemann to meet the conditions of the Consent Agreement outside of Maine shall constitute a violation of this Consent Agreement, and may result in the immediate suspension by the Board of Dr. Tiemann's Maine medical license pending hearing, and, following hearing, other sanctions as permitted by law including but not limited to suspension, modification, or revocation of licensure.

g. INVOLVEMENT IN THE MAINE MEDICAL ASSOCIATION MEDICAL PROFESSIONALS HEALTH PROGRAM.

Dr. Tiemann shall enter into a contract with the Maine Medical Association Medical Professionals Health Program (MMA MPHP) and fully participate in that program as long as this Consent Agreement remains in effect. Dr. Tiemann shall follow all recommendations for treatment provided by the MMA MPHP, and shall comply with each and every requirement to remain in the MMA MPHP. Within fifteen days of the execution of this Consent Agreement, Dr. Tiemann shall cause the MMA MPHP to send written notification to the Board of his participation in the MMA MPHP.

h. MAINTAINENCE OF LICENSE.

Dr. Tiemann shall be required to maintain his Maine license to practice medicine for as long as this Consent Agreement is in effect.

i. NOTIFICATION TO OTHER JURISDICTIONS

In the event that Dr. Tiemann is licensed in other Jurisdictions or applies for licensure in other jurisdictions during the term of this Consent Agreement, he shall notify said jurisdiction(s) of the existence of

this Consent Agreement in writing. Within fifteen (15) days of the execution of this Consent Agreement, Dr. Tiemann shall provide the Board with written confirmation that he has notified all of the jurisdictions with whom he is currently licensed regarding this Consent Agreement.

j. WAIVER OF CONFIDENTIALITY AND RELEASE OF RECORDS.

Dr. Tiemann agrees and understands that the Board and the Department of Attorney General shall have complete access to his present and future personal medical and counseling records regarding chemical dependency and mental health issues and to all otherwise confidential data pertaining to treatment or monitoring of Dr. Tiemann for substance abuse and mental health issues.

9. SANCTION FOR VIOLATION OF LICENSE CONDITIONS.

a. Automatic Suspension. Any reliable oral or written report to the Board of violation(s) of the conditions of licensure as described above shall result in the immediate, indefinite and automatic suspension of Dr. Tiemann's Maine medical license. The automatic suspension of Dr. Tiemann's Maine medical license shall become effective at the time that he receives actual notice from the Board that a report of violation(s) has been made. Actual notice can be provided by telephone, in person, in writing, by another means or any combination of the above-referenced means. The indefinite, automatic suspension shall continue until the Board holds a hearing on the matter, unless the Board earlier determines that the report is without merit or decides that no further sanction is warranted.

b. Continued Suspension; Other Sanctions. Dr. Tiemann's indefinite automatic suspension shall continue for such time until the Board holds a hearing and reaches a decision. The Board will hold a hearing within 60 days of the automatic suspension or as soon thereafter as practicable (unless both Dr. Tiemann and the Board agree to hold the hearing later) and shall be held pursuant to the Maine Administrative Procedure Act. The Board may impose such other discipline, including without limitation, fines, further suspension, probation, non-renewal or revocation of licensure, as the Board after hearing deems appropriate.

c. General Acknowledgment. Dr. Tiemann acknowledges that, pursuant to Title 10 M.R.S.A. § 8003(5)(B), his failure to comply with any of the terms or conditions of this Consent Agreement or of her probation shall constitute grounds for additional disciplinary action against his Maine medical license, including but not limited to an order, after hearing, modifying, suspending, or revoking his license.

10. DESIGNATED COPY OF CONSENT AGREEMENT.

Dr. Tiemann shall have his supervising physician and all treatment providers read, date, and sign a copy of the Consent Agreement (the "Designated Copy"). Dr. Tiemann shall retain a copy of the Consent Agreement signed by all of the aforementioned individuals at his office and shall produce it upon request of the Board or its agent(s). A copy of the signature page shall be made and sent to the Board. Dr. Tiemann agrees that if new individuals assume the roles set forth in this Consent Agreement during the existence of this Consent Agreement, such individuals shall also read, date and sign the Consent Agreement.

11. BOARD'S JURISDICTION.

Dr. Tiemann acknowledges that the Board has jurisdiction over his license. Dr. Tiemann understands that, at the time the Board is agreeing to issue him this Conditional, Modified License, the Board has the statutory jurisdiction to revoke licenses. Pursuant to 10 M.R.S.A. § 8003(5)B, in consideration for the Board's issuing Dr. Tiemann his Maine medical license pursuant to this Consent Agreement, he agrees that, regarding any alleged violation of this Consent Agreement, the Board is granted jurisdiction to revoke his license or take such other disciplinary action as is available to the Courts, following an adjudicatory hearing conducted in accordance with the Maine Administrative Procedure Act. Such revocation by the Board shall be deemed final agency action appealable only to the Superior Court pursuant to 5 M.R.S.A. § 11001, and *not* be reviewable de novo in the District Court pursuant to 10 M.R.S.A. § 8003(5)F.

