

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
John M. Dorn, M.D.)
Complaint Nos. CR09-439/CR10-099/CR11-163 }

This document is a Consent Agreement, effective when signed by all parties, regarding a disciplinary action concerning the license to practice medicine in the State of Maine held by John M. Dorn, M.D. The parties to the Consent Agreement are: John M. Dorn, M.D. ("Dr. Dorn"), 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. Dorn has held an active license to practice medicine in the State of Maine since May 15, 2007. Dr. Dorn specializes in psychiatry. On his application for Maine medical licensure, Dr. Dorn indicated that "In 1990 the estranged husband of a former patient claimed that I had acted improperly on one occasion, after I had discharged the patient from therapy, by accepting her invitation to have drinks, which was followed by consensual intercourse." Sexual intercourse with a patient or former patient is a serious ethical and boundary violation in the practice of psychiatry.¹ On that same application,

¹ See The American Psychiatric Association's The Principles of Medical Ethics With Annotations Especially Applicable to Psychiatry; Maine Board of Licensure in Medicine Rules, Chapter 10, Sexual Misconduct.

Dr. Dorn affirmed under penalties of perjury that he answered all questions “completely” and that the information he provided was “true and correct.” However, on that application for licensure, Dr. Dorn did not disclose the finding by the Board of Medical Examiners of South Carolina that he had engaged in sexual misconduct with a patient with whom the physician-patient relationship had not terminated until after the sexual misconduct came to light. Based upon Dr. Dorn’s answers on the application for licensure, the Board granted Dr. Dorn a license to practice medicine in the State of Maine.²

2. Prior to practicing medicine in Maine, Dr. Dorn practiced medicine in South Carolina and Pennsylvania, as well as Illinois.

a. South Carolina.

On February 6, 1990, the State Board of Medical Examiners of South Carolina indefinitely suspended Dr. Dorn’s medical license, subject to reinstatement within six months with probation and conditions, based upon his having had sexual intercourse with a female patient. Although Dr. Dorn asserted that the sexual intercourse occurred after the physician-patient relationship had terminated, the Board of Medical Examiners of South Carolina found that he had written two prescriptions for the patient on the same date as the sexual misconduct. In addition, the Board of Medical Examiners of South Carolina concluded that Dr. Dorn’s physician-patient relationship “was not terminated until sometime after... [the] sexual misconduct with the patient

² Dr. Dorn wishes to note that, should the matter have gone to hearing, he would have testified that, at the time of his applications to Maine, Pennsylvania and Illinois, he was no longer in possession of a copy of the South Carolina Final Order, and it was not his intention to mislead any licensing board.

came to light.” As a result, the Board of Medical Examiners of South Carolina found that Dr. Dorn’s misconduct violated multiple laws of South Carolina and the Principles of Medical Ethics adopted by the Board. A copy of the Final Order issued by the State Board of Medical Examiners of South Carolina dated August 22, 1990 is attached to this Consent Agreement as “Exhibit 1.”

b. Pennsylvania.

On August 27, 1991, the Commonwealth of Pennsylvania State Board of Medicine entered into a consent agreement with Dr. Dorn for the surrender of his medical license in that state based upon this same conduct.

On June 5, 1998, Dr. Dorn requested that the Commonwealth of Pennsylvania reinstate his medical license. The Commonwealth of Pennsylvania held a hearing on Dr. Dorn’s request, and issued findings and an order reinstating his license with conditions. The findings included: Dr. Dorn’s admission of having had sexual intercourse with a former female psychiatric patient several weeks after discharging her from his care; Dr. Dorn’s admission that such conduct was an improper sexual boundary violation; Dr. Dorn suffered from untreated bipolar disorder and alcoholism at the time of the misconduct; Dr. Dorn accepted full responsibility for his misconduct and had received treatment for his bipolar disorder and alcoholism; and that Dr. Dorn achieved sufficient recovery from these issues to be issued a conditional medical license in Pennsylvania. On October 13, 1998, the Commonwealth of Pennsylvania reinstated Dr. Dorn’s medical license in that state with

conditions, including substance abuse treatment and monitoring and supervision of his medical practice.

3. On or about September 19, 2009, the Board received a complaint against Dr. Dorn from DP, the sister of a patient of Dr. Dorn. The Board docketed that complaint as CR09-439. DP alleged that Dr. Dorn – in her presence – made inappropriate statements and gestures of a sexual nature to her sister who is a severely disturbed elderly woman. Specifically, DP alleged that Dr. Dorn told her sister that she could “slap his buttocks” while “raising his outerwear to expose his buttocks.” In addition, DP “was astonished at [Dr. Dorn’s] inquiry into the length of time since [her sister] had sexual intercourse.”

4. On or about December 14, 2009, the Board received a response from Dr. Dorn to Complaint No. CR09-439. In his response, Dr. Dorn described his diagnosis of the patient, which included dementia, and his advocacy on her behalf. Dr. Dorn described the patient as using vulgar, sexual language that suggested “sexual preoccupation.” Dr. Dorn indicated that during the patient session attended by DP, he asked the patient about her sexual history “in order to again respond to and attempt to resolve [the patient’s] sexual preoccupation.” In addition, Dr. Dorn admitted that during the patient session attended by DP that he offered himself as “a target” for the patient to slap his buttocks in order to confront her about this type of behavior towards others and demonstrate that it was inappropriate.

