

5. When the