12. MISCELLANEOUS PROVISIONS.

a. Notice. Unless otherwise specified in this Consent Agreement, written notice shall be deemed served upon mailing by first class mail, postage prepaid.

(i). Notice to the Board:

State of Maine Board of Licensure in Medicine
Attention: Board Investigator
137 State House Station
Augusta, Maine 04333-0137
Telephone: (207) 287-3601

(ii). Notice to the Licensee:

William E. Tiemann, M.D.
3157 Tchoupitoulas Street
New Orleans, LA 70115

b. Address Change. If Dr. Tiemann changes jobs, moves his residence or practice, changes telephone numbers at work or at home, or secures privileges at a hospital, he shall provide notice to the Board

c. Costs. All costs incurred in performance of the Modifications and Conditions of this Consent Agreement shall be borne by Dr. Tiemann. If a violation of this Consent Agreement is proven to have occurred, regardless of the sanctions imposed, the Board may require Dr. Tiemann to reimburse the Board for all costs and attorney's fees incurred in proving such violation.

d. Hearings. Unless otherwise specified, hearings shall be held consistent with the Maine Administrative Procedure Act.

e. Severance. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

13. AMENDMENT OF CONSENT AGREEMENT.

Dr. Tiemann waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Tiemann agrees that this Consent Agreement is a final order resolving all outstanding matters, including complaint CR06-127. This Consent Agreement is not appealable and is effective until modified or rescinded 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. Requests for amendments to this Consent Agreement by Dr. Tiemann shall be made in writing and submitted to the Board. Dr. Tiemann may, at reasonable intervals, petition the Board for amendment of the terms and conditions of this Consent Agreement. Upon making such a petition, Dr. Tiemann shall bear the burden of demonstrating that the Board should amend the Consent Agreement. The Board shall have the discretion to: (a) deny Dr. Tiemann's petition; (b) grant Dr. Tiemann's petition; and/or (c) grant Dr. Tiemann's petition in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Dr. Tiemann's request to modify this Consent Agreement need not be made pursuant to a hearing and is not appealable to any court.

14. COMMUNICATIONS. The Board and the Attorney General may communicate and cooperate regarding Dr. Tiemann's practice or any other matter relating to this Consent Agreement.

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

16. ADVICE OF COUNSEL. Dr. Tiemann acknowledges that he has had the opportunity to consult with legal counsel prior to entering into this Consent Agreement.

17. WAIVER OF RIGHT TO APPEAL CONSENT AGREEMENT.

Dr. Tiemann waives his right to a hearing before the Board or any court regarding all facts, terms and conditions of this Consent Agreement. Dr. Tiemann agrees that this Consent Agreement is a final order resolving all matters pending before the Board, including complaint CR07-329. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto. Nothing in this paragraph shall be deemed a waiver of Dr. Tiemann's rights under rule, statute or the Maine or United States Constitutions, to appeal a decision or action later taken by the Board except as Dr. Tiemann may have agreed herein, such as with discretionary decisions by the Board and which may occur with or without a hearing, and the increased jurisdiction of the Board to revoke his license for violation of this Consent Agreement. Dr. Tiemann agrees that this Consent Agreement resolves his pending complaint, and understands that no further legal action will be initiated against him by the Board based upon the facts described herein, except that in the event that he does not fully comply with the terms and conditions of this Consent Agreement, that Board may initiate whatever action it deems necessary. In addition, Dr. Tiemann agrees and understands that the Board may consider the conduct and facts described herein in the event that future allegations are brought against him, and that the Board may consider this Consent Agreement in determining appropriate future discipline should any future allegations be proven against him.

I, WILLIAM E. TIEMANN, 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: June 4, 2008

William E. Tiemann, M.D.
WILLIAM E. TIEMANN, M.D.

STATE OF Louisiana

[REDACTED], S.S.

Personally appeared before me the above-named William E. Tiemann, 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: June 4, 2008

Dr. Joseph Tiemann
Bar # 12787

[Signature]
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS: at death

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 6/10/2008

Sheridan R. Oldham, MD
SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 6/10/08

[Signature]
DENNIS E. SMITH
Assistant Attorney General

Effective Date: