

State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of May 12, 2009
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**Board of Licensure in Medicine
137 State House Station, (mailing)
161 Capitol Street Physical Address
Augusta, Maine 04333-0137**

**Minutes
May 12, 2009**

BOARD MEMBERS PRESENT

Sheridan R. Oldham, M.D., Chairman
Gary R. Hatfield, M.D., Board Secretary
Cheryl D. Clukey
David H. Dumont, M.D.
Maroulla Gleaton, M.D.
Bettsanne Holmes
David Nyberg, Ph.D.
Daniel K. Onion, M.D.

BOARD STAFF PRESENT

Randal C. Manning, Executive Director
Jean M. Greenwood, Administrative Assistant
Timothy Terranova, Consumer Assistant
Dan Sprague, Assistant Executive Director
Maria MacDonald, Board Investigator

ATTORNEY GENERAL'S OFFICE

Dennis Smith, Assistant Attorney General
Det. Peter Lizanecz

George K. Dreher, M.D. was excused.

The Board meets in public session with the exception of the times listed below, which are held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (1 M.R.S.A. §405). The Board moved, seconded, and voted the following executive session times. During the public session portions of the meeting actions are taken on all matters discussed during executive session. Discussions are projected on a screen by power point projection.

PUBLIC SESSIONS

9:01 a.m. – 9:29 a.m.
9:52 a.m. – 9:54 a.m.
10:09 a.m. – 12:10 p.m.
1:01 p.m. – 3:42 p.m.
3:47 p.m. – 6:24 p.m.
6:30 – 7:04 p.m.

PURPOSE

Call to Order
Public Session
Informal Conference held in Public Session
Adjudicatory Hearing
Adjudicatory Hearing
Adjudicatory Hearing & Adjournment

EXECUTIVE SESSIONS

9:29 a.m. 9:52 a.m.

A&D, Progress Reports & New Complaints

RECESS/LUNCH

9:54 a.m. – 10:09 a. m.
12:10 p.m. – 1:01 p.m.
3:42 p.m. – 3:47 p.m.
6:24 p.m. – 6:30 p.m.

Recess
Noon Meal
Recess
Recess

I. CALL TO ORDER: Dr. Oldham called the meeting to order.

A. AMENDMENTS TO THE AGENDA

The Adjudicatory Hearing in the matter of Holly Arato, was continued to a future date.

EXECUTIVE SESSION

II. ASSESSMENT & DIRECTION

A. AD 09-086

Dr. Dumont moved to file AD 09-086. Dr. Onion seconded the motion, which passed unanimously.

B. AD 09-114

Dr Hatfield moved to file AD 09-114. Dr. Gleaton seconded the motion, which passed unanimously.

C. AD 09-152

Dr. Dumont moved to issue a complaint in the matter of AD 09-152 (CR 09-191). Dr. Hatfield seconded the motion, which passed unanimously.

III. PROGRESS REPORTS

A. CR 07-401 GRENVILLE H. JONES, M.D. (Edna LaFlamme)

Dr. Oldham moved to dismiss, with a letter of guidance, the complaint against Grenville H. Jones, M.D. CR 07-401. Ms. Holmes seconded the motion, which passed 7-0-0-1 with Dr. Hatfield recused.

The complaint against Dr. Jones was made by the spouse of a now deceased patient. The complaint centered on the issue of proper informed consent. The Board held an Informal Conference to gather further information. At that time there was concern about the medical record. Further investigation revealed that the Board did not have the complete medical record and when the entirety of the medical record was obtained there did not appear to be any inappropriate handling of the medical records other than delays in dictating final notes of treatment. There did not appear to be any falsification of the medical record. The letter of guidance will include improved informed consent procedures and timely completion of medical records.

B. COMPLAINT STATUS REPORT (Reviewed)

C. REVIEW DRAFT LETTERS OF GUIDANCE

Dr. Gleaton moved to approve the letter of guidance to resolve CR 09-080. Dr. Hatfield seconded the motion, which passed 7-0-1-0 with Dr. Onion abstaining.

D. CONSUMER ASSISTANT FEEDBACK

Mr. Terranova reported feedback from a complainant.

IV. NEW COMPLAINTS

A. CR 08-419

Dr. Dumont moved to investigate further CR 08-419. Dr. Nyberg seconded the motion, which passed unanimously.

