

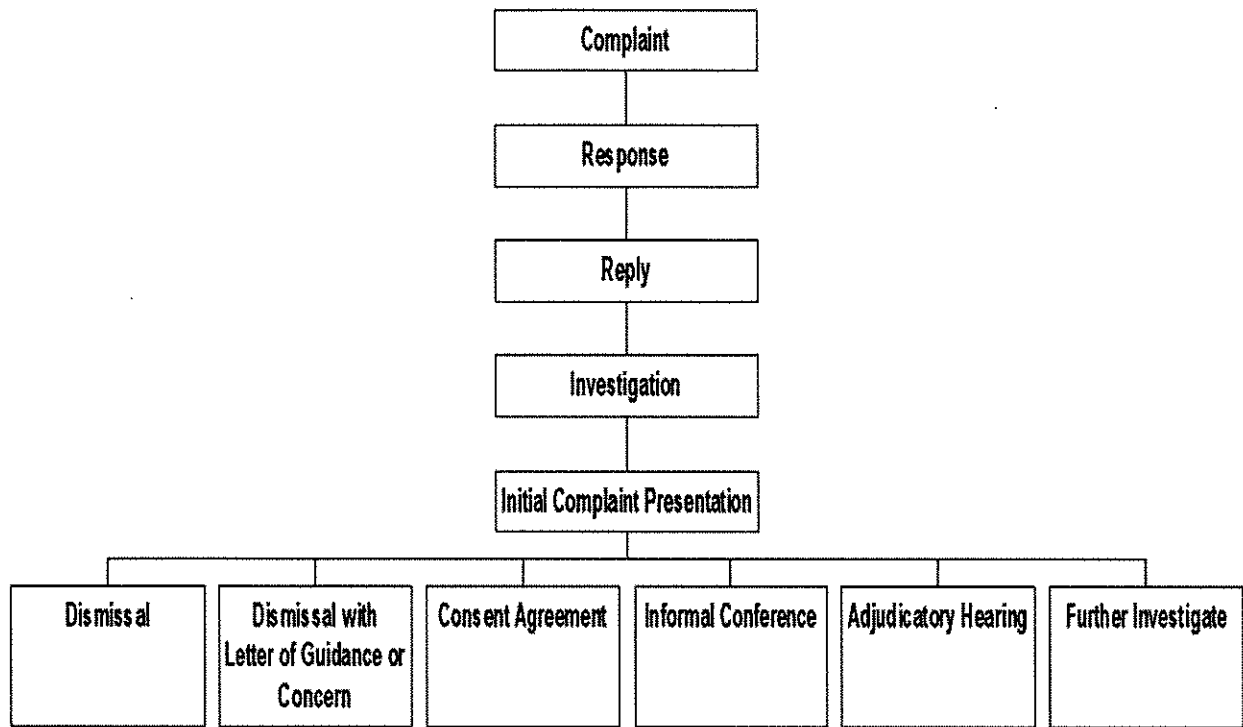
## FACT SHEET

### Maine Board of Licensure in Medicine

<http://www.maine.gov/md/>

- Established:** 1895
- Current Membership:** 10 (6 physicians, 1 physician assistant, 3 public members) – all appointed by the Governor (May be removed for cause)
- Authority:** Statutes (Legislative creature)
- Role:** Protect the Public
- Licensing
  - Regulating (Rule Making)
  - Disciplining
  - Educating
- Board Process:** Based on:
- Board Statutes
  - Maine Administrative Procedure Act (“Due Process”)
  - Maine Freedom of Access Act (“Open Meetings & Records” law)
  - Maine Conflict of Interest Laws
  - Board Rules
  - Board Policies/Guidelines

