

MAINE STATE BOARD OF LICENSURE IN MEDICINE

In Re: Licensure Action on Preliminary Licensure Denial)
John Dowbak, M.D.) DECISION AND ORDER
)

FINAL ORDER:

Pursuant to the authority found in 32 M.R.S.A. § 3263, *et. seq.*, 5 M.R.S.A. § 9051, *et. seq* and 10 M.R.S.A. § 8001, *et. seq.*, the Maine Board of Licensure in Medicine ("Board") met in public session at the Board's offices located in Augusta, Maine on January 20, 1998. The purpose of this Hearing was to determine whether Dr. Dowbak's appeal of the Board's preliminarily denial of his application for licensure should be granted.

A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were: John Annett, Sandra E. Tuttle, Kimberly K. Gooch, M.D., Judy A. Burk, M.D., Harry Bennert, Jr., M.D., and Ulrich B. Jacobsohn, M.D.

Assistant Attorney General Ruth McNiff presented the State's case. Dr. Dowbak represented himself. Edward David, M.D., J.D. served as Presiding Officer.

The Board admitted into evidence State's Exhibits 1 through 7. Testimony was taken from Dr. Dowbak. Dr. Dowbak then gave testimony on his own behalf and was questioned by Ms. McNiff and the Board.

FINDINGS AND CONCLUSIONS OF LAW


Following the taking of evidence, the Board deliberated and rendered, by a vote of 3 in favor, 1 opposed and 2 abstentions, a decision to make the Preliminary Denial of Licensure final. The Board found that Dr. Dowbak lacked judgement regarding issues relevant to his licensure. Further, the Board found that the doctor, though admitting his crime, failed to demonstrate adequate insight into issues surrounding the crime and its relationship to his professional conduct, and was not sufficiently rehabilitated to warrant the public trust 5M.R.S.A. § 5302(1).

This Order represents the final Decision of the Board in this matter.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. § 1100 *et. seq.*, any party that decides to appeal this Decision and Order must file a Petition for Review in the Superior Court within 30 days of the receipt of this Order.

Dated: 2-11-98


Edward David, M.D., J.D., Chairman
Maine State Board of Licensure in Medicine