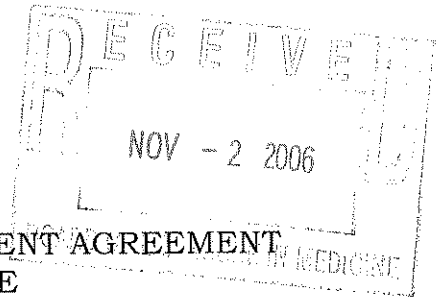


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE



In re:)
Jeffrey W. Fuson, M.D.)

SECOND CONSENT AGREEMENT
FOR LICENSURE

This document is a Second Consent Agreement, effective when signed by all parties, that grants Jeffrey W. Fuson, M.D. a conditional/restricted active license to practice medicine in the State of Maine. The parties to the Second Consent Agreement are: Jeffrey Fuson, M.D. ("Dr. Fuson"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Second Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. Dr. Fuson has held an active license to practice medicine in the State of Maine since 1979. Since that time, he has practiced medicine in Farmington, Maine, and specializes in family medicine, in which he is board-certified.

2. In December 2003, Dr. Fuson developed bacterial endocarditis on a previously unrecognized bicuspid aortic valve, which resulted in a cerebral embolus. As a result, Dr. Fuson underwent aortic valve replacement, and remained out of clinical practice for six months.

3. In September 2004, Dr. Fuson applied for re-licensure, requesting that the Board issue him an active license to practice medicine. In January 2005, the Board determined that Dr. Fuson had experienced cognitive and motor difficulties, and pended his application until he completed a

comprehensive neuropsychological and competency examination to measure his disability, if any, and evaluate his ability to practice medicine.

4. In March 2005, Dr. Fuson notified the Board that he had suffered a setback, which resulted in his hospitalization for four days. Following its review of that information, and the materials related to Dr. Fuson's application for re-licensure, the Board directed Dr. Fuson to renew his license in "Inactive Status" until he had completed the comprehensive neuropsychological and competency examination.

5. In April 2005, Dr. Fuson applied to the Board for an inactive medical license. In June 2005, the Board approved Dr. Fuson's application for an inactive medical license, and urged him to attend the Rush University Medical Center program for the neuropsychological and competency evaluation. In the meantime, the Board allowed Dr. Fuson to work at the medical practice as an "employee" to whom tasks could be delegated "by custom and usage" from a physician, but prohibited him from practicing medicine.

6. In November 2005, the Board received a "Clinical Competency Assessment Program Report" from Rush University Medical Center pertaining to Dr. Fuson. In addition, the Board received letters of support for Dr. Fuson's return to practice from patients and medical colleagues.

7. In December 2005, the Board reviewed the materials it had received concerning Dr. Fuson, and voted to offer him a Consent Agreement in order to grant him an active conditional/restricted active license to practice medicine in this State.

8. On January 4, 2006, Dr. Fuson executed the Consent Agreement offered to him by the Board. The Board ratified that Consent Agreement on January 10, 2006, on which date it became effective.

9. On August 22, 2006, the Board received a request from Dr. Steve Bien on behalf of Dr. Fuson, to fully reinstate Dr. Fuson's Maine medical license without any restrictions or conditions.

10. On September 19, 2006, the Board voted to offer Dr. Fuson this Second Consent Agreement. Absent Dr. Fuson's acceptance of the terms and conditions of this Second Consent Agreement by signing it and dating it, having it notarized, and returning it to Assistant Executive Director Dan Sprague, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, the prior Consent Agreement shall remain in full force and effect.

COVENANTS

11. Dr. Fuson admits that the Board has sufficient evidence from which it could reasonably conclude that, at present, he continues to suffer from cognitive deficits that limit his practice of medicine, and that such condition constitutes grounds for modification or restriction his Maine medical license pursuant to 32 M.R.S.A. § 3282-A.

12. In light of Dr. Fuson's admission in paragraph 11 above, the Board agrees to issue, and Dr. Fuson agrees to accept, a conditioned/restricted active

license to practice medicine in this State following the execution¹ of this Second Consent Agreement. Dr. Fuson's restricted medical license shall be subject to the following conditions:

a. Dr. Fuson shall limit his practice of medicine to a closely supervised ambulatory practice location approved by the Board²;

b. Dr. Fuson shall practice medicine only at the Board-approved location, and under the supervision of a Board-approved physician, who is a signatory to this Second Consent Agreement. Dr. Fuson shall ensure that his Board-approved physician supervisor is aware of and ensures that Dr. Fuson complies with the following limitations/restrictions within that practice³:

(i) Dr. Fuson shall have no "on-call" responsibilities; ✓

(ii) Dr. Fuson shall see a limited number of patients per day, which number shall be monitored and regulated by his supervising ✓ physician;

(iii) With the exception of paragraph (v) below, Dr. Fuson shall see only already established and previously diagnosed patients;

(iv) Dr. Fuson and his supervising physician shall engage in a weekly case discussion and perform a record review of fifty percent, (50%) of the established and previously diagnosed patients treated each week by Dr. Fuson;

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

² The Board specifically denied Dr. Fuson's request to include the management of nursing home patients within his scope of practice.