B. CR 08-426

Ms. Clukey moved to dismiss CR 08-426. Ms. Holmes seconded the motion, which passed unanimously.

The complainant alleges the physician was rude and refused to answer her questions. The patient was scheduled for an injection and wanted questions answered regarding the injection. She came to the office and asked to speak to a physician but her physician was not there and she expected to have her questions answered by another physician. The physician explained she was not his patient, he was not familiar with her medical situation, and therefore could not answer her questions. The physician acted appropriately and reasonably.

C. CR 09-007

Dr. Hatfield moved to order an Informal Conference in the matter of CR 09-007. Dr. Nyberg seconded the motion, which passed 5-0-0-2 with Dr. Onion and Dr. Dumont recused.

D. CR 09-011

Dr. Nyberg moved to dismiss CR 09-011. Ms. Holmes seconded the motion, which passed unanimously.

The patient is an elderly woman who was referred to the physician for a skin lesion that would not heal. This was her third visit with the physician since 2001, each time for a similar problem. According to the office manager, the patient seemed a little confused when she arrived for her appointment, but not seriously so. After undergoing a Curette biopsy that ultimately revealed a squamous cell carcinoma, the patient has complained that the physician did not listen to her sufficiently and stabbed her painfully in the forehead. The physician is puzzled by the complaint, as his office note and his personal recollection suggest the visit was routine and concluded without incident. There is no evidence to support an allegation that the physician acted unprofessionally or incompetently with this patient.

E. CR 09-017

Dr. Dumont moved to hold an Informal Conference in the matter of CR 09-017. Ms. Holmes seconded the motion, which passed unanimously.

F. CR 09-019

Dr. Onion moved to dismiss CR 09-019. Dr. Nyberg seconded the motion, which passed unanimously.

A patient complained that his evaluation by an ER physician for back pain included inappropriate advice about his weight and a personal anecdote about the physician's own experience with back pain. The patient used expletives to describe his care to the Board. He left the hospital abruptly using similar documented expletives and subsequently wrote the Board that he feels he was the victim of racial discrimination.

The Physician's contemporaneous notes and explanation to the board were coherent and made medical sense given the circumstances. The records and the patient's correspondence to the Board suggest that it was he who prevented the development of a therapeutic relationship

G. CR 09-020 Tabled until the June meeting,

H. CR 09-030 Tabled until the June meeting,

I. CR 09-043 Tabled until the June meeting,

J. CR 09-057 Tabled until the June meeting,

K. CR 09-062 Tabled until the June meeting,

L. CR 09-064 Tabled until the June meeting,

M. CR 09-081 Tabled until the June meeting,

V. 10:00 a.m. INFORMAL CONFERENCE(S)

CR 08-235 & CR 08-258 MITCHELL K. ROSS, M.D.

Ms. Holmes moved to table CR 08-235 & CR 08-258. Dr. Gleaton seconded the motion, which passed 7-0-0-1. Dr. Onion was recused.

NOON MEAL

PUBLIC SESSION

VI. MINUTES OF APRIL 14, 2009

Dr. Dumont moved to approve the minutes of April 14, 2009 as amended. Dr. Gleaton seconded the motion, which passed unanimously.

VII. NEW BUSINESS (none)

VIII. BOARD ORDERS & CONSENT AGREEMENT MONITORING AND APPROVAL

A. BOARD ORDERS

THOMAS R. DeFANTI, M.D. [See Appendix A Attached]

Dr. Gleaton moved to accept the Decision and Order in the matter of Thomas R. DeFanti, M.D. Dr. Dumont seconded the motion, which passed 7-0-0-1 with Dr. Onion recused.

B. CONSENT AGREEMENT MONITORING & APPROVAL

1. CR 08-314 WILLIAM F. TILLMAN, M.D [See Appendix B Attached]

Dr. Gleaton moved to accept the Consent Agreement in the matter of William F. Tillman, M.D. (CR 08-314). Dr. Nyberg seconded the motion, which passed unanimously.

2. JEFFREY FUSON, M.D [See Appendix C Attached]

Dr. Fuson appeared before the Board to request to have the restrictions on his license lifted. Dr. Fuson's license has been limited by a Consent Agreement he agreed to after an illness that affected his ability to practice. Dr. Fuson reported his memory loss had improved by 90% and he feels confident in the practice patterns he is currently dealing with in close relationship with his practice partner. Dr. Fuson stated he is not entertaining a return to hospital practice.

