

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
David P. Heilner, Jr., M.D.)

CONSENT
AGREEMENT

This document is a Consent Agreement, effective when signed by all parties, regarding a license to practice medicine in the State of Maine held by David P. Heilner, Jr., M.D. The parties to this agreement are: David P. Heilner, Jr., 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. This Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3280-A(1).

STATEMENT OF FACTS

1. The Licensee has been licensed to practice medicine in the State of Maine since 1987 and is subject to the disciplinary jurisdiction of the Board.
2. The Licensee, a psychiatrist, treated Patient A for many years. In March, 1998, Dr. Heilner began a sexual relationship with Patient A while she was still his patient.
3. The Licensee terminated the doctor/patient relationship in April, 1998 but continued the sexual relationship with Patient A until June, 1998.

4. In July, 1998, the Licensee decided to close his practice and did so on September 15, 1998. Patients were notified and care of Dr. Heilner's patients was terminated or transferred, as appropriate.

5. On September 8, 1998, the Board issued a complaint against Dr. Heilner alleging unprofessional conduct.

6. The Licensee has surrendered all hospital staff membership and privileges, managed care credentials, DEA registration, professional association membership and provider status with insurers.

AGREEMENT

In lieu of proceeding to an adjudicatory hearing, the Licensee, the Board and the Department of Attorney General agree to the following:

1. The Licensee's behavior in initiating a sexual relationship with a patient constitutes unprofessional conduct and incompetence as defined by 32 M.R.S.A. §§ 3282-A(2)(F) and (E)(1). The Licensee also acknowledges that his relationship with Patient A violated Chapter 10 of the Rules of the Board. The Licensee further acknowledges that this relationship was harmful to Patient A.

2. The Licensee will surrender his license to practice medicine at the time he signs this agreement.

3. The Licensee will not be permitted to reapply for licensure until one (1) year after the date of this agreement. The Board offers no guarantee that it will grant the Licensee's application for reinstatement. At that time, the Licensee will give the Board a release to obtain all records of treatment and therapy related to the

Licensee's efforts at rehabilitation. These records will remain confidential and will only be accessible to the Board and Board counsel to evaluate the Licensee's suitability for reinstatement.

4. Further, it is understood and agreed that, because the Licensee will be out of practice for an unspecified period of time, the Board may require retraining before permitting the Licensee to return to practice.

5. The Licensee waives his right to a hearing before the Board or in a court or in any court regarding all findings, terms and conditions of this agreement.

6. The Licensee has been represented by Kenneth Lehman, Esq., with respect to the negotiation of the terms of this agreement.

I, DAVID P. HEILNER, JR., 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:

4/1/99


DAVID P. HEILNER, JR., M.D.

STATE OF MAINE

Cumberland, S.S.

Personally appeared before me the above-named David P. Heilner, Jr., 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: 4-1-99

Susan M. Powers
NOTARY PUBLIC **SUSAN M. POWERS**
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 14, 2005

DATED: April 1, 1999

Kenneth W. Lehman
KENNETH W. LEHMAN, ESQ.
Attorney for David P. Heilner, Jr., M.D.

DATED: 4/13/99

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE
Edward David
EDWARD DAVID, M.D., Chairman

DATED: 4-13-99

STATE OF MAINE
DEPARTMENT OF THE
ATTORNEY GENERAL
Ruth E. McNiff
RUTH E. McNIFF
Assistant Attorney General

APPROVED
EFFECTIVE: 4-13-99