

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

<u>In re:</u>)	FIRST AMENDMENT TO THE
)	CONSENT AGREEMENT FOR
Nelson E. Meaker, PA-C)	DISCIPLINE AND RESTRICTED
Complaint No. CR12-175)	LICENSE

This document is a First Amendment to the Consent Agreement for Discipline and Restricted License (“Consent Agreement”) effective June 19, 2013, regarding a disciplinary action against and restrictions imposed upon the license to practice as a physician assistant in the State of Maine held by Nelson E. Meaker, PA-C. The parties to this First Amendment of that Consent Agreement are: Nelson E. Meaker, PA-C (“Mr. Meaker”), the State of Maine Board of Licensure in Medicine (“the Board”), and the Office of the Attorney General (the “Attorney General”). This First Amendment to Consent Agreement is entered into pursuant to 32 M.R.S. § 3282-A and 10 M.R.S. § 8003(5).

BACKGROUND

1. On June 19, 2013, the parties entered into a Consent Agreement regarding a disciplinary action concerning and restrictions imposed upon the license to practice as a physician assistant in the State of Maine held by Nelson E. Meaker, PA-C.
2. On December 2, 2013, the Board received an email from Mr. Meaker requesting an extension of time to complete the continuing education courses regarding prescribing controlled drugs and medical record keeping required by paragraph 10(c) of the Consent Agreement. In support of his request, Mr. Meaker indicated that he had been unemployed for a period of time, and therefore without financial resources to complete the courses. In addition, Mr. Meaker also indicated that he was currently busy adjusting

to the new changes that accompany his new employment, and would not be able to physically or financially be able to attend the continuing education courses within the period proscribed by the Consent Agreement.

3. On December 10, 2013, the Board reviewed Mr. Meaker's request for an extension of time to complete the continuing education courses required by paragraph 10(c) of the Consent Agreement. Following its review, the Board voted to offer Mr. Meaker this First Amendment to the Consent Agreement

AMENDMENT

4. Mr. Meaker, the Board, and the Office of Attorney General hereby agree to amend the Consent Agreement dated June 19, 2013, by amending paragraph 10(c) to read as follows:

Within six (6) months following the execution of the First Amendment to the Consent Agreement, Mr. Meaker shall successfully complete continuing medical education courses in the following subjects, which courses must be pre-approved by a member of the Board:

- (1) Prescribing of controlled drugs; and
- (2) Medical record keeping.

In complying with this condition, Mr. Meaker understands and agrees that he shall:

- (1) Provide the Board with documentary proof of his enrollment in the courses approved by the Board member by January 10, 2014; and
- (2) Be responsible for all costs associated with completing the


courses, and with providing the Board with documentary proof of his successful completion of the Board pre-approved courses within six (6) months following the execution of this First Amendment to the Consent Agreement.

5. Mr. Meaker acknowledges by his signature hereto that all other terms and conditions of the Consent Agreement effective June 19, 2013, as amended by this First Amendment to the Consent Agreement, remain in full force and effect.

6. Mr. Meaker acknowledges by his signature hereto that he has read this First Amendment to the Consent Agreement, that he has had an opportunity to consult with an attorney before executing this First Amendment, that he executed this First Amendment of his own free will and that he agrees to abide by all terms and conditions set forth herein.

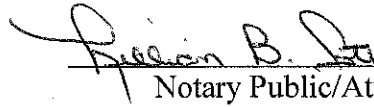
I, NELSON E. MEAKER, PA-C, HAVE READ AND UNDERSTAND THE FOREGOING FIRST AMENDMENT TO CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO FURTHER HEARINGS REGARDING THIS AMENDMENT. I ALSO WAIVE THE RIGHT TO APPEAL TO THE COURT REGARDING THIS AMENDMENT. KNOWING THIS, I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS FIRST AMENDMENT, TOGETHER WITH THE CONSENT AGREEMENT, CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated: 12/31/13


NELSON E. MEAKER, PA-C

STATE OF MAINE
Penobscot, SS. (County)

Before me this 31st day of December, 2013, personally appeared Nelson E. Meaker, PA-C, who after first being duly sworn, signed the foregoing First Amendment to the Consent Agreement in my presence or affirmed that the signature above is his own.

