

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE: David N. Breer, M.D.) CONSENT AGREEMENT
) FOR DISCIPLINE AND
) MODIFICATION OF LICENSE

This document is a Consent Agreement and Order, effective when signed by all parties, regarding discipline and the modification of a license to practice medicine in the State of Maine held by David N. Breer, M.D. (the "Licensee"), the State of Maine Board of Licensure in Medicine (the "Board") and the Maine Department of Attorney General.

FACTUAL BACKGROUND

1. The Licensee has been licensed to practice medicine in the State of Maine since 1992. He has specialized in the practice of psychiatry.
2. During 2000 and 2001, the Licensee obtained controlled substances, namely opiates, through inappropriate prescribing practices. The Licensee's spouse is also a physician and he obtained controlled substances by writing prescriptions for her and using them himself.
3. On May 14, 2001, the Board issued a complaint against the Licensee for unprofessional conduct.

DISCIPLINE

Based on the Licensee's determination not to actively practice medicine and his continuing treatment of his psychiatric problems, the Board will issue and the Licensee will agree to accept the following discipline and modifications to his license:

1. The status of the Licensee's medical license will be changed from active to inactive on the effective date of this Agreement. The Licensee's medical license may remain inactive for as long as the Licensee desires.
2. In order to apply to reinstate the Licensee's medical license to active status, the Licensee must first document six (6) months of continuous sobriety through participation in the Physicians Health Program. If, during the period of monitoring, the Licensee has a urine test that documents use of alcohol or use of a controlled substance not prescribed by a physician knowledgeable of his Consent Agreement, then the Licensee must restart the six (6) month period of documented sobriety. There is no required date by which the Licensee must commence this process, nor is there any

deadline by which the Licensee must have completed documentation of the six (6) months of continued sobriety.

3. When the Licensee begins the six (6) month period of documented sobriety, he will participate in the Physicians Health Program, pursuant to the terms of a written substance abuse monitoring Consent Agreement.

4. The Licensee has represented that he is receiving ongoing psychotherapy and that he plans to continue in psychotherapy. The Licensee agrees that if he seeks to reinstate his active medical license, he will provide authorization to the Board to obtain a summary of treatment and to discuss his treatment with his treating therapist or practitioner.

CONDITIONS FOR REINSTATEMENT OF ACTIVE LICENSURE

The Licensee and the Board agree and understand that reinstatement and maintenance of an active license shall be conditioned upon the Licensee's compliance with terms and conditions of licensure that shall be agreed upon at that time by the parties to a written Consent Agreement. Until such time as terms and conditions for reinstatement of active licensure are agreed to by the parties, the Licensee may hold only an inactive medical license.

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: Assistant Executive Director
137 State House Station
Augusta, Maine 04333-0137
Telephone: (207) 287-3601

ii. Notice to the Licensee:

David N. Breer, M.D.
220 South Main Street
Lewiston, ME 04210

Copy to: Beth Dobson, Esq.
Verrill & Dana, LLP
P.O. Box 586
Portland, Maine 04112-0586

B. Address Change. If the Licensee changes jobs, moves his residence or changes telephone numbers at work or at home, the Licensee shall provide notice to the Board within two weeks after such occurrence.

C. Costs. All costs incurred in performance of the Modifications and Conditions of this Consent Agreement shall be borne by the Licensee. If a violation of this Consent Agreement is proven to have occurred, regardless of the sanctions imposed, the Board may require the Licensee 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.

F. Amendment of Consent Agreement.

This Consent Agreement cannot be amended orally. It can be amended only by a writing signed by the parties hereto and approved by the Department of Attorney General.

1. Requests for amendments made by the Licensee shall be made in writing submitted to the Board.

2. The Board may also propose amendments by sending a written proposal to the Licensee.

G. Advice of Counsel.


The Licensee has been informed that he has the right to legal counsel. He has consulted with an attorney who has negotiated this Consent Agreement on his behalf.

H. Waiver of Right to Appeal.

In regard to all terms and conditions of this Consent Agreement, the Licensee waives any further hearings or appeal to the Court regarding the Conditional License issued hereunder. The Licensee agrees that this Consent Agreement and Order is a final order resolving the Licensee's Licensure status.

I, DAVID N. BREER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING, 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, VERBAL, WRITTEN OR OTHERWISE.

Dated: 11/7/02

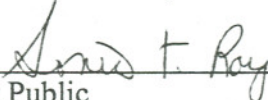

David N. Breer, M.D.

STATE OF MAINE


Androscoggin County, ss.

Dated: 11/7/02

Personally appeared before me the above named David N. Breer, 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.


Notary Public **SONIA T ROY**
My Commission Expires: _____ **MY COMMISSION EXPIRES AUGUST 26, 2006**

Dated: 11/4/02


Beth Dobson, Counsel to Dr. David N. Breer

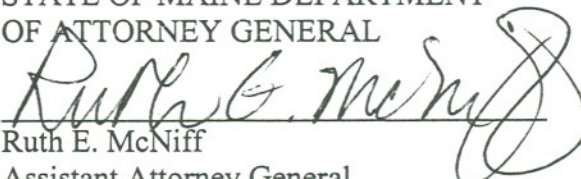
STATE OF MAINE BOARD OF LICENSURE IN MEDICINE

Dated: 11/12/02


Edward David, M.D., Chairman

STATE OF MAINE DEPARTMENT OF ATTORNEY GENERAL

Dated: 11/12/02


Ruth E. McNiff
Assistant Attorney General

EFFECTIVE DATE: 11/12/02