

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re:	)	CONSENT
Maryanne W. Moore, M.D.	)	AGREEMENT
CR10-523	)	

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 Maryanne W. Moore, M.D. The parties to the Consent Agreement are: Maryanne W. Moore, M.D. ("Dr. Moore"), 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. Moore was a licensee of the Board. The Board first issued Dr. Moore a medical license on July 25, 2002. Dr. Moore specializes in Anesthesiology.
2. On September 7, 2010, the Board received a letter from the Maine Medical Association Medical Professionals Health Program (MPHP) indicating that Dr. Moore had entered that program on June 21, 2010, and had relapsed to the use of alcohol on August 23, 2010. The MPHP also indicated that, as a result, it would increase the frequency of Dr. Moore's monitoring, attendance at self-help meetings, and counseling.
3. On October 18, 2010, the Board received a letter from the MPHP indicating that Dr. Moore had self-reported a relapse to the use of alcohol on

October 4, 2010. According to the MPHP, Dr. Moore was not working nor on call at the time of the relapse, and tested positive for alcohol markers on October 6, 2010. The MPHP also indicated that Dr. Moore had enrolled in an intensive outpatient substance abuse program, and recommended that she enter an inpatient program for a comprehensive evaluation.

4. On or about October 28, 2010, the Board received a letter from Dr. Moore updating her treatment for alcohol abuse. Dr. Moore detailed her efforts to comply with the recommendations of the MPHP, including increased monitoring, attending intensive outpatient substance abuse treatment, individual counseling, and attending self-help groups. In addition, Dr. Moore indicated that she intended to follow the recommendation of the MPHP to enter inpatient substance abuse treatment on November 2, 2010.

5. On October 29, 2010, the Board received a letter from the MPHP indicating that Dr. Moore would be entering inpatient substance abuse treatment on November 1, 2010, which would include a comprehensive evaluation.

6. On November 2, 2010, Dr. Moore entered an intensive inpatient program for chemical dependency related to her use of alcohol. Dr. Moore completed the program and was transferred to an extended care program from which she was discharged on January 10, 2011.

7. On March 23, 2011, Dr. Moore telephoned the Board and spoke directly with Board staff to self-report that she had relapsed and consumed

alcohol on March 22, 2011. Dr. Moore further reported that she was not practicing medicine.

8. On March 28, 2011, the Board received a letter from the MPHP indicating that Dr. Moore had relapsed to the use of alcohol on March 22, 2011, and was subsequently suspended from work.

9. This Consent Agreement has been negotiated by and between Kenneth W. Lehman, Esq., legal counsel for Dr. Moore, and legal counsel for the Board in order to resolve this matter without further proceedings. Absent Dr. Moore'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 April 11, 2011, the Board will conduct further investigations and proceedings.

10. By signing this Consent Agreement, Dr. Moore 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 on April 12, 2011. Dr. Moore 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.

11. Dr. Moore has been cooperative with the Board and the Office of Attorney General.

#### COVENANTS

In lieu of further investigations and proceedings in this matter, Dr. Moore agrees to the following:

12. Dr. Moore admits that the Board has evidence from which it could conclude by the preponderance of the evidence that she has engaged in “habitual substance abuse that... is foreseeably likely to result in her performing services in a manner that endangers<sup>1</sup> the health or safety of patients,” which constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(B).

13. As discipline for the conduct described in paragraphs 1-12 above, Dr. Moore agrees to the IMMEDIATE and VOLUNTARY SURRENDER of her Maine medical license effective upon the execution<sup>2</sup> of this Consent Agreement. In complying with this provision, Dr. Moore shall immediately return her Maine medical license to the Board.

14. Nothing in this Consent Agreement shall prohibit Dr. Moore from, at reasonable intervals, petitioning the Board for reinstatement of her Maine medical license. Upon petitioning the Board for reinstatement, Dr. Moore shall bear the burden of demonstrating that: (a) her Maine medical license should be reinstated; and (b) that the resumption of her practice of medicine would not pose a risk to the public; and (c) that no grounds exist for the Board to deny her application for reinstatement. The Board, upon receipt of any such petition for reinstatement from Dr. Moore, may direct that she undergo whatever testing and evaluations that it deems appropriate. In addition, Dr. Moore shall execute any and all releases so that the Board, Board staff, and Office of

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<sup>1</sup> The Board is not aware of any information that Dr. Moore actually caused any harm to any patients.

<sup>2</sup> For the purposes of this Consent Agreement, “execution” means the date on which the final signature is affixed hereto.

Attorney General may obtain copies of her medical, psychological, and counseling records and evaluations. Following its receipt of a petition for reinstatement from Dr. Moore, and its review of any records, evaluations and investigative information, the Board shall retain the sole discretion to: (a) following an opportunity for an adjudicatory hearing, grant or deny the petition; or (b) grant Dr. Moore a license subject to restrictions and/or conditions pursuant to a consent agreement under the authority of 32 M.R.S. § 3282-A(2) and 10 M.R.S. 8003(5).

15. This Consent Agreement does not require Dr. Moore to seek or obtain reinstatement of her Maine medical license. Dr. Moore may choose to seek and obtain licensure in another State or jurisdiction.

16. Dr. Moore waives her right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Moore agrees that this Consent Agreement and Order is a final order resolving pending Complaint No. CR10-523 and 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.

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

18. 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).

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

20. Dr. Moore acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

I, MARYANNE MOORE, 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: 3-31-2011

MARYANNE MOORE, MD  
MARYANNE W. MOORE, M.D.

STATE OF Maine

ARROSTOOK, S.S.

Personally appeared before me the above-named Maryanne W. Moore, 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: 3-31-2011

[Signature]  
NOTARY PUBLIC / ATTORNEY

**A. JOSEPH CLUKEY II**  
**NOTARY PUBLIC, MAINE**  
MY COMMISSION EXPIRES OCTOBER 15, 2013

MY COMMISSION ENDS:  
10-15-2013

DATED: 4/5/2011

[Signature]  
KENNETH W. LEHMAN, ESQ.  
Attorney for Dr. Moore

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED:

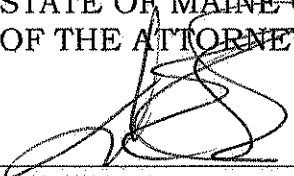
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GARY R. HATFIELD, M.D., Acting  
Chairman

STATE OF MAINE OFFICE  
OF THE ATTORNEY GENERAL

DATED:

4/12/11

  
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DENNIS E. SMITH  
Assistant Attorney General

Effective Date:

4/12/11