

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT
John E. Harvey, M.D.) AGREEMENT

This Consent Agreement is entered into by John E. Harvey, M.D. ("the Licensee"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General, pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. §§ 3280-A and 3282-A.

STATEMENT OF FACTS

1. At all times relevant to this agreement, the Licensee has been licensed to practice medicine in the State of Maine. The Licensee's specialty is obstetrics and gynecology. He has worked as a *locum tenens* physician since 1995.
2. In June, 1997, the Licensee was working at Inland Hospital in Waterville, Maine. He undertook the care of Patient A who was at term with her first child because Patient A's own physician was unavailable. After Patient A arrived at the hospital in early labor, the Licensee provided care from June 28, 1997 until the morning of June 30, 1997. He delivered her baby on June 29, 1997.
3. Patient A and her husband complained to the Board about the Licensee's dress, conduct and comments during Patient A's labor and delivery. They believed that the Licensee was unprofessional and their complaints were corroborated, in part, by the nursing staff.

4. The Licensee filed a timely application for renewal of his license. The renewal has been delayed pending resolution of this complaint.

AGREEMENT

In lieu of proceeding to an adjudicatory hearing on the complaint, the Licensee agrees to the following:

1. The Licensee agrees that some of his conduct was appropriately perceived as unprofessional.
2. The Licensee agrees to accept a REPRIMAND from the Board as discipline for his conduct.
3. The Licensee will participate in sensitivity training, to be approved by the Board, within one year from the effective date of this agreement. If the Licensee is unable to find an acceptable program reasonably accessible to him, he will obtain counseling to improve his relationship with patients. The Licensee will provide the Board with evidence of his compliance with this requirement. If he fails to comply with this requirement, the Board will revoke his license unless good cause is shown by the Licensee.
4. The Licensee will write a letter of apology to Patient A and her husband.
5. The Board will renew the Licensee's license.
6. The Licensee has been represented by Karen Frink Wolf, Esq. and Constance Barrett, Esq. with respect to the negotiation of the terms of this agreement.
7. The Licensee agrees to waive his right to a hearing before the Board or any court regarding all terms and conditions of this Consent Agreement.

I, JOHN E. HARVEY, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. 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: 5 Jan 01 John E. Harvey
JOHN E. HARVEY, M.D.
STATE OF MAINE _____, S.S.

Personally appeared before me the above-named John E. Harvey, 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: 1-5-01 Kathy Brogdon
NOTARY PUBLIC exp. 7-13-03

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 1-9-01 Edward David
EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 1-9-01 Ruth E. McNiff
RUTH E. McNIFF
Assistant Attorney General

APPROVED
EFFECTIVE: 1-9-01