The Board is being asked to lift all restrictions on Dr. Fuson's license and trust that he has the good judgment not to stretch himself beyond his capabilities. The Board found Dr. Fuson to be credible in terms of competence, humility, insight and self knowledge, and trust that he will be able to treat and protect his patients. The Board cautioned Dr. Fuson about allowing his practice to become any more stressful.

Dr. Nyberg moved to accept and approve Dr. Fuson's request to be restored to unrestricted license status. Dr. Hatfield seconded the motion, which passed unanimously.

IX. ADJUDICATORY HEARING

A. 11:00 A.M. CR 04-056 HOLLY G. ARATO, M.D. (HEARING CONTINUED)

B. 1:00 p.m. CR 08-030 & CR 08-052 JAROSLAV P. STULC, M.D.

The Board of Licensure in Medicine (Board) met in public session on May 12, 2009. The purpose of the meeting was to conduct an Adjudicatory Hearing to decide whether Jaroslav P. Stulc, M.D. violated Board statutes and rules as alleged in the Notice of Hearing.

A summary of the hearing will be delineated in a Decision and Order which will be presented at the June 9, 2009 meeting of the Board.

Dr. Gleaton moved to revoke the license of Jaroslav P. Stulc, M.D. immediately, based on fraud and deceit in application, incompetence, unprofessional conduct and a violation of Board statutes and rules. Ms. Clukey seconded the motion, which passed unanimously.

X. REMARKS OF CHAIRMAN (none)

XI. EXECUTIVE DIRECTOR'S MONTHLY REPORT

A. MONTHLY REPORT

The Board accepted the monthly report of the Executive Director.

B. PROPOSED AMENDMENTS TO EMERGENCY LICENSE POLICY

Dr. Nyberg moved to approve the proposed amendments to the Emergency License Policy. Dr. Gleaton seconded the motion, which passed unanimously.

C. FSMB REPORT

Dr. Nyberg presented a report of his trip to the FSMB Annual Meeting as Voting Delegate.

XII. REMARKS OF ASSISTANT ATTORNEY GENERAL

The Board discussed executive session protocols with the Assistant Attorney General. Dr. Oldham presented written comments and a discussion followed.

XIII. SECRETARY'S REPORT

A. LIST A

1. LIST A LICENSES for RATIFICATION

Dr. Gleaton moved to ratify the Board Secretary's action in granting initial licensure to the physicians on List A. Dr. Nyberg seconded the motion, which passed unanimously.

The following license applications have been approved by staff and Board Secretary Gary R Hatfield, M.D. without reservation:

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Ahmmad, Eimad M	Internal Medicine	Not Listed
Beretich, Biwana	Neurology	Scarborough
Bridges, Jonathan S	Cardiology	York

Burch, John W	Internal Medicine	Portland
Crowley, Heather L	Pathology	Cumberland County
Dantas Bruno F	Anatomic/Clinical Pathology	Bangor
Garcha, Jasjot K	Nephrology	Waterville/Augusta/Skowhegan
Fineman, Alvin J	Psychiatry	Rockland/Belfast
Herrington, Ryan D	Preventive Medicine	Dept. of Corrections
Johnston, James R	Diagnostic Radiology	Teleradiology
Klein, Michael	Diagnostic Radiology	Teleradiology
Kurdi, Zerikly	Internal Medicine	Portland
Locke, Robin E	Hematology / Oncology	Augusta
MacDonald, Hugh V	Family Medicine	Not Listed
Moy, Si-Yuen	Medical Oncology	Bangor
Mullick, MonaLisa	Pediatrics	Not Listed
Murray, Logan Y	Pediatrics	Portland
Nelson, Owen A	Orthopedic Surgery	Belfast
Nevils, Ruth A	Medical Oncology	Bangor
Nilson, Douglas G	Emergency Medicine	Biddeford
Rangineni, Sumathi M	Internal Medicine	Presque Isle
Schaffer, William A	Psychiatry	Bangor
Spaulding, Laurie	General Surgery	Not Listed
Tolocica, Iona S	Anatomic/Clinical Pathology	Portland
Tulecke, Mark A	Anatomic/Clinical Pathology	Cumberland County, York

2. P.A. LIST A LICENSES FOR RATIFICATION

Dr. Dumont moved to ratify the Board Secretary's action in granting licensure to the physician assistants on List A. Dr. Nyberg seconded the motion, which passed unanimously.