5. On or about August 18, 2010, the Board obtained an outside expert review of Dr. Dorn's conduct during the patient session attended by DP. According to that review, despite his use of profanity with the patient, Dr. Dorn may have been an excellent psychiatrist for the patient. However, the review also indicated that Dr. Dorn's statements and behavior clearly shocked DP because he "failed to effectively convey" the therapeutic intent of his behavior to DP. According to the review, DP "clearly did not understand this idiosyncratic method of engagement because Dr. Dorn had not prepared her for the strangeness and/or offensiveness of the encounter. In this sense in the meeting prior to it Dr. Dorn failed to take the time to discover who DP was and to learn her understanding of her sister's mental functioning... it might have been possible to justify the provocative behavior, but Dr. Dorn acted impulsively and with inadequate explanation to [DP]. In this respect it was poor clinical judgment." In addition, the review found that Dr. Dorn's repeated inquiry in to the patient's sexual history would be hard to justify, "but more problematic is Dr. Dorn's crudeness about sexual matters and his lack of understanding of [DP's] cultural background and of self-awareness of how unattractive he was making himself." As a result, the review concluded that Dr. Dorn's conduct as described was not consistent with the standard of care.

6. On or about February 12, 2010, the Board received a complaint against Dr. Dorn filed by patient JH. The Board docketed the complaint as CR10-099. According to JH, Dr. Dorn gave her "full on, full body bear hugs;" called her husband a "redneck" and told her that she could do better, that he

could help her find someone like him, and that he was the perfect man for her; and sat on the couch with his arm around her during therapy sessions. In addition, according to JH, she became uncomfortable with Dr. Dorn's behavior called his office and told the receptionist to cancel her next appointment and that she did not want a return call as she would be seeing a different physician. According to JH, Dr. Dorn called her a short time later and tried to convince her to stay on as his patient. JH described Dr. Dorn as sounding upset and angry during this conversation, which led her to tell him that she would see him again. After hanging up with Dr. Dorn, JH called her new physician to discuss what happened.

7. On or about March 27, 2010, the Board received a response from Dr. Dorn to complaint CR10-099. In his response, Dr. Dorn described his diagnosis and treatment of JH, including prescribing medication for paranoia. Dr. Dorn admitted that he referred to JH's husband as a "redneck" when discussing her marriage and admitted that he suggested to JH that she find a partner who better met her needs. Dr. Dorn also admitted that he has hugged patients – male and female – and that if a patient is in acute distress or wants to "show him something" then seat himself next to the patient. According to Dr. Dorn, he no longer hugs or sits next to patients because "it makes some patients uncomfortable." Dr. Dorn did not deny giving JH a full body hug or putting his arm around her while sitting next to her on the couch. Dr. Dorn admitted that he spoke with JH and that he was surprised that she was

transferring to another doctor, but denied intending to bully her into continuing therapy with him.

8. On or about August 18, 2010, the Board obtained an outside expert review of Dr. Dorn's conduct during his treatment of patient JH. According to the review, Dr. Dorn's medical records demonstrate his earnest attempts to treat JH's anxiety, depression and tendency towards paranoia. The review noted that the medical records do not suggest that Dr. Dorn intended to exploit JH or that he saw himself as seductive when he promoted his suitability as a spouse in comparison to JH's husband. However, the review also noted the following deficiencies with regard to Dr. Dorn's behavior towards JH: Dr. Dorn did not address the appropriateness of hugging patients, including JH, and that such conduct constituted a boundary violation and was not consistent with the standard of care; Dr. Dorn did not address the appropriateness of sitting next to patients, including JH, and putting his arm around them, which constituted a boundary violation and was not consistent with the standard of care; Dr. Dorn's hugging and sitting next to JH with his arm around her constituted poor clinical judgment in light of his diagnosis of paranoid features in JH; Dr. Dorn did not document JH's alleged paranoid mental state in careful, repetitive mental status examinations; and Dr. Dorn's intrusion of his emotions about his illness into JH's treatment, while understandable, was not consistent with the standard of care.

9. On September 14, 2010, the Board reviewed Complaint Nos. CR09-439 and CR10-099. Following its review, the Board voted to schedule the

matters for an adjudicatory hearing. The Board scheduled the hearing for May 10, 2011, and sent Dr. Dorn a notice of hearing regarding the hearing in March 2011.

10. On or about April 11, 2011, the Board received a complaint against Dr. Dorn from LS, the husband of MB, a patient of Dr. Dorn. The Board docketed that complaint as CR11-163. LS alleged that Dr. Dorn was having an inappropriate relationship with his wife, MB, who admitted to that she had kissed and hugged Dr. Dorn. In addition, LS provided the Board with copies of: (a) e-mails dated April 6-7, 2011, which Dr. Dorn sent to MB on her Blackberry cellular phone expressing romantic and sexual feelings towards her; and (b) voice mails that Dr. Dorn left for MB in which he asked her to call him and stated, "I love you."