³ Dr. Fuson may only perform those medical functions specifically permitted by this Consent Agreement.

(v) Dr. Fuson may treat a limited number of new and previously undiagnosed patients, so long as he and his supervising physician perform a chart review on the same date that the Dr. Fuson ✓ sees/treats the new patient(s);

(vi) Dr. Fuson shall utilize prosthetic memory devices to assist ✓ him in his medical practice;

(vii) Dr. Fuson shall ensure that his supervising physician develops and implements protocols for the medical practice that assist Dr. Fuson with clinical practice updates (*i.e.* recently developed medical tests) and potential drug interactions (*i.e.* ✓ pharmacological agents);

(viii) Dr. Fuson shall ensure that he regularly communicates with his supervising physician; and ✓

(ix) Dr. Fuson shall ensure that his supervising physician provides the Board with quarterly reports concerning his ✓ compliance with the terms and conditions of this Second Consent Agreement as well as Dr. Fuson's medical practice.

c. Dr. Fuson and his supervising physician shall permit the Board or its agent(s) to inspect his medical practice at random intervals as determined by the Board or its designee to ensure his compliance with the terms and conditions of this Second Consent Agreement. Such inspection shall include access to all areas and records of the medical practice;

d. Dr. Fuson agrees and understands that the Board and the Office of Attorney General shall have complete access to his present and future personal medical and counseling records, and shall execute any and all releases so that the Board and the Office of the Attorney General may access and/or obtain copies of his medical and/or counseling and treatment records;

e. Dr. Fuson's Board-approved supervising physician agrees to and understands his/her obligations under this Second Consent Agreement, and shall immediately report to the Board:

(i) any violation by Dr. Fuson of any of the terms or conditions of this Second Consent Agreement; or

(ii) any change in status regarding his/her willingness to serve as Dr. Fuson's supervising physician; or

(iii) any negative change in Dr. Fuson's cognitive or medical abilities; or

(iv) any negative change in Dr. Fuson's employment status with the medical practice.

f. Upon any report to the Board by Dr. Fuson's supervising physician pursuant to paragraph 12(e) above, Dr. Fuson's conditional/restricted license shall, without notice or hearing, immediately return to "Inactive Status."

13. Dr. Fuson has not been represented by legal counsel in the negotiation of the terms of this Second Consent Agreement.

41. Dr. Fuson waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Second Consent Agreement.

15. This Second Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.

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

17. This Second Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.

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

19. The term of this Second Consent Agreement is indefinite from the date of execution, and remains in full force and effect so long as Dr. Fuson is licensed with the Board, complies with the terms and conditions of this Consent Agreement, and does not otherwise pose a risk to the public. Dr. Fuson may request amendments or changes to this agreement by submitting such request in writing to the Board which may decide the matter without a hearing. At the end of six (6) months following the execution of this Consent Agreement, the Board shall re-evaluate the appropriateness of, the necessity for, and the terms and conditions of, this Consent Agreement, and may make any modification(s) to it that it deems necessary and appropriate.

I, JEFFREY FUSON, M.D., HAVE READ AND UNDERSTAND THE FOREGOING SECOND CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS SECOND CONSENT 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 SECOND CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 10/12/06 Jeffrey W. Fuson M.D.
STATE OF Maine JEFFREY W. FUSON, M.D.
_____, S.S.

Personally appeared before me the above-named Jeffrey Fuson, 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: 10/12/06 Debra A Sealey
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS:
Sept 26, 2009


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 11/14/06 Edward David
EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

11/14/06




DENNIS E. SMITH
Assistant Attorney General

SUPERVISING PHYSICIAN

BY SIGNING BELOW, I CERTIFY THAT I AM VOLUNTARILY AGREEING TO ACT AS THE SUPERVISING PHYSICIAN UNDER THE TERMS AND CONDITIONS OF THIS SECOND CONSENT AGREEMENT, THAT I UNDERSTAND MY OBLIGATIONS UNDER THIS SECOND CONSENT AGREEMENT AND THAT I WILL FULFILL THEM, AND THAT I AM NOT A PARTY TO THIS SECOND CONSENT AGREEMENT AND WILL BE ACTING AS AN AGENT FOR THE BOARD IN ENSURING DR. FUSON'S COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS SECOND CONSENT AGREEMENT.