## Complaint Process:



## Types of Ethical Issues: Disruptive Behavior

**Boundary Violations (Dual Relationship)**

**Patient Privacy Violation**

**Social Media to contact patients**

**Sexual Misconduct**

**Self-Prescribing**

**Prescribing for Family**

**False Medical Record Entries**

**Fraud or Deceit in Delivery of Services**

**Fraud or Deceit in Obtaining a License**

**Failure to Produce Patient Medical Records**

**Failure to Create Adequate Medical Records**

# Board of Licensure in Medicine

## Board Information

## Welcome to the Maine Board of Licensure in Medicine

## CONTACT US

Board Members

Board Meetings & Minutes

Contact Us

Newsletters

## Laws & Rules

Rules & Statutes

Policies & Guidelines

Recent Legislation

## Licensure

Apply for MD License

Physician Assistant

Renew Your License

License Types and Status

License Verifications

License FAQs

## Discipline

Adverse Licensing Actions

### What's Happening

- Board Opportunity
- Free Opioid CME
- Board of Pesticides Control - Volunteer Opportunity
- Instructions for Applying to the Interstate Compact and obtaining Criminal Background Checks
- Board Online Services will be Unavailable from 4/6-4/8

### Laws/Rules Updates

- DHHS Rule Regarding Opioid Medications
- Opioid Prescription Requirements Guide

137 State House Station  
161 Capitol Street  
Augusta, Maine 04333-0143  
Telephone: (207) 287-3601  
Fax: (207) 287-6590

## LICENSEE SEARCH

Find a licensee in our database of licensed physicians and physician assistants.

## MPHP

The Medical Professionals Health Program (MPHP) is a nationally recognized assistance program dedicated to helping health care professionals enter a safe, healthy recovery program. The MPHP has served over 700 healthcare professionals since it was first established in 1987. Their trained staff helps

### I want to ...

<a href="#">Renew My License</a>
<a href="#">Check the Status of my Application</a>
<a href="#">Update My Contact Information</a>
<a href="#">Find a Licensee in our Database</a>
<a href="#">Verify My License for Another State</a>
<a href="#">File a Complaint</a>
<a href="#">See all Online Services</a>

### About the Board

- Apply for MD License
- Physician Assistant
- Renew Your License
- License Types and Status
- License Verifications
- License FAQs
- Discipline**
- Adverse Licensing Actions
- Non-Disciplinary Actions
- File a Complaint
- Mandated Reporting
- Press Releases
- Discipline FAQ
- Online Services**
- Services
- File a Complaint
- Resources**
- Links
- Forms
- Prescribing

### I want to ...

- [Renew My License](#)
- [Check the Status of my Application](#)
- [Update My Contact Information](#)
- [Find a Licensee in our Database](#)
- [Verify My License for Another State](#)
- [File a Complaint](#)
- [See all Online Services](#)

#### About the Board

"For the Protection of the Health, Safety and Welfare of the Public."

The Board of Licensure in Medicine is the state agency responsible for protecting the health and safety of the public by determining who may be licensed for medical practice in this state and by regulating the medical practice of those licensees.

The members of the Board are appointed by the Governor. The Board is composed of both physician and non-physician representatives of the public. All members must have been Maine residents for at least five years at the time of their appointment and the physician members must have been licensed and actively practicing medicine in the state.

The Board employs its own administrative and investigative staff and is provided with the legal and investigative staff by the Maine Department of Attorney General.

#### Mission Statement

The mission of the Board of Licensure in Medicine is to safeguard the health, welfare, safety and lives, of the people of Maine by ensuring that the public is served by competent, ethical and honest practitioners. To accomplish this the Board will:

- license only qualified medical doctors and physician assistants;
- monitor the practice of medicine to insure the integrity of the profession and to maintain high professional standards and conduct;

#### MPHP

The Medical Professionals Health Program (MPHP) is a nationally recognized assistance program dedicated to helping health care professionals enter a safe, healthy recovery program. The MPHP has served over 700 healthcare professionals since it was first established in 1987. Their trained staff helps identify, assist, support, and monitor any Maine-licensed medical professional with a potential impairment due to a substance use illness or mental illness.