11. On or about April 12, 2011, the Board reviewed complaint CR11-163, and voted to summarily suspend Dr. Dorn's Maine medical license because his continued licensure and ability to treat patients placed the mental and physical safety of his patients in immediate jeopardy, and delaying this action until after affording Dr. Dorn a full hearing would not adequately respond to the known risk associated with Dr. Dorn's continued practice of medicine.

12. On or about April 14, 2011, the Board staff obtained information from the Prescription Monitoring Program (P.M.P.), which indicated that Dr. Dorn had prescribed a controlled drug to MB on February 22, 2011. The Board's investigator

subsequently obtained from the pharmacy a copy of the prescription issued by Dr. Dorn to MB.

13. As further factual background, and not as a justification of his actions, Dr. Dorn was being treated with radiation and other therapy for throat cancer at the time of complaints CR09-439/CR10-099. In the spring of 2011, he was diagnosed with multiple sclerosis.

14. Absent Dr. Dorn's acceptance of the terms and conditions of this Consent Agreement for Conditional Licensure by signing it and dating it, having it notarized, and returning it to Maureen Lathrop, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 29, 2011, the Board shall hold adjudicatory hearing regarding all of these complaints on May 10, 2011.

15. This Consent Agreement has been negotiated by legal counsel to the Board and legal counsel to Dr. Dorn. By signing this Consent Agreement, Dr. Dorn 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 May 10, 2011. Dr. Dorn also forever waives any arguments of bias or otherwise against any of the Board members solely based upon their failure to ratify this proposed Consent Agreement.

COVENANTS

16. While not agreeing with each and every fact as set out above, Dr. Dorn admits that the Board has sufficient evidence from which it could reasonably conclude that he: (1) failed to disclose on his application for

licensure that he had engaged in a prior sexual boundary violation with a then-current patient to whom he was prescribing medication; (2) committed boundary violations with regard to his treatment of the patients in Complaint Nos. CR09-439 and CR10-099; and (3) engaged in inappropriate conduct with MB in violation of Board Rule, Chapter 10, by hugging and kissing her, and by attempting to engage in a romantic and sexual relationship with MB with regard to Complaint No. CR11-163. Dr. Dorn admits that the foregoing conduct constitutes unprofessional conduct and grounds for discipline pursuant to 32 M.R.S.A. § 3282-A(2)(F).

17. In light of Dr. Dorn's admissions in paragraph 16 above, the Board agrees to issue, and Dr. Dorn agrees to accept the following discipline:

a. A REPRIMAND. In light of Dr. Dorn's prior history of sexual misconduct with a patient – which constituted both an ethical and boundary violation with a patient and resulted in serious disciplinary action – he should have been well-aware of the importance of maintaining appropriate physician-patient boundaries. In addition, at the time he committed new ethical and boundary violations regarding patient MB in April 2011, Dr. Dorn was aware of two pending complaints regarding serious ethical and boundary violations he allegedly committed with two female patients, and that those complaints were scheduled for hearing before the Board in May 2011. Dr. Dorn's misconduct represents a serious breach of trust, had the potential to cause harm to patients, and brings discredit upon himself and the practice of psychiatric medicine.

b. The immediate and permanent REVOCATION of his license to practice medicine in the State of Maine effective May 10, 2011.

18. Dr. Dorn has been represented by Roger J. Katz, Esq., in the negotiation of the terms of this Consent Agreement.

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

20. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by all the parties hereto.

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

22. 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.

23. This Consent Agreement constitutes adverse licensing action that is reportable to the National Practitioner Data Bank (N.P.D.B.) and the Healthcare Integrity and Protection Data Bank (H.I.P.D.B.).

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

I, JOHN M. DORN, 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: 4/27/11 [Signature]
JOHN M. DORN, M.D.

STATE OF Maine
Cumberland, S.S.

Personally appeared before me the above-named John M. Dorn, M.D., and swore to the truth of the foregoing based upon ~~her~~ own personal ^{his} knowledge, or upon information and belief, and so far as upon information and belief, ~~she~~ believes it to be true.

DATED: 4/27/11 [Signature]
NOTARY PUBLIC/ATTORNEY

SHANNON MALONE TUNDEL
NOTARY PUBLIC
MAINE
MY COMMISSION EXPIRES MARCH 31, 2014

MY COMMISSION ENDS:

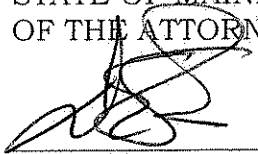
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 5/10/2011 [Signature]
SHERIDAN R. OLDHAM, M.D., Chairman

DATED: 4/28/11 [Signature]
ROGER J. KATZ, Esq., Attorney for Dr. Dorn

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 5/10/11



DENNIS E. SMITH
Assistant Attorney General

Effective Date: 5/10/11