DATED:

10-24-06



STEVE BIEN, M.D.
Supervising Physician

Effective Date:

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
Jeffrey W. Fuson, M.D.) FOR LICENSURE

This document is a Consent Agreement, effective when signed by all parties, that grants Jeffrey W. Fuson, M.D. a conditional/restricted active license to practice medicine in the State of Maine. The parties to the Consent Agreement are: Jeffrey Fuson, M.D. ("Dr. Fuson"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. Dr. Fuson has held an active license to practice medicine in the State of Maine since 1979. Since that time, he has practiced medicine in Farmington, Maine, and specializes in family medicine, in which he is board-certified.
2. In December 2003, Dr. Fuson developed bacterial endocarditis on a previously unrecognized bicuspid aortic valve, which resulted in a cerebral embolus. As a result, Dr. Fuson underwent aortic valve replacement, and remained out of clinical practice for six months.
3. In September 2004, Dr. Fuson applied for re-licensure, requesting that the Board issue him an active license to practice medicine. In January 2005, the Board determined that Dr. Fuson had experienced cognitive and motor difficulties, and pended his application until he completed a

comprehensive neuropsychological and competency examination to measure his disability, if any, and evaluate his ability to practice medicine.

4. In March 2005, Dr. Fuson notified the Board that he had suffered a setback, which resulted in his hospitalization for four days. Following its review of that information, and the materials related to Dr. Fuson's application for re-licensure, the Board directed Dr. Fuson to renew his license in "Inactive Status" until he had completed the comprehensive neuropsychological and competency examination.

5. In April 2005, Dr. Fuson applied to the Board for an inactive medical license. In June 2005, the Board approved Dr. Fuson's application for an inactive medical license, and urged him to attend the Rush University Medical Center program for the neuropsychological and competency evaluation. In the meantime, the Board allowed Dr. Fuson to work at the medical practice as an "employee" to whom tasks could be delegated "by custom and usage" from a physician, but prohibited him from practicing medicine.

6. In November 2005, the Board received a "Clinical Competency Assessment Program Report" from Rush University Medical Center pertaining to Dr. Fuson. In addition, the Board received letters of support for Dr. Fuson's return to practice from patients and medical colleagues.

7. In December 2005, the Board reviewed the materials it had received concerning Dr. Fuson, and voted to offer him this Consent Agreement in order to grant him a conditional/restricted active license to practice medicine in this State. Absent Dr. Fuson's acceptance of the terms and

conditions of this Consent Agreement by signing it and dating it, having it notarized, and returning it to Assistant Executive Director Dan Sprague, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, the Board shall not grant him an active license to practice medicine in the State of Maine.

COVENANTS

8. Dr. Fuson admits that the Board has sufficient evidence from which it could reasonably conclude that, at present, he continues to suffer from cognitive deficits that limit his practice of medicine, and that such condition constitutes grounds for modification or restriction of his Maine medical license pursuant to 32 M.R.S.A. § 3282-A.

9. In light of Dr. Fuson's admission in paragraph 8 above, the Board agrees to issue, and Dr. Fuson agrees to accept, a conditioned/restricted active license to practice medicine in this State following the execution¹ of this Consent Agreement. Dr. Fuson's restricted medical license shall be subject to the following conditions:

a. Dr. Fuson shall limit his practice of medicine to a closely supervised ambulatory practice location approved by the Board;

b. Dr. Fuson shall practice medicine only at the Board-approved location, and under the supervision of a Board-approved physician, who is a signatory to this Consent Agreement. Dr. Fuson shall ensure that his

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

Board-approved physician supervisor is aware of and ensures that Dr. Fuson complies with the following limitations/restrictions within that practice:

- (i) Dr. Fuson shall have no "on-call" responsibilities;
- (ii) Dr. Fuson shall see a limited number of patients per day, which number shall be monitored and regulated by his supervising physician;
- (iii) Dr. Fuson shall see only already established and previously diagnosed patients;
- (iv) Dr. Fuson and his supervising physician shall engage in a case discussion and record review on the same date on which the patient is seen by Dr. Fuson;
- (v) Dr. Fuson shall utilize prosthetic memory devices to assist him in his medical practice;
- (vi) Dr. Fuson shall ensure that his supervising physician develops and implements protocols for the medical practice that assist Dr. Fuson with clinical practice updates (*i.e.* recently developed medical tests) and potential drug interactions (*i.e.* pharmacological agents);
- (vii) Dr. Fuson shall ensure that he regularly communicates with his supervising physician; and
- (viii) Dr. Fuson shall ensure that his supervising physician provides the Board with monthly reports concerning his

compliance with the terms and conditions of this Consent Agreement as well as Dr. Fuson's medical practice.

c. Dr. Fuson and his supervising physician shall permit the Board or its agent(s) to inspect his medical practice at random intervals as determined by the Board or its designee to ensure his compliance with the terms and conditions of this Consent Agreement. Such inspection shall include access to all areas and records of the medical practice;

d. Dr. Fuson agrees and understands that the Board and the Office of Attorney General shall have complete access to his present and future personal medical and counseling records, and shall execute any and all releases so that the Board and the Office of the Attorney General may access and/or obtain copies of his medical and/or counseling and treatment records;

e. Dr. Fuson's Board-approved supervising physician agrees to and understands his/her obligations under this Consent Agreement, and shall immediately report to the Board:

- (i) any violation by Dr. Fuson of any of the terms or conditions of this Consent Agreement; or
- (ii) any change in status regarding his/her willingness to serve as Dr. Fuson's supervising physician; or
- (iii) any negative change in Dr. Fuson's cognitive or medical abilities; or
- (iv) any negative change in Dr. Fuson's employment status with the medical practice.

f. Upon any report to the Board by Dr. Fuson's supervising physician pursuant to paragraph 9(e) above, Dr. Fuson's active conditional/restricted license shall, without notice or hearing, immediately return to "Inactive Status."

10. Dr. Fuson has not been represented by legal counsel in the negotiation of the terms of this Consent Agreement.

11. Dr. Fuson waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement.

12. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.

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

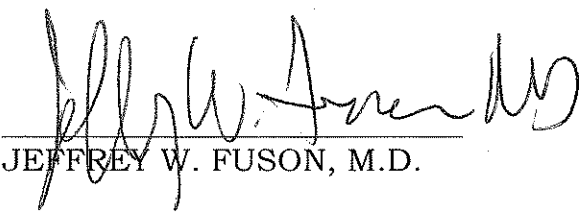
14. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.

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

16. The term of this Consent Agreement is indefinite from the date of execution, and remains in full force and effect so long as Dr. Fuson is licensed with the Board, complies with the terms and conditions of this Consent Agreement, and does not otherwise pose a risk to the public. Dr. Fuson may request amendments or changes to this agreement by submitting such request

in writing to the Board which may decide the matter without a hearing. At the end of six (6) months following the execution of this Consent Agreement, the Board shall re-evaluate the appropriateness of, the necessity for, and the terms and conditions of, this Consent Agreement, and may make any modification(s) to it that it deems necessary and appropriate.

I, JEFFREY FUSON, 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: 1/4/06 
STATE OF Maine JEFFREY W. FUSON, M.D.
_____, S.S.

Personally appeared before me the above-named Jeffrey Fuson, M.D., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED: 1/4/06 
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS:
9/26/2009

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

1/10/06

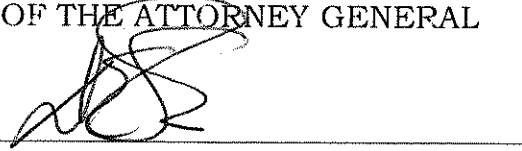


EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

1/10/06



DENNIS E. SMITH
Assistant Attorney General

SUPERVISING PHYSICIAN

BY SIGNING BELOW, I CERTIFY THAT I AM VOLUNTARILY AGREEING TO ACT AS THE SUPERVISING PHYSICIAN UNDER THE TERMS AND CONDITIONS OF THIS CONSENT AGREEMENT, THAT I UNDERSTAND MY OBLIGATIONS UNDER THIS CONSENT AGREEMENT AND THAT I WILL FULFILL THEM, AND THAT I AM NOT A PARTY TO THIS CONSENT AGREEMENT AND WILL BE ACTING AS AN AGENT FOR THE BOARD IN ENSURING DR. FUSON'S COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS CONSENT AGREEMENT.

DATED:

1/9/06



STEVE BIEN, M.D.
Supervising Physician

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, M.D.,
Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 5/12/09


DENNIS E. SMITH
Assistant Attorney General

Effective Date: 5/12/09