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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
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AUGUSTA, MAINE 04333-0005

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April 27, 1998

Steven J. Badeen, M.D.  
83B Main Street  
Newport, ME 04943

Dear Dr. Badeen:

The Board considered your requests, stated in your letter of March 17, 1998, at its monthly meeting on April 14, 1998. The Board has no authority to "expunge" a record of Consent Agreements. The Board did terminate your Consent Agreement so that you are no longer bound by its terms. That means that you now have an unrestricted license to practice medicine in the State of Maine. However, the Consent Agreement itself is a permanent public record and cannot be expunged.

If you have any questions or wish to discuss this with me, please call me at 207-626-8800.

Sincerely,

  
RUTH E. MCNIFF  
Assistant Attorney General

REM:sw

State of Maine  
**Board of Registration in Medicine**  
2 Bangor Street  
State House Station #137  
Augusta, ME 04333  
(207)289-3601

In re: Steven J. Badeen, M.D.  
of Reading, Pennsylvania

CONSENT AGREEMENT REGARDING  
MODIFIED, CONDITIONAL LICENSURE

This document is a Consent Agreement regarding the issuance of a modified conditional license to practice medicine and surgery in Maine to Steven Joseph Badeen, M.D. This Consent Agreement is entered into between Dr. Badeen and the State of Maine Board of Registration in Medicine (the "Board"), and is entered into pursuant to the Board's authority as set forth in 32 M.R.S.A. §3282-A(1).

FINDINGS OF FACT

1. The Board finds that Dr. Badeen has completed application, pursuant to 32 M.R.S.A. §3271 and §3275, for licensure to practice medicine and surgery based on endorsement of the results of examination and certification by the National Board of Medical Examiners, and;
2. In his application, Dr. Badeen has admitted to conduct while practicing medicine in Pennsylvania which, had it occurred in Maine, would be a ground for discipline pursuant to 32 M.R.S.A. §3282-A(2)(B): habitual and intemperate use of alcohol, narcotics, or other substances the use of which may have resulted in the performance of his duties in a manner which endangered the health and safety of patients. A finding of this ground for discipline is a basis for denial of license application pursuant to 32 M.R.S.A. §3271(5).
3. The Board finds that Dr. Badeen voluntarily entered into a monitored program of recovery from his habituation in December, 1987 with the Physician's Health Program of the Pennsylvania Medical Society and that he has maintained a strong commitment to and compliance with that program of recovery.
4. The Board finds no evidence of other conduct or lack of qualification which would be a basis for denial of his application for a Maine license pursuant to 32 M.R.S.A. § 3271(5) and specifically notes that his license in no other state has ever been disciplined for any cause.
5. The Board and the Maine Medical Association Committee on Physician Health have, pursuant to 32 M.R.S.A. §3298, established protocols for the monitoring and reporting of continuing programs of recovery by licensees of the Board who are, or may become, impaired in the practice of medicine and surgery through habitual and intemperate use of drugs or alcohol.
6. The Board finds that the issuance to Dr. Badeen of a modified, conditional license to practice medicine and surgery in Maine, subject to the conditions and covenants set forth below, is not inconsistent with the protection of the public health and safety in Maine.

CONDITIONS OF MODIFIED LICENSURE

It is agreed by the Board and by Dr. Badeen that:

1. A modified, conditional license to practice medicine and surgery in Maine shall be issued by the Board to Dr. Badeen, the registration of that license shall be made effective immediately upon the execution by all the parties to this agreement, that license shall remain eligible, absent other basis for refusal to renew, for biennial reregistration pursuant to 32 M.R.S.A. §3280 on condition that Dr. Badeen, until at least June 30, 1996, shall remain bound by terms of a "Moral Contract" with the Committee on Physician Health of the Maine Medical Association under such terms and conditions as that agency may, from time to time, prescribe as his individual program of recovery, and;
2. Dr. Badeen shall cause to be sent to the Board annually, not later than June 30 of the years 1992 through 1996, a copy of the "Moral Contract" then in effect which is certified by the Clinical Director, Committee on Physician Health, Maine Medical Association, to be a true copy of the original document then in effect, and;
3. Upon notice from the Board of a complaint, based on allegations which the Board believes are more probably than not true, that Dr. Badeen may pose a risk to the health and safety of patients by virtue of habitual and intemperate use of alcohol, drugs, or other substances, Dr. Badeen shall immediately discontinue medical practice under this license and he shall surrender to the Board, or to its agent, his certificate of Maine licensure and the certificate of its current registration. Dr. Badeen shall thereafter desist from the practice of medicine and surgery in Maine and his license shall be temporarily suspended until the Board shall act, with or without a hearing, to reinstate the license. Dr. Badeen may, at time of surrender or at a later time, petition the Board in writing for an Adjudicatory Hearing of the facts relating to the complaint and suspension of license. Such a hearing will be scheduled at the earliest possible date, normally within 90 days, and;
4. So long as his certificate of Maine licensure is registered for the active practice of medicine in Maine, Dr. Badeen shall not apply to the Board for modification of this Consent Agreement until after June 30, 1996. He may however apply for modification at an earlier date if it is his intention to leave the state for a period of time which would preclude compliance with terms of the "Moral Contract" referred to in the first condition above. Any such modification shall be at the sole discretion of the Board. The Board may propose modification to Dr. Badeen at any time.