The following Physician Assistant license applications have been approved by the Board Secretary Gary R Hatfield, M.D. without reservation:

<u>NAME</u>	<u>LICENSE</u>	<u>PSP</u>	<u>LOCATION</u>
Ellen Jankoswki, PA-C	Active	Joel Botler,	Portland
Michael Cinilia, PA-C	Active	Donato Sisto,	Portsmouth
Margaret Barnes, PA-C	Active	Peter DeWolfe,	Winthrop

B. List B APPLICATIONS FOR INDIVIDUAL CONSIDERATION

1. STEPHEN A. GOLDBERG, M.D

The Licensure Committee moved to approve the license application of Stephen A. Goldberg, M.D. The motion passed unanimously.

2. RAMESH RAMIAH, M.D.

The Licensure Committee moved to approve the license application of Ramesh Ramiah, M.D. The motion passed unanimously.

3. EDWARD F. SBARDELLA, M.D.

The Licensure Committee moved to approve the license application of Edward F. Sbardella, M.D. The motion passed unanimously.

4. MICHAEL VON GORTLER, M.D.

The Licensure Committee moved to grant Michael Von Gortler, M.D. leave to withdraw his application without penalty. The motion passed 7-1.

5. EDWARD P. ZARCZNSKI, M.D. (Investigate Further)

C. LIST C APPLICATIONS FOR REINSTATEMENT

The following M.D. license reinstatement application has been approved by Board Secretary Gary R. Hatfield, without reservation.

<u>NAME</u>	<u>SPECIALTY</u>
Novis, David A	Pathology

Dr. Gleaton moved to ratify action of the Board Secretary regarding the physician on List C for reinstatement. Dr. Nyberg seconded the motion, which passed unanimously.

D. LIST D WITHDRAWALS

1. LIST D (1) WITHDRAW LICENSE APPLICATION (none)

2. LIST D (2) WITHDRAW LICENSE FROM REGISTRATION

Dr. Gleaton moved to approve the physicians on List D (2) to withdraw from licensure. Dr. Nyberg seconded the motion, which passed unanimously.

The following physicians have applied to withdraw their licenses from registration:

<u>NAME</u>	<u>LICENSE NUMBER</u>
King, Merrill	004815
Brooks, Brenda	011158
Overstreet, Mary M.	013408
Mills, Christopher A.	016263
Brown, Lisa R.	PA-881
McMullen, John R.	PA-540
Cook, Jack T.	PA-712

3. LIST D (3) WITHDRAW LICENSE FROM REGISTRATION FOR INDIVIDUAL CONSIDERATION (none)

E. LIST E LICENSES TO LAPSE BY OPERATION OF LAW (none)

F. LIST F LICENSEES REQUESTING TO CONVERT TO ACTIVE STATUS (none)

G. LIST G – RENEWAL APPLICATIONS FOR REVIEW

1. JEANETTE SMITH, M.D.

The Licensure Committee moved to renew the license of Jeannette Smith, M.D. The motion passed 7-0-0-1 with Dr. Onion recused.

2. FAROOQUE KHAN, M.D.

The Licensure Committee moved to renew the license of Farooque Khan, M.D. The motion passed unanimously.

H. LIST H – DELEGATED PRACTITIONER SCHEDULE II REQUESTS (RATIFICATION)

Dr. Gleaton moved to ratify Dr. Hatfield's approval of the requests for Schedule II privileges. Ms. Clukey seconded the motion, which passed unanimously.

The following initial and renewal requests for Schedule II prescribing authority have been approved by the Board Secretary Gary R. Hatfield, M.D.

NAME PSP LOCATION

The following new requests for Schedule II prescribing authority have been approved by the Board Secretary Gary R. Hatfield, M.D.

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Danielle George, PA-C	Carmine Frumieto, M.D.	Lewiston
Danielle Currier, PA-C	Carlo Gammaitoni, M.D.	Lewiston
Kenneth Tolman, PA-C	Darin Peck, M.D.	Greenville
Amy Case, PA-C	Craig Lewis, M.D.	Livermore Falls
Brad Schmeling, PA-C	David Burke, M.D.	Bangor
Michael Moreau, PA-C	Rafael Grossman, M.D.	Bangor
Kristina Chadwick, PA-C	Wayne Moody, M.D.	Auburn
Valarie Agapetova, PA-C	Wayne Moody, M.D.	Auburn
Kathleen Bowen, PA-C	John Baker, M.D.	Newport
Michael Cinilia, PA-C	Donato Sitsto, M.D.	Portsmouth

SCHEDULE II RENEWAL REQUESTS

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Albert Marin, PA-C	Samuel Hunkler, M.D.	Bar Harbor
Lauren LaBrecque, PA-C	Steven Diaz, M.D.	Augusta
Brian Halla, PA-C	Eric Hoffman, M.D.	Portland
Jude Tardy, PA-C	Michelle Toder, M.D.	Bangor

Susan Motley, PA-C	Lawrence Kassman, M.D.	Waterville
Wendy Johnston, PA-C	Konrad Barth, M.D.	Scarborough
Jane Folgert, PA-C	Rajiv Desai, M.D.	Scarborough
Craig Pedersen, PA-C	John Bradford, M.D.	Bangor
Michael Luck, PA-C	Scott Kammerer, M.D.	Waterville
Kimberly Budd, PA-C	Carlo Gammaitoni, M.D.	Lewiston
Mary Cole-Almgren, PA-C	Carlo Gammaitoni, M.D.	Lewiston
Gregg Christensen, PA-C	Darin Peck, M.D.	Greenville
Corey Webb, PA-c	Robin Pritham, M.D.	Bangor
Dennis Scott Simpson, PA-C	Robert Abrams, M.D.	Lubec
Anthony Simpson, PA-C	R. Reed Gramse, M.D.	Portland
F. Alan Hull, PA-C	John Pier, M.D.	Scarborough
Eric Elliot, PA-C	Dennis McCann, M.D.	Augusta
Ann Boudreaux, PA-C	Fred Risser, M.D.	Bangor
Charles J. Roth III, PA-C	Michael Binette, M.D.	Portland
Denise Emple, PA-C	Douglas Brown, M.D.	Portland

XIV. STANDING COMMITTEE REPORTS

A. PERSONNEL & FINANCE COMMITTEE

Ms. Holmes and Mr. Manning reviewed the third quarter financial report.

B. LEGISLATIVE & REGULATORY COMMITTEE

Mr. Manning reviewed Legislative bills being followed by the Board.

XV. BOARD CORRESPONDENCE (none)

XVI. FYI

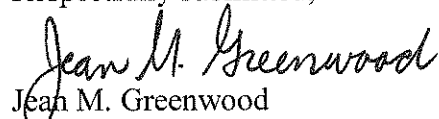
XVII. FSMB MATERIAL

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT – 7:05 P.M.

Ms. Holmes moved to adjourn. Dr. Dumont seconded the motion, which passed unanimously.

Respectfully submitted,


Jean M. Greenwood
Administrative Assistant
Board Coordinator

MAINE STATE BOARD OF LICENSURE IN MEDICINE

APPENDIX A

IN RE: Thomas R. DeFanti, M.D.)
Licensure Disciplinary Action) **DECISION AND ORDER**
Complaint # CR 07-316)

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S. Sec. 3263, *et seq.*, 5 M.R.S. Sec. 9051, *et seq.* and 10 M.R.S. Sec. 8001, *et seq.*, the Board of Licensure in Medicine (Board) met in public session at the Board's offices located in Augusta, Maine on February 10, 2009 and April 14, 2009 at 1:00 p.m. The purpose of the meeting was to conduct an adjudicatory hearing to decide whether Thomas R. DeFanti, M.D. violated Board statutes and Rules as alleged in the Revised Notice of Hearing (Complaint). A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairman Sheridan R. Oldham, M.D., Gary Hatfield, M.D., Bettsanne Holmes (public member), Cheryl Clukey (public member), David Nyberg, Ph. D., (public member), Maroulla Gleaton, M.D., and David Dumont, M.D. Dennis Smith, Ass't. Attorney General, presented the State's case. Dr. DeFanti appeared in person and was represented by Christopher Taintor. Esq. James E. Smith, Esq. served as Presiding Officer.