Get HELP TODAY - CONTACT MPHP

E-mail: [MPHP@MAINEMED.COM](mailto:MPHP@MAINEMED.COM)  
Phone: (207) 623-9266  
Website: <http://www.mainemphp.org/>

#### ONLINE SERVICES

Did you know the Board offers many online services? From our site licensees can renew or

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## Board Members

All correspondence to Board Members should be sent to:  
 State of Maine Board of Licensure in Medicine  
 137 State House Station  
 Augusta, ME 04333-0137

### Board Members, their specialties, and the dates their term expire.

Name	Specialty	Expiration of Term
Maroulla S. Gleaton, M.D., Chairman	Ophthalmology	06/30/19
Louisa Barnhart, M.D., Secretary	Psychiatry/Family Practice	06/30/21
Vacant	Public Member	06/30/21
Susan Dench	Public Member	06/30/22
David H. Dumont, M.D.	Emergency Medicine/Family Practice	06/30/20
Christopher R. Ross, P.A.-C	Physician Assistant/ Family Practice	06/30/19
Peter J. Sacchetti, M.D.	Internal Medicine	06/30/19
Michael P. Sullivan, M.D.	Emergency Medicine/Family Practice	06/30/21
Brad E. Waddell, M.D.	General Surgery	06/30/23
Lynne M. Weinstein	Public Member	06/30/22

### Physician Assistant Advisory Committee Membership List

Staff: Timothy Terranova (287-6930)

Name	Expiration of Term
Board Member - Vacant	
Board Chairman, ExOfficio	
Member - Chair, MD	

# Board of Licensure in Medicine

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## Laws & Rules

- Rules & Statutes
- Policies & Guidelines
- Recent Legislation

## Licensure

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- License FAQs

## Discipline

## Adverse Licensing

<http://www.maine.gov/md/index.html>

## File a Complaint

### File a Complaint Against a Licensee

You must file your complaint in writing.

- You may submit an [Online complaint](#)
- You may write a letter to the Board which states your complaint. You may call or write the Board to receive complaint forms and instructions. You may print [complaint form package \(PDF\)](#)

Maine Board of Licensure in Medicine  
137 State House Station  
Augusta, ME 04333 - 0137  
(207) 287 - 3601  
Complaints (888) 365-9964

Receipt of your complaint will be acknowledged by Board staff. Your complaint will be reviewed to determine that it is a complaint over which the Board has jurisdiction. The complaint will be investigated, which will include obtaining a written response from the licensee. When the investigation is complete, the complaint file will be reviewed by the Board. Since at this stage the Board review process deals only with written documents, it is very important for your complaint to contain all the facts, as well as all your concerns. At the time of its first review, the Board may dismiss the complaint, request further investigation or order either an Informal Conference or an Adjudicatory Hearing. As a complainant, you would be able to attend the Informal Conference and/or the Adjudicatory Hearing.

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## Discipline Frequently Asked Questions

### How do I file a complaint against a Doctor or Physician Assistant?

Click here to open our [email complaint form](#). You may use this [electronic form](#) to file a complaint against a provider.

### Why should I file a complaint against a licensee? Don't all doctors band together to protect each other?

The Board is composed of both physician and public representatives appointed by the governor. They have a commitment to protecting the health, welfare, and safety of the public by licensing physicians and physician assistants and investigating concerns raised by both the public and other credentialing/licensing agencies. The Board has taken many actions against licensees including both non-disciplinary and disciplinary actions. For a list of disciplinary actions see our adverse actions page (Click here to view Adverse Actions)

### What are the possible results of a complaint?

A complaint may be closed with no action, closed with a Letter of Guidance (non-disciplinary), or the Board may order disciplinary action.

### What are some examples of disciplinary action?

- Warning
- Censure
- Reprimand
- Fine
- Education
- Specific conditions of probation
- Consent agreement
- Suspension
- Loss of License

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## Board vs. Malpractice:

Differences between disciplinary and malpractice actions are significant.