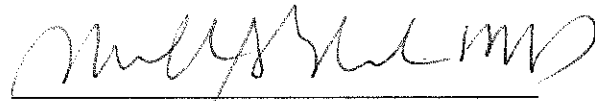


Notary Public/Attorney at Law
My commission expires:

LILLIAN B. COTE
Notary Public, State of Maine
My Commission Expires 3/3/2019

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 1/8/14



MAROULLA S. GLEATON, M.D.,
Chairman

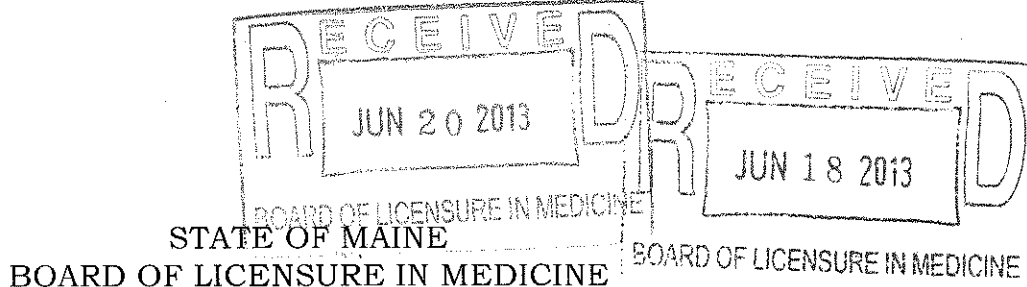
STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 1/8/14



DENNIS E. SMITH
Assistant Attorney General

Effective Date: 1/8/14



IN RE:) CONSENT AGREEMENT
NELSON E. MEAKER, PA-C) FOR DISCIPLINE AND
Complaint No. CR12-175) RESTRICTED LICENSE
)

This document is a Consent Agreement For Discipline and Restricted Licensure, effective when signed by all parties, regarding discipline imposed upon and the issuance of an active restricted license to practice medicine in the State of Maine to Nelson E. Meaker, PA-C. The parties to this Consent Agreement are: Nelson E. Meaker, PA-C (“Mr. Meaker”), the State of Maine Board of Licensure in Medicine (the “Board”) and the Maine Office of the Attorney General.

STATEMENT OF FACTS

1. The Board first issued Mr. Meaker a physician assistant license on November 1, 2000.
2. On May 24, 2012, the Board received information from a pharmacist regarding patient CP. According to the pharmacist, patient CP was being prescribed: 480 mg of Oxycontin per day; 150 mcg in a fentanyl patch per day; and 60 mg of Hydrocodone per day. The pharmacist was concerned that the amount of opiates being prescribed to patient CP was excessive, and that the patient’s wife slurred speech and behavior raised red flags for possible diversion. As a result of receiving this information, the Board staff obtained a

copy of patient CP's prescription information from the Prescription Monitoring Program (PMP) and a copy of patient CP's medical records for review.

3. On September 11, 2012, the Board reviewed the foregoing information and voted to initiate a complaint against Mr. Meaker's Maine physician assistant license pursuant to 32 M.R.S. § 3282(A)(2) alleging inappropriate prescribing practices regarding patient CP. The Board docketed the complaint as Complaint No. CR12-175 and sent it to Mr. Meaker for a response.

4. On October 23, 2012, the Board received a response from Mr. Meaker to Complaint No. CR12-175. Mr. Meaker described his care and treatment of patient CP, including his medical rationale for prescribing such large quantities of opiates.

5. On December 12, 2012, the Board reviewed Complaint No. CR12-175, including Mr. Meaker's response and all investigative records. Following its review and discussion the Board voted to schedule an informal conference with Mr. Meaker regarding Complaint No. CR12-175 concerning the following issues: (1) opiate prescribing to patient CP; and (2) issuing prescriptions that had been pre-signed by his supervising physician to patients for schedule II controlled drugs.

6. On March 12, 2013, the Board held an informal conference with Mr. Meaker regarding Complaint No. CR12-175. Following the informal conference, the Board voted to schedule the matters for an adjudicatory

hearing and offer Mr. Meaker this Consent Agreement to resolve Complaint No. CR12-175 without further proceedings.

7. This Consent Agreement has been negotiated by and between legal counsel for Mr. Meaker and the Maine Office of the Attorney General in order to resolve Complaint No, CR12-175 without an adjudicatory hearing. Absent Mr. Meaker's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before June 7, 2013, the Board will resolve this matter by holding an adjudicatory hearing at a later date.

8. By signing this Consent Agreement, Mr. Meaker 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. Mr. Meaker 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 proceeding to an adjudicatory hearing the Board and Mr. Meaker agree to the following disposition.

9. With regard to Complaint Nos. CR12-175 Mr. Meaker concedes that the Board has sufficient evidence from which it could conclude that he:

- a. Failed to adhere to Board Rule Chapter 21 "Use of Controlled

Substances For Treatment of Pain” and to current “Universal Precautions” for the treatment of patients for chronic, non-cancer pain;

b. Issued prescriptions for schedule II medications to patients using prescriptions that had been pre-signed by his supervising physician and without having schedule II prescribing privileges with the Board; and

c. Issued prescriptions for schedule II medications without applying for or obtaining schedule II prescribing privileges from the Board.

Mr. Meaker concedes that such conduct constitutes grounds for discipline of his Maine physician assistant license for unprofessional conduct pursuant to 32 M.R.S. § 3282-A(2)(F).

10. As discipline for the conduct admitted above, Mr. Meaker agrees to:

a. Accept a REPRIMAND. As a medical professional, Mr.