The Board convened the hearing and first determined that there were no conflicts of interest or bias on behalf of any Board member and then took administrative notice of its statutes and Rules. The hearing proceeded forward and State's Exhibits 1-4, 6-36, 39, and 40 were admitted into the Record as were Respondent's Exhibits 1-5. Subsequent to the opening statements by the parties, the taking of testimony, exhibits, and closing arguments, the Board deliberated and concluded by a unanimous vote of 7-0 to **Dismiss the Complaint with a Letter of Guidance**, which is not a disciplinary sanction.

So Ordered.

Dated: May 12, 2009

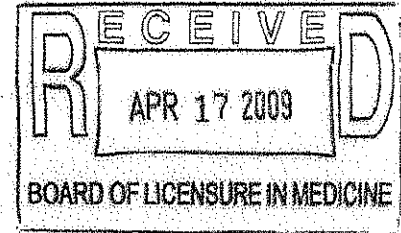


Sheridan R. Oldham, M.D. Chairman
Maine Board of Licensure in Medicine

II.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S. Sec. 11001, 11002, and 10 M.R.S. Sec. 8003, any party that appeals this Decision and Order must file a Petition for Review in the Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Licensure in Medicine, all parties to the agency proceedings and the Attorney General.



STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
William F. Tillman, M.D.)	AGREEMENT
Complaint No. CR08-314)	

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice as a physician in the State of Maine held by William F. Tillman, M.D. The parties to the Consent Agreement are: William F. Tillman, M.D. ("Dr. Tillman"), the State of Maine Board of Licensure in Medicine ("the Board"), and the State of Maine Office of the Attorney General ("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. At all times relevant to the complaint, Dr. Tillman was an applicant or licensee of the Board. The Board first issued a medical license to Dr. Tillman on July 11, 2006. Dr. Tillman specializes in Radiology.

2. On or about June 14, 2007, the Board received an application from Dr. Tillman to renew his Maine medical license. On that application, Dr. Tillman indicated that he currently or formerly held an active medical license in five states: Georgia, Maine, Missouri, New Mexico, and Alabama. As part of the renewal application, Dr. Tillman executed the following affidavit on June 2, 2007:

I have carefully read the questions in this application and have answered them completely, without reservations of any kind, and declare under penalty of perjury that my answers and all

statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice medicine and surgery in the State of Maine, or other discipline as the Board may determine. I acknowledge my responsibility to notify the Maine Board of Licensure in Medicine of my subsequent change in my status from that reported here and, in particular, to notify the Board within 10 days of a change in my place of medical practice or residence.

Based upon Dr. Tillman's representations on his renewal application, the Board renewed Dr. Tillman's Maine medical license.

3. On May 6, 2008, the Board received information from the Federation of State Medical Boards that on April 18, 2008, Dr. Tillman withdrew his application for licensure in Alaska while under investigation. The Board subsequently obtained a copy of the State of Alaska investigation regarding Dr. Tillman. That investigation indicated that Dr. Tillman had failed to disclose five states in which he held a current or past medical license on his application for licensure in Alaska. In addition, that information revealed that Dr. Tillman held a current or past medical license in the following ten states: Missouri, Maine, Tennessee, New Mexico, Alabama, Georgia, Oklahoma, Texas, Louisiana, and Iowa.

4. On September 9, 2008, the Board, pursuant to 32 M.R.S. § 3282-A, voted to issue a complaint against Dr. Tillman's Maine medical license for alleged fraud or deceit based upon his failure to disclose information on his application to renew his Maine medical license dated June 14, 2007. The Board docketed that complaint as CR08-314.

5. On October 2, 2008, the Board received a written response from Dr. Tillman to complaint CR08-314. In his response, Dr. Tillman apologized for the mistake on his renewal application, denied any intent to deceive the Board, and attributed the matter to an "oversight."

6. On October 14, 2008, the Board reviewed complaint CR08-314, including Dr. Tillman's response to the complaint, and voted to schedule complaint CR08-314 for an adjudicatory hearing. In addition, it authorized its legal counsel to negotiate a consent agreement with Dr. Tillman in order to resolve complaint CR08-314 without an adjudicatory hearing.

7. This Consent Agreement has been negotiated by Dr. Tillman and legal counsel for the Board in order to resolve this matter without an adjudicatory hearing. Absent Dr. Tillman's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 18, 2009, the Board will resolve this matter by holding an adjudicatory hearing.

