

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: )  
Michael J. Griffin, M.D. ) CONSENT  
CR10-208 ) AGREEMENT

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 Michael J. Griffin, M.D. The parties to the Consent Agreement are: Michael J. Griffin, M.D. ("Dr. Griffin"), 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. Griffin was a licensee of the Board. The Board first licensed Dr. Griffin a medical license on July 20, 1981. Dr. Griffin specializes in Internal Medicine.
2. On or about April 5, 2010, the Board received information from the Maine Medical Professionals Health Program (MMPHP) regarding Dr. Griffin. According to that information, Dr. Griffin had admitted to consuming alcohol in violation of his contract with the MMPHP. Based upon the information from the MMPHP, the Board voted to initiate a complaint against Dr. Griffin's Maine

medical license. The Board docketed that complaint as CR10-208. The Board has no notice of any competence or practice issue concerning Dr. Griffin.

3. On or about May 6, 2010, the Board received a response from Dr. Griffin to complaint CR10-208. Dr. Griffin admitted to consuming alcohol. Further, given that Dr. Griffin has intended for some time to retire permanently from the practice of medicine, he reported he will no longer participate in the MMPHP.

4. On or about May 11, 2010, the Board reviewed complaint CR10-208, and voted to schedule the matter for an adjudicatory hearing. It also authorized the undersigned assistant attorney general to negotiate a consent agreement that resolved complaint CR10-208 without an adjudicatory hearing.

5. This Consent Agreement has been negotiated by legal counsel for Dr. Griffin and legal counsel for the Board in order to resolve this matter without further proceedings. Absent Dr. Griffin'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 July 9, 2010, the Board will schedule the matter for an adjudicatory hearing.

6. By signing this Consent Agreement, Dr. Griffin 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 consideration and possible ratification on July 13, 2010. Dr. Griffin 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 regarding this matter, Dr. Griffin agrees to the following:

7. Dr. Griffin admits that the Board has evidence, as described above, from which it could conclude by the preponderance of the evidence that he engaged in unprofessional conduct which constitutes a ground for discipline pursuant to 32 M.R.S. § 3282-A(2)(F).

8. Inasmuch as Dr. Griffin intends to retire from the practice of medicine and inasmuch as Dr. Griffin has not filed an application for renewal of his Maine medical license, Dr. Griffin agrees to the VOLUNTARY SURRENDER of his Maine medical license as discipline, effective upon the execution of this Consent Agreement.<sup>1</sup>

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<sup>1</sup> For the purposes of this Consent Agreement, "execution" shall mean the date on which the last signature is affixed to this Consent Agreement.

9. Nothing in this Consent Agreement shall prohibit Dr. Griffin from, at reasonable intervals, petitioning the Board for reinstatement of his Maine medical license. Upon petitioning the Board for reinstatement, Dr. Griffin shall bear the burden of demonstrating that: (a) his Maine medical license should be reinstated; and (b) that the resumption of his practice of medicine would not pose a risk to the public; and (c) that no grounds exist for the Board to deny his application for reinstatement. The Board, upon receipt of any such petition for reinstatement from Dr. Griffin, may direct that he undergo whatever testing, evaluations and/or treatment that it deems appropriate. In addition, Dr. Griffin shall execute any and all releases so that the Board, Board staff, and Office of Attorney General may obtain copies of his medical, psychological, and counseling records and evaluations. Following its receipt of a petition for reinstatement from Dr. Griffin, and its review of any records, evaluations and investigative information (including this Consent Agreement and any documents related to it), the Board shall retain the sole discretion, following the opportunity for Dr. Griffin to appear before the Board in an adjudicatory hearing or informal conference, to grant or deny the petition and/or grant Dr. Griffin a license subject to restrictions and/or conditions pursuant to 32 M.R.S.A. § 3282-A(2) and 10 M.R.S.A. § 8003(5). In the Board's sole discretion, the Board may also resolve by Consent Agreement any issues presented by a

petition for reinstatement from Dr. Griffin, without first holding an adjudicatory hearing or informal conference.

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

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

12. 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).

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

14. Dr. Griffin 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, MICHAEL J. GRIFFIN, 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: July 8, 2010  
Michael J. Griffin  
MICHAEL J. GRIFFIN, M.D.

STATE OF Maine  
Kennebec County, S.S.

Personally appeared before me the above-named Michael J. Griffin, 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.

Cindy Cormier -6-

CINDY CORMIER  
Notary Public, Maine  
My Commission Expires July 7, 2011

DATED: 7/8/10

*Cindy Cormier*

NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS:  
**CINDY CORMIER**  
Notary Public, Maine  
My Commission Expires July 7, 2014

DATED: 7/12/2010 *KW Lehman*

KENNETH W. LEHMAN, ESQ.  
Attorney for Dr. Griffin  
STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 7/13/10 *[Signature]*

GARY R. HATFIELD, M.D., Acting Chairman

STATE OF MAINE OFFICE  
OF THE ATTORNEY GENERAL

DATED: 7/13/10 *[Signature]*

DENNIS E. SMITH  
Assistant Attorney General

Effective Date: 7/13/10