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STATE OF MAINE

BOARD OF REGISTRATION IN MEDICINE  
LOCATION: TWO BANGOR STREET  
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PORTLAND

NANCY MCDOWELL SNYDER  
BLUE HILL FALLS

LEOPOLD A. VIGER, M.D.  
BIDDEFORD

THOMAS L. WATT, M.D.  
BANGOR

DAVID R. HEDRICK  
EXECUTIVE DIRECTOR

September 20, 1989

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Christopher S. Smith, M.D.  
178 Northport Avenue  
Belfast, ME 04915

Dear Dr. Smith:

After an Adjudicatory Hearing in your case held Tuesday, September 12, 1989, at Augusta, ME, the Maine Board of Registration in Medicine found that you had conducted yourself unprofessionally in the case of one of your patients, identified as Patient "A", in that you had reason to suspect or know of sexual abuse of this patient, a minor child, by an adult person in a position of control over that child and you did not render a report of your suspicion or knowledge as required by 22 M.R.S.A. §4011.

Having made this finding, the Board ordered that you receive a warning that Maine law requires physicians to report to designated state or local agencies certain specified events or clinical findings which come to their attention. Among the statutorily mandated reports are those required by 22 M.R.S.A. §4011 of a physician's reasonable belief that a child is or has been the subject of sexual abuse as defined in law. The Board warns you that, as its licensee, you have a professional obligation to understand and promptly comply with all reporting requirements mandated by the laws of this state as they apply to physicians and other health professionals.

This letter constitutes an official warning by the Maine Board of Registration in Medicine pursuant to 10 M.R.S.A. §8001, sub-§5.

cf: Docket File 89A-1

Sumner H. Lipman  
Lipman and Katz, P. A.  
72 Winthrop Street  
Augusta, ME 04330

Yours truly,

A handwritten signature in black ink, appearing to read 'David R. Hedrick'.

David R. Hedrick  
Executive Director

E. Carl D. Metzger, M.D. complaint of Hunt Blatchford. A report of an outside consultant to the Board was reviewed.

MOTION was made by Mrs. Snyder to conduct an informal conference with Dr. Metzger based on the Massachusetts opinion of Consultant Dr. Gair, and other issues surrounding this case with notice to be given to Hunt Blatchford and Mrs. Blatchford that they may also attend. The motion was seconded by Dr. Bennert and passed unanimously.

MOTION was made by Chair pro tem Bradley to enter Executive Session to discuss with Counsel issues and procedures in the scheduled Adjudicatory Hearing with Christopher Smith, M.D. The motion was seconded and passed unanimously.

ENTERED EXECUTIVE SESSION 1:45 P.M.  
RECONVENED 2:00 P.M.

Dr. David resumed the chair.

VIII. ADJUDICATORY HEARING IN THE MATTER OF  
CHRISTOPHER SMITH, M.D.

Hearing convened at 2:04 P.M. on a Board of Registration Complaint issued against Christopher C. Smith, M.D. on allegations of two counts of failure to report child abuse of which he had knowledge and therefore a duty to report pursuant to 22 M.R.S.A. §4011.

Presiding Officer for the hearing was William Stokes, A.A.G.; the State's case was presented by Timothy Collier, A.A.G.; Dr. Smith was represented by Sumner Lipman, Esq.

MOTION was made by Chairman David to enter Executive Session to discuss with Counsel for the parties the means by which the names of patients and other third parties may be identified in the public record without violating their privacy. The motion was seconded and passed unanimously.

EXECUTIVE SESSION 2:10 P.M.  
RECONVENED 2:25 P.M.

Presiding officer Stokes instructed that during this hearing, in order to protect the identity of patients in these cases, patients will be referred to as Patient A and Patient B. as identified to Dr. Smith and Counsels during the Executive Session.

Dr. Bennert recused himself from the matter because of prior professional association with Dr. Smith.

MOTION was made by Mr. Bradley to dismiss charge pertaining to Patient B as, after hearing the evidence, no violation exists with respect to Dr. Smith's handling of this patient's care. Dr. Serrage seconded and the motion was passed unanimously.

MOTION was made by Mr. Bradley to rule that a reporting violation occurred constituting unprofessional conduct on the part of Dr. Smith with respect to Patient A and that appropriate action be taken by the Board to prevent further violations. The motion was seconded by Mrs. Snyder with a vote of 5-1 with the chair abstaining.

MOTION was made by Mr. Bradley that the Board as a sanction for failure to report pursuant to 22 M.R.S.A. § 4011, in the case of Patient A, issue a warning to Dr. Smith for one count of unprofessional conduct. The motion was seconded by Dr. Serrage and passed with a vote of 5 - 2 with the chair abstaining. For the record Mrs. Snyder, Drs. Haverty, Darlington, Bradley and Serrage voted in favor; Drs. Viger and Watt were opposed with Dr. David abstaining and Dr. Bennert recused.

HEARING CLOSED 5:25 P.M.

RECESS

RECONVENED 5:40 P.M.

IX. PROGRESS REPORTS CONTINUED

A. ROBERT G. KAMMERMAN, M.D. - request to modify Consent Agreement conditioning Maine Medical License.

MOTION was made by Dr. Watt to defer action until we can make inquiry with the New York Board of Medical Licensure to determine what conditions were placed on Dr. Kammerman's New York license, if any. Our two jurisdictions should agree on any modifications of conditions. The motion was seconded by Dr. Bennert and passed unanimously.

X. COMPLAINTS

Mr. Bradley and Mrs. Snyder were excused and left the meeting at 5:49 P.M. Seven members remained exceeding a quorum of five members.

MOTION was made by Dr. Bennert and seconded by Dr. Watt to enter Executive Session for the purpose of discussing complaints and reports against licensees. Motion was seconded and passed unanimously.

ENTERED EXECUTIVE SESSION 5:50 P.M.

RECONVENED 8:20 P.M.