- Boards may discipline a licensee for incompetence, but cannot provide money to the complainant to pay for any harm that was done.
  - In a malpractice action in a court, a judge or a jury may award money damages to the complainant if the physician is found to be negligent.
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## Locate Physicians, Administrative, Licensing, & Disciplinary

### Information:

- Online at:

MD

[www.maine.gov/md](http://www.maine.gov/md)

DO

<http://www.maine.gov/osteo/>

- By Contacting the Consumer Assistant  
Toll Free in Maine at (888) 365-9964

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# Contact Us:

## Board of Licensure in Medicine

137 State House Station, Augusta ME 04333  
Phone (207) 287-3601 Fax (207) 287-6590  
TTY/TB: 1-800-437-1220  
[www.maine.gov/md](http://www.maine.gov/md)

## Board of Osteopathic Licensure

142 State House Station, Augusta ME 04333  
Phone (207) 287-2480 Fax (207) 287-3015  
TTY/TB: 1-800-437-1220  
<http://www.maine.gov/osteo/>

### Consumer Assistant

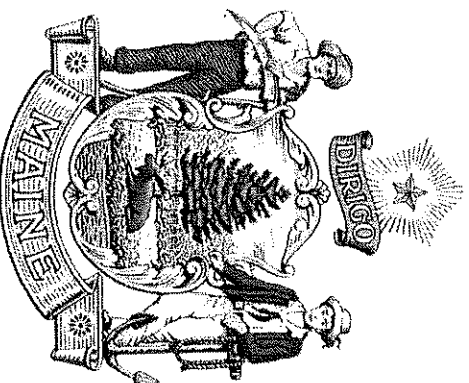
Phone (207) 287-3608 or  
Toll Free in Maine (888) 365-9964  
TTY/TB: 1-800-437-1220

## Other Professional Licensing Boards

Dept. of Professional & Financial Regulation  
Licensing & Enforcement Division  
Phone (207) 624-8603 Fax (207) 624-8637

# Consumer's Guide

*to the Licensing, Regulating &  
Disciplining of Physicians in Maine*



## Maine Boards of Medical & Osteopathic Licensure

*"For the protection of the health,  
safety and welfare of the public"*



## Board History:

For over 100 years, it has been Maine law that a physician must be licensed to practice medicine in our State. Through licensure, the State ensures that all practicing physicians have an appropriate level of education and training and that they abide by recognized standards of professional conduct.

## Board Functions:

Protect the public by:

- Licensuring Physicians & Physician Assistants
- Investigating Complaints, Providing Guidance, or Imposing Discipline
- Providing information to the Public

## Licensure Qualifications:

- Education and Training requirements
- Comprehensive written examination
- Good professional ethics and practices
- Renewal of license every two years including participation in Continuing Medical Education (CME)
- Verification of all information provided to ensure credentials

## How to File a Complaint:

Anyone may file a complaint. It must be in writing or by e-mail. Either a letter or a complaint form may be used. Forms are available online or by calling.

The Consumer Assistant, (888) 365-9964, is available to answer questions and guide you through the process

## Complaint Process:

Upon receipt, the Board sends a copy of the complaint to the licensee. The licensee has 30 days to respond in writing. A copy of this response is provided to the complainant, unless doing so would jeopardize their health.

The complaint, response, and investigative materials are reviewed approximately 3 months after receipt of the complaint.

Based on its review the Board determines if grounds for disciplinary action exist.

- If no, the complaint is closed. *See Possible Results of a Complaint*
  - If yes, the complaint remains open pending further Board action. *See Possible Results of a Complaint*
- The complainant is notified of the outcome in writing.

## Some Grounds for Discipline:

- Alcohol/Substance Abuse
- Conviction of a Crime
- Fraud & deceit in obtaining a license
- Inappropriate Prescribing
- Incompetence or Unprofessional Conduct
- Violation of Law, Rule, or Board Order

## Possible Results of a Complaint:

- Closure with no action
- Closure with a Letter of Guidance (non-disciplinary)
- Disciplinary Action which may include:
  - warning; censure; reprimand;
  - fine; education; specific conditions of probation; Consent Agreement;
  - suspension; or loss of license.

