

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Thomas A. Tarter, M.D.)	AGREEMENT
Complaint No. CR08-051)	

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed upon the license to practice medicine in the State of Maine held by Thomas A. Tarter, M.D. The parties to the Consent Agreement are: Thomas A. Tarter, M.D. (“Dr. Tarter”), 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. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. On September 11, 2007, the Board received an application for a permanent Maine medical license from Dr. Tarter. According to that application, Dr. Tarter’s medical specialty is “Emergency Medicine,” in which he is board-certified. Dr. Tarter’s application for a permanent Maine medical license was not completed within one year.¹

2. On September 25, 2007, the Board received an application for an emergency² medical license from Dr. Tarter. In support of his application, Dr. Tarter submitted a letter of need dated September 14, 2007, from Jay Reynolds, M.D., COO/CMO of The Aroostook Medical Center (TAMC) in Presque Isle, Maine, who requested that the Board issue Dr. Tarter

¹ Pursuant to Board Rule Chapter 1, Section 4(6), “Any application that has been in file without action for one year shall be deemed administratively incomplete and discarded.” In accordance with this rule, Dr. Tarter’s application for a permanent license shall be discarded.

² Title 32 M.R.S. § 3278 permits the Board to issue a “100-day license” to a physician who presents “a current active unconditioned license from another United States licensing jurisdiction... to serve temporarily for declared emergencies in the State or for other appropriate reasons as determined by the board.” Pursuant to Board Rule Chapter 1, Section 5(1), applicants must submit a “Letter of Need which describes the circumstances which make the candidate eligible for the license.”

an emergency medical license in order to practice emergency medicine at that facility's Emergency Department.

3. On October 1, 2007, the Board issued Dr. Tarter a 100-day emergency medical license effective October 1, 2007 through January 9, 2008.

4. On January 28, 2008, the Board received a letter dated January 23, 2008, from Jay Reynolds M.D., COO/CMO of TAMC.³ According to that letter, TAMC terminated its contract for Dr. Tarter's services effective December 21, 2007, due in part to his failure to complete patient medical charts.⁴

5. On or about March 3, 2008, the Board reviewed the foregoing information and voted to initiate a complaint against Dr. Tarter pursuant to 32 M.R.S. § 3282-A based in part upon his failure to complete patient medical records. The Board docketed the complaint as CR08-051.

6. On or about May 12, 2008, the Board received a response from Dr. Tarter to complaint CR08-051. In his response, Dr. Tarter did not deny the allegation of his failure to complete patient medical records or explain why he failed to so do. However, Dr. Tarter asserted that "it is not a basis for termination of or action against someone's license."

7. On or about March 10, 2009, the Board reviewed complaint CR08-051, including Dr. Tarter's application files, and his response to the complaint and voted to schedule complaint CR08-051 for an adjudicatory hearing.

8. This Consent Agreement has been negotiated by legal counsel for Dr. Tarter and legal counsel for the Board in order to resolve complaint CR08-051 without an adjudicatory hearing. Absent Dr. Tarter's acceptance of this Consent Agreement by signing and dating it in

³ Title 24 M.R.S. § 2506 requires a "healthcare provider or health care entity" to report the termination of employment or privileges to the Board within 60 days of such termination.

⁴ At one point, Dr. Tarter reportedly had 110 outstanding patient medical charts requiring completion.

front of a notary and mailing it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before September 8, 2009, the matter will be scheduled for an adjudicatory hearing. In addition, absent the Board's acceptance of this Consent Agreement by ratifying it on September 8, 2009, the matter will be scheduled for an adjudicatory hearing.

