

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re:	)	CONSENT AGREEMENT FOR
James R. Frede, M.D.	)	VOLUNTARY SURRENDER OF
AD12-107	)	LICENSE

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 James R. Frede, M.D. The parties to the Consent Agreement are: James R. Frede, M.D. (“Dr. Frede”), 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. Frede was a licensee of the Board. The Board first issued Dr. Frede a medical license on May 13, 2010. Dr. Frede specializes in Obstetrics and Gynecology.
2. On or about June 15, 2012, the Board received a “Board Action Disciplinary Alert Report” from the Federation of State Medical Boards (FSMB) that indicated that on May 14, 2012, the State of Illinois had indefinitely suspended Dr. Frede’s medical license. As a result, the Board staff opened an investigation and docketed it as AD12-107.
3. On July 9, 2012, the Board received a copy of a “Consent Order” effective May 14, 2012, between Dr. Frede and the State of Illinois Department of Financial and Professional Regulation Division of Professional Regulation. In

the "Consent Order," Dr. Frede neither admitted nor denied that he had issued prescriptions for non-Controlled Substances for patients over the internet but acknowledged that should the matter proceed to hearing, the Illinois Medical Board could find that he engaged in such conduct in violation of the Medical Practice Act. The "Consent Order" resulted in the indefinite suspension of Dr. Frede's Illinois Physician and Surgeon License.

4. On July 11, 2012, the Medical Director of the Maine Board of Licensure in Medicine sent a letter to Dr. Frede, together with a copy of the Illinois "Consent Order", and requested that Dr. Frede provide "all details leading to his suspension, including but not limited to the medications involved, the circumstances under which they were issued, and the website involved and its current status."

5. On July 23, 2012, the Board received a letter from Dr. Frede dated July 17, 2012. In the letter, Dr. Frede indicated that he had acted as a consultant for a Health Service Agency (EasyMD.com) where "patients were connected by telephone after a history was obtained" and consultations "involved minor conditions, such as chronic migraine headaches." According to Dr. Frede, "if it was indicated, non-narcotic Rx's were given," including prescriptions for Fioricet, Soma and Tramadol. Dr. Frede stated that the Illinois Board considered these activities as "improper" and did not accept them as being "Telemedicine." As a result, he agreed to the suspension of his medical license in Illinois. Dr. Frede further stated that he is no longer

performing these types of activities and no longer acting as a consultant for EasyMD.Com.

6. On July 24, 2012, the Board staff obtained information about EasyMD.Com by visiting its website: <http://www.easy.md/>. According to information posted on that website, EasyMD.com is “the Internet division of a fully licensed overseas pharmacy” that sells “exact generic equivalents of US FDA approved prescription drugs.” The website provides a list of available drugs for the treatment of multiple ailments from mental illness, cardiac and respiratory illnesses, gastrointestinal illnesses, neurological illnesses, skin diseases, sexual dysfunction, and hair loss. Potential patients visiting the website could reside anywhere in the world, and do not require a face to face visit or physical examination with a medical provider.

7. On November 12, 2002, the Maine Board of Licensure in Medicine adopted a policy regarding internet prescribing. This policy is posted on the Board’s website: [http://www.docboard.org/me/administrative/dw\\_policy.htm](http://www.docboard.org/me/administrative/dw_policy.htm). The policy states in relevant part:

POLICY: It is the policy of the Board of Licensure in Medicine that prescribing, dispensing or furnishing a prescription medication or device to a person who is not an established patient and whom the physician has not personally examined may be unprofessional conduct subject to disciplinary action pursuant to 32 MRSA, §3282-A, 2, (f). This rule does not apply to admission orders for a newly hospitalized patient, prescribing for a patient of another physician for whom the prescriber is providing coverage, or continuing medication on a short-term basis prior to a new patient’s first appointment. Prescribing medications based solely on answers to a questionnaire or a consult over the Internet for a patient the physician has never met is inappropriate and unprofessional conduct.

8. On September 11, 2012, the Board reviewed the foregoing information and voted to offer Dr. Frede this Consent Agreement in order to resolve this matter and preclude further proceedings and hearings.

9. This Consent Agreement has been negotiated by Dr. Frede and legal counsel for the Board in order to resolve this matter without further proceedings. Absent Dr. Frede'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 October 25, 2012, the Board will conduct further investigations and proceedings.

10. By signing this Consent Agreement, Dr. Frede waives any and all objections to, and hereby consents to allow the Board's legal counsel to present this proposed Consent Agreement to the Board for possible ratification. Dr. Frede 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 further investigations and proceedings in this matter, Dr. Frede agrees to the following:

11. For the purposes of this Consent Agreement only, Dr. Frede neither admits nor denies the facts as outlined above but concedes that should the matter proceed to a contested hearing that the Board has evidence from which it could conclude by the preponderance of the evidence that his conduct

in prescribing drugs to patients whom he has never met nor physically examined could constitute incompetence and unprofessional conduct and grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(E) & (F).

12. As discipline for the conduct described in paragraphs 1-11 above, Dr. Frede agrees to the IMMEDIATE and VOLUNTARY SURRENDER of his Maine medical license effective upon the execution<sup>1</sup> of this Consent Agreement. Dr. Frede shall return the original of his Maine medical license to the Board within 30 days of the execution of this Consent Agreement.

13. Violation of any of the terms or conditions of this Consent Agreement by Dr. Frede shall constitute additional grounds for discipline, including but not limited to warning, censure, reprimand, fine, and any other penalty available by law.

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

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<sup>1</sup> For the purposes of this Consent Agreement "execution" means the date on which the final signature is affixed to this Consent Agreement.

15. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Frede or any other matter relating to this Consent Agreement.

16. 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 constitutes disciplinary action that 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).

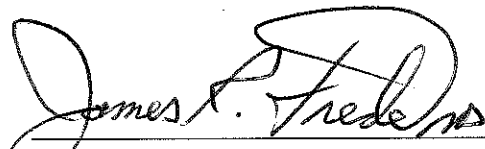
17. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

18. Dr. Frede 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, JAMES R. FREDE, 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:

10/2/2012

  
JAMES R. FREDE, M.D.

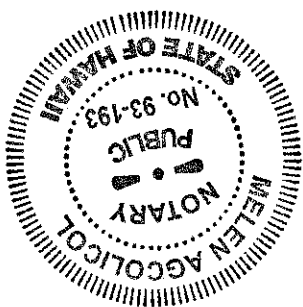
STATE OF Hawaii  
County of Maui, S.S.

Personally appeared before me the above-named James R. Frede, 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: 10/2/2012

Melen Agcolical  
NOTARY PUBLIC/ATTORNEY  
Melen Agcolical

MY COMMISSION ENDS:  
4/19/2013



STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 10/9/12

Gary R. Hatfield  
GARY R. HATFIELD, M.D., Chairman

STATE OF MAINE OFFICE  
OF THE ATTORNEY GENERAL

DATED: 10/9/12

Dennis E. Smith  
DENNIS E. SMITH  
Assistant Attorney General

Effective Date: 10/9/12