## The Boards Cannot Help With:

- Other Health Care Professionals (e.g. RN, LCSW, DDS, DMD, PT)
- Hospitals, Clinics, or Nursing Homes
- Medical Malpractice

# Additional Information Regarding the Board Complaint Process

## Maine Board of Licensure in Medicine

*"For the protection of the health, safety  
and welfare of the public"*

137 State House Station, Augusta ME 04333

Phone (207) 287-3601 Fax (207) 287-6590

TTY/TB: 1-800-437-1220

<http://www.maine.gov/md>

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## Confidentiality

With limited exceptions, Maine law makes complaints and investigative records confidential (not accessible to the general public) during the pendency of an investigation. In addition, the law makes patient/client treatment records confidential.

## Complaint Review

In order to maintain the confidentiality of the complaint, investigative and medical/treatment records, the Board conducts its review of a complaint in executive session, which is not open to the general public. However, the law, with some exceptions, allows most complainants, licensees who are the subject of a complaint, and/or their attorneys to be present and observe the Board's review of a complaint in executive session.

Continued on back

## Complaint Review Continued

The Board meets once a month (the 2nd Tuesday), during which it reviews many complaints. As a result, it has established the following process in order to both manage the volume of complaints and ensure ability to attend and observe the complaint review:

Identify and remember the complaint (CR) number located at the bottom of the notice letter.

The agenda for each Board meeting will be posted on the Board's web site at least 6 days prior to the meeting. The complaints that will be reviewed by the Board will appear on each agenda under their respective complaint (CR) numbers. To learn which complaints will be discussed, go to: [http://www.docboard.org/me/administrative/dw\\_meetings.htm](http://www.docboard.org/me/administrative/dw_meetings.htm). If you do not have internet access, you may contact the Board at (207) 287-3601.

If you intend to attend, prior notification to the Board staff is strongly suggested. Please be sure to appear at the Board's office and sign in using the CR number no later than 9:00 a.m. on the day of the meeting. If you are late, the Board may already have gone into executive session and may have already reviewed the complaint.

Please remember that the law may allow you to be present and listen to the Board's discussion, but does not permit you to participate. Anyone attempting to intervene or otherwise disrupt the Board's review and/or discussion will be asked to leave.

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## Public Release of Information:

With limited exceptions:

The complaint process is confidential and should not be made part of the patient's medical record.

If the complaint is dismissed, information that there was a complaint and its dismissal is only publicly available from the Board upon request.

If a Letter of Guidance is issued it remains in the licensee's file for up to 10 years and is available to the public upon request.

If a disciplinary action was taken a press release is issued and the disciplinary document is posted on the website.

## Do's and Don'ts:

- DO respond within 30 days
- DO provide a complete, factual, straightforward response.
- DO provide any records or other information requested with your response.
- DO attempt to answer all the concerns voiced in the complaint.
- DO speak with an attorney if you have legal questions.
- DO check the Board website if you have questions about Rules or Statutes.
- DO NOT speak with Board members.
- DO NOT ignore a complaint.
- DO NOT wait until the last minute and request an extension.
- DO NOT withhold facts or records.

If you have questions or suggestions, please contact Dennis Smith at (207) 287-3605 or Elena Crowley at (207) 287-3625. They would be happy to speak with you.

## Complaint Review:

In order to maintain confidentiality the Board conducts its review of a complaint in executive session. However, the law, with some exceptions, allows most complainants, licensees who are the subject of a complaint, and/or their attorneys to be present and observe the Board's review of a complaint.

The agenda for each Board meeting will be posted on the Board's web site at least 6 days prior to the meeting. The complaints for review appear on each agenda under their respective complaint (CR) numbers. To learn which complaints will be discussed, go to: [www.maine.gov/md](http://www.maine.gov/md). If you do not have internet access, you may contact the Board at (207) 287-3601.