Meaker was responsible for being aware of and complying with:

(1) The accepted standards of care for the diagnosis and treatment of chronic pain with opiates; and

(2) The federal laws regarding possessing and issuing pre-signed prescriptions for Schedule II drugs; and

(3) The laws and rules of the Board and the requirement that he obtain authority from the Board to issue prescriptions for

Schedule II medication to patients.

Mr. Meaker agrees to henceforth comply with all applicable standards, laws and rules regarding the prescribing of all controlled substances.

b. Effective upon the execution of this Consent Agreement, accept the following license restrictions, which shall remain in effect unless or until this Consent Agreement is rescinded or amended by all of the parties hereto:

(1) Mr. Meaker shall immediately cease prescribing any controlled medications, including all opiates and benzodiazepines, for the treatment of chronic pain except for:

- (a) Patients in skilled nursing facilities or long-term care facilities;
- (b) Patients in hospice care; or
- (c) Patients with metastatic cancer.

In complying with this restriction, Mr. Meaker:

- (a) Shall ensure that any and all prescriptions that he issues for the three excepted categories of patients identified above are annotated with the words "skilled nursing facility/long-term care" or "hospice care" or "metastatic cancer" as applicable to each patient; and

- (b) May prescribe controlled substances for no more than ten (10) consecutive days (i.e. with no refills) to treat acute conditions; and
- (c) Shall comply with Board Rule, Chapter 21, "Use of Controlled Substances For Treatment of Pain" to the extent that he prescribes any controlled medications for the treatment of acute pain.

(2) Mr. Meaker shall not prescribe or issue prescriptions for any schedule II controlled substances until and unless he obtains authorization from the Board to prescribe schedule II controlled substances.

c. Within six (6) months following the execution of this Consent Agreement, Mr. Meaker shall successfully complete continuing medical education courses in the following subjects, which courses must be pre-approved by the Board:

- (1) Prescribing of controlled drugs; and
- (2) Medical record keeping.

In complying with this condition, Mr. Meaker understands and agrees that he shall be responsible for all costs associated with completing the courses, and with providing the Board with documentary proof of his successful completion of the Board pre-approved courses within six (6) months following the execution of this Consent Agreement.

11. In order to ensure his compliance with the restriction on his ability to prescribe controlled drugs for the treatment of chronic pain, Mr. Meaker agrees to fully cooperate with the Board and to permit the Board or its agent(s) to inspect his medical practice, including allowing the Board or its agents full access to and copying of the patient medical records of his medical practice as allowed by law.

12. Mr. Meaker waives his right to a hearing before the Board or any court regarding all findings, terms, restrictions and conditions of this Consent Agreement. Mr. Meaker agrees that this Consent Agreement is a final order resolving complaint No. CR12-175. 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.

13. The Board and the Maine Office of the Attorney General may communicate and cooperate regarding Mr. Meaker 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. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408. This Consent Agreement constitutes disciplinary and adverse licensing 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).

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

16. The Board and Mr. Meaker agree that no further agency or legal action will be initiated against him by the Board based upon Complaint No. CR12-175, except or unless he fails to comply with the terms and conditions of this Consent Agreement.

17. Mr. Meaker acknowledges that, pursuant to Title 10 M.R.S. § 8003(5)(B), his failure to comply with any of the terms or conditions of this Consent Agreement shall constitute grounds for additional disciplinary action against his Maine medical license, including but not limited to an order, after hearing, suspending or revoking his license.

18. Mr. Meaker acknowledges and agrees that, pursuant to Title 10 M.R.S. § 8003(5), the Board has the authority to suspend or revoke his medical license in the event that he fails to comply with any terms or conditions of this Consent Agreement.

19. Mr. Meaker has been represented by Michael A. Duddy, Esq., who has participated in the negotiation of this Consent Agreement.

20. Mr. Meaker 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.

21. For the purposes of this Consent Agreement, the term "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

I, NELSON E. MEAKER, PA-C, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING IT, 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: 6/10/2013 
NELSON E. MEAKER, PA-C

STATE OF Maine
County of Penobscot, S.S.

Personally appeared before me the above-named, Nelson E. Meaker, PA-C, 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: June 10, 2013  **ALYSON S. DUPLISEA**
NOTARY PUBLIC / ATTORNEY Notary Public • State of Maine
My Commission Expires February 6, 2015

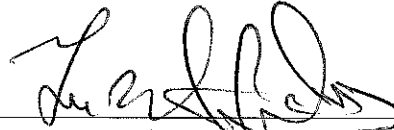
MY COMMISSION ENDS: February 6 2015

Dated: June 17, 2013 
MICHAEL A. DUDDY, ESQ.
Attorney for Nelson E. Meaker, PA-C

STATE OF MAINE BOARD OF
LICENSURE IN MEDICINE

Dated:

6/19/13



GARY R. HATFIELD, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF ATTORNEY GENERAL

Dated:

6/19/13



DENNIS E. SMITH

Assistant Attorney General

Effective Date:

6/19/13