MISCELLANEOUS PROVISIONS:

A. NOTICE: Unless otherwise specified by a subsequently approved and adopted change in this Consent Agreement, written notice shall be deemed served when:

(1) Notice to the Board shall be served when actually received at the Board's office addressed as follows:

David R. Hedrick, Executive Director  
Maine Board of Registration in Medicine  
State house Station #137  
Augusta, ME 04333

(2) Notice to the licensee shall be served when deposited in the U.S. Postal Service system addressed as follows:

Steven J. Badeen, M.D.  
83 Main Street  
Newport, ME 04953

(3) The licensee shall notify the Board in writing of any change in his office and home mailing address within 10 days of the effective date of change.

B. COSTS: All costs incurred in performance of the terms and conditions of this Consent Agreement shall be borne by the licensee.

C. MODIFICATION OF CONSENT AGREEMENT: This Consent Agreement cannot be modified orally. It can only be modified by a writing signed by the parties hereto and approved by the Maine Department of Attorney General.

(1) Requests for modification made by the licensee shall be made in writing addressed to the Board.

(2) The Board may also propose modification by sending a written proposal to the licensee.


D. ADVICE OF COUNSEL: The licensee has been informed that he has the right to legal counsel. He has the right to consult with an attorney before entering into this Consent Agreement.

E. WAIVER OF RIGHT TO APPEAL BOARD'S DECISION: Dr. Badeen voluntarily enters into this Consent Agreement, and he recognizes that by doing so he waives any right to appeal the Board's decision to issue him a modified, conditional license. This waiver of right to appeal does not apply to any proposed future modification or discipline of Dr. Badeen's license.

In re Conditional Licensure of Stephen J. Badeen, M.D.

I, ~~STEPHEN~~ J. BADEEN, M.D., HAVE READ AND I UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT 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, WRITTEN, VERBAL, OR OTHERWISE MODIFYING OR CONDITIONING THE TERMS OF MY LICENSURE TO PRACTICE MEDICINE IN MAINE.

Dated: June 5, 1992

  
STEPHEN J. BADEEN, M.D.

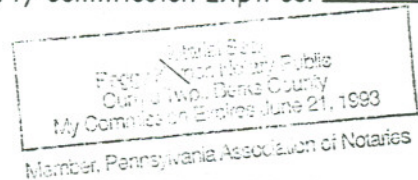
STATE OF Pennsylvania  
County of Berks, ss.

Before me, this 5th day of June, 1992, at (city) Shillington, (state) Pa., personally appeared ~~Stephen~~ J. Badeen, ~~M.D.~~, M.D., known to me, who, first being duly sworn, signed the foregoing Consent Agreement in my presence or affirmed that the signature above is his own.

Dated: June 5, 1992


  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

(SEAL)



ADOPTED AND IMPLEMENTED BY THE STATE OF MAINE BOARD OF REGISTRATION IN MEDICINE ON THE DATE SET FORTH BELOW.

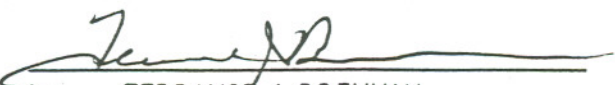
Dated: June 15, 1992

  
EDWARD DAVID, M.D., J.D., Chair

APPROVED:

Dated: July 6, 1992

STATE OF MAINE  
DEPARTMENT OF ATTORNEY GENERAL

  
by: TERRANCE J. BRENNAN  
Assistant Attorney General