8. By signing this Consent Agreement, Dr. Tillman waives any and all objections to, and hereby consents to the presentation of this proposed Consent Agreement to the Board for possible ratification. Dr. Tillman 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 in this matter, Dr. Tillman agrees to the following:

9. Dr. Tillman neither admits nor denies the basis of complaint CR08-314. However, Dr. Tillman concedes that the Board has evidence from which it could conclude by the preponderance of the evidence that the alleged conduct occurred and could constitute fraud or deceit in obtaining a license and grounds for discipline pursuant to 32 M.R.S.A. § 3282-A(2)(A).

10. As discipline for complaint CR08-314, Dr. Tillman agrees to:

a. Accept a REPRIMAND. Henceforth, Dr. Tillman shall ensure that he correctly and accurately completes all applications and documents that he files with the Board; and

b. Pay a civil penalty of one thousand dollars (\$1,000.00).

Payment of the fine shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 0433-0137. Payment of the fine shall occur on or before June 6, 2009.

11. Dr. Tillman waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Tillman agrees that this Consent Agreement and Order is a final order

resolving the complaint CR08-375. 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 Office of the Attorney General may communicate and cooperate regarding Dr. Tillman 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 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. Tillman agree that no further agency or legal action will be initiated against him by the Board based upon complaint CR08-314, except or unless he fails to comply with the terms and conditions of this Consent Agreement.

16. Dr. Tillman acknowledges that, pursuant to Title 10 M.R.S. § 8003(5)(B), his failure to comply with any of the terms or conditions of this Consent Agreement shall constitute grounds for additional disciplinary action

against his Maine medical license, including but not limited to an order, after hearing, modifying, reprimanding, suspending, or revoking his license.

17. Dr. Tillman 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.

I, WILLIAM F. TILLMAN, 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 APR 2009


WILLIAM F. TILLMAN, M.D.

STATE OF

GEORGIA

_____, S.S.

Personally appeared before me the above-named William F. Tillman, 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 April 2009


NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS:

November 30, 2009

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:


5/12/2009


SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED:

5/12/09


DENNIS E. SMITH
Assistant Attorney General

Effective Date:

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:)	TERMINATION OF
Jeffrey W. Fuson, M.D.)	CONSENT AGREEMENT
)	FOR LICENSURE
)	

This document terminates a Second Consent Agreement for Licensure effective November 14, 2006, regarding the issuance of a restricted medical license to practice medicine in the State of Maine to Jeffrey W. Fuson, M.D. The parties to that Consent Agreement were: Jeffrey W. Fuson, M.D. ("Dr. Fuson"), the State of Maine Board of Licensure in Medicine ("the Board"), and the Office of the Attorney General (the "Attorney General").

BACKGROUND

1. On January 10, 2006, the parties entered into a Consent Agreement that issued Dr. Fuson an inactive medical license based upon a report of an adverse medical event Dr. Fuson suffered.

2. On November 14, 2006, the parties entered into a Second Consent Agreement for Licensure that issued Dr. Fuson a restricted Maine medical license.

3. On or about March 4, 2009, the Board received a written request from Dr. Fuson to terminate the Second Consent Agreement for Licensure based upon his compliance to date, and the continued improvement of his memory deficits. Dr. Fuson requested that his license be fully reinstated so that he could share nursing home care and

"call" with his colleagues.

4. On May 12, 2009, the Board reviewed Dr. Fuson's written request to fully reinstate his Maine medical license. In addition, Dr. Fuson appeared before the Board for an interview regarding his request. Dr. Fuson described his current medical practice, and requested to treat nursing home patients and take "call" for his practice. Dr. Fuson represented that he had no intention of practicing hospital medicine or taking "call" for hospital patients due to the intensity of that type of medical practice. Following its discussion with Dr. Fuson, the Board was impressed with the progress of his recovery, his insight and self-awareness regarding his continued recovery, and voted to grant Dr. Fuson's request to terminate the Second Consent Agreement for Licensure and fully reinstate Dr. Fuson's Maine medical license.

COVENANT

5. Dr. Fuson, the Board, and the Office of Attorney General hereby agree to terminate the Consent Agreement for Licensure effective November 14, 2006..

I, JEFFREY W. FUSON, 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:

May 12, 2009


JEFFREY W. FUSON, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN
MEDICINE

DATED: 5/12/2009

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

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 5/12/09

[Signature]
DENNIS E. SMITH
Assistant Attorney General

Effective Date: 5/12/09