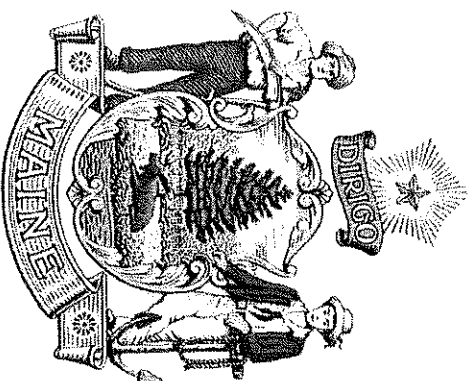
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Please remember that the law allows you to be present and listen to the Board's discussion, but does not permit you to participate. Anyone attempting to intervene or otherwise disrupt the Board's review and/or discussion will be asked to leave.

## Board of Licensure in Medicine

137 State House Station, Augusta ME 04333  
Phone (207) 287-3601 Fax (207) 287-6590  
TTY users call Maine relay 711  
<http://www.maine.gov/md>

# Licensee's Guide to the Complaint Process



## Maine Board of

## Licensure in Medicine

*"For the protection of the health,  
safety and welfare of the public"*

<http://www.maine.gov/md>

## Board Duties:

Maine law states that physicians and physician assistants must be licensed to practice medicine in our State. Through licensure, the State ensures that all practitioners have an appropriate level of education and training and that they abide by recognized standards of professional conduct.

As part of the Board's duties it evaluates licensee performance and must, by law, investigate all complaints and reports. Complaints and reports are received from:

- Patients / Family Members / Concerned Citizens
- Licensees and Other Professionals
- Hospitals
- Federation of State Medical Boards
- National Practitioner DataBank
- Federal or State Agencies
- Malpractice Carriers

Certain reports from licensees and hospitals are mandated under 24 M.R.S.A. 2505 - 2506.

When the Board receives such a report it starts an investigation and determines if a complaint should be issued. Normally the licensee is not formally notified unless the Board issues a complaint. If no complaint is issued then the investigation is closed.

## Complaint Process:

Upon receipt of a complaint, the Board sends a copy of the complaint to the licensee. (Per statute the Board has 60 days to notice the licensee.) The licensee has 30 days to respond in writing. A copy of this response is provided to

## Complaint Process (cont):

the complainant. If you believe doing so would seriously jeopardize the patient's health, please contact Board staff for instructions.

The complaint, response, and investigative materials are generally reviewed by the Board about 4 weeks after receipt of your response.

Based on its review the Board determines if possible grounds for disciplinary action exist.

- If no, the complaint is dismissed or dismissed with a Letter of Guidance (LOG). LOGs allow the Board to express concern or guidance intended to improve professional performance and possibly prevent further complaints before the Board. LOGs are not disciplinary.
- If yes, the complaint remains open pending further Board action, such as:

### Further investigation:

Normally takes 3 to 9 months. The Board completes the investigation as quickly as possible.

### Informal Conference:

When the Board has questions after reviewing the complaint it may request an Informal Conference with the licensee. This is a chance for the Board to have a discussion with both the complainant and the licensee.

Licensees are welcome to have an attorney present, but the Conference is informal and the Board expects to engage with the licensee, not the attorney.

## Complaint Process (cont):

### Adjudicatory Hearing:

If the Board determines there may be grounds for discipline it may order an Adjudicatory Hearing. If an Adjudicatory Hearing is ordered, the Board strongly recommends that the licensee:

**consult with an attorney.**

- The Licensee and complainant are notified of the Board's action in writing.

### Some Grounds for Discipline:

- Fraud or deceit in obtaining a license
- Habitual Substance Abuse
- Sexual Misconduct
- Incompetence or Unprofessional Conduct
- Conviction of a Crime
- Violation of Law, Rule, or Board Order
- Inappropriate Prescribing
- Disciplinary action by another state
- Failure to report an impaired physician

### Disciplinary Actions include:

warning; reprimand; censure; fine(s); cost of hearing; education; probation with conditions; suspension; revocation or modification of license.

### Confidentiality:

With limited exceptions, Maine law makes complaints and investigative records confidential (not accessible to the general public) during the pendency of an investigation. In addition, the law makes patient/client treatment records confidential.