9. By signing this Consent Agreement, Dr. Tarter and his legal counsel waive any and all objections to, and hereby consent to the presentation of this Consent Agreement to the Board for possible ratification. Dr. Tarter and his legal counsel also forever waive 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 in this matter, Dr. Tarter and the Board agree to the following :

10. Dr. Tarter admits that with regard to complaint CR08-051 the Board has sufficient evidence from which it could reasonably conclude that he engaged in unprofessional conduct in violation of 32 M.R.S. § 3282-A(2)(F)¹ because:

(a) Dr. Tarter did not timely complete patient medical records and in some cases failed to complete patient medical records after seeing and treating the patients in the Emergency Department at TAMC. Dr. Tarter asserts that he was willing to complete all of the records and offered to do so, but TAMC did not make arrangements for him to complete the records.

¹ Title 32 M.R.S. § 3282-A(2)(F) defines unprofessional conduct as a violation of "a standard of professional behavior... that has been established in the practice for which the licensee is licensed."

(b) Accurate and complete medical records are critical to the continuing care of a patient, and are relied upon by other physicians, physician assistants, and nurses in providing subsequent medical care and treatment to the patient. Incomplete patient medical records may jeopardize a patient's subsequent medical care and treatment.

(c) Completing patient medical records is a standard of professional behavior that is established within the practice of medicine.

11. As discipline for the conduct described in paragraph 10 above pertaining to complaint CR08-051, Dr. Tarter agrees to accept, and the Board agrees to issue, the following discipline:

a. A REPRIMAND. Henceforth, Dr. Tarter agrees that he will complete all patient medical records following his care and treatment of patients.

b. A MONETARY FINE of One Thousand Dollars and Zero Cents (\$1,000.00). Dr. Tarter shall ensure that he pays the monetary penalty within thirty (30) days following the execution⁶ of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to Maria MacDonald, Investigator, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

12. Pursuant to 10 M.R.S. § 8003-D, Dr. Tarter agrees to reimburse the Board in the amount of Seven Thousand Four Hundred Fifty Dollars and Zero Cents (\$7,450.00) as costs for its investigation of Complaint No. 08-51. Dr. Tarter shall complete the reimbursement to the Board within twenty-four (24) months following the execution of this Consent Agreement.

⁶ For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

13. Violation by Dr. Tarter of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

14. Pursuant to 10 M.R.S. § 8003(5) the Board and Dr. Tarter agree that the Board has the authority to issue an order, following notice and hearing, imposing further discipline in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

15. Dr. Tarter waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Tarter agrees that this Consent Agreement and Order is a final order resolving complaint CR08-051. This Consent Agreement is not appealable and is effective until modified or rescinded by agreement of all of the parties hereto.

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

17. 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.

18. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Healthcare Integrity and Protection Data Bank (HIPDB), and the Federation of State Medical Boards (FSMB). The report shall read substantially as follows: "The State of Maine Board of Licensure in Medicine issued a REPRIMAND and \$1,000 FINE to Dr. Tarter for unprofessional conduct based upon his failure to timely complete patient medical records and in some cases failure to complete patient medical

records. Dr. Tarter asserts that he was willing to complete all of the records and offered to do so, but TAMC did not make arrangements for him to complete the records.”


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

20. The Board and Dr. Tarter agree that no further agency or legal action will be initiated against him by the Board based upon the facts described herein or for any other allegations made by TAMC or which were contained in the complaint letter from the Board dated March 3, 2008, except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Dr. Tarter in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Dr. Tarter’s Maine medical license.⁷

21. Dr. Tarter 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, THOMAS A. TARTER, 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.

⁷ Dr. Tarter does not currently hold a license to practice medicine in the State of Maine.

DATED: 09/08/2009 
THOMAS A. TARTER, M.D.

STATE OF INDIANA
County of MONROE, S.S.

Thomas A.
Personally appeared before me the above-named Benjamin Tarter, 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: 9/21/2009 
NOTARY PUBLIC/ATTORNEY
James L. Whitlatch

MY COMMISSION ENDS: 3/18/2017

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 09/08/09 
SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 9/8/09 
DENNIS E. SMITH
Assistant Attorney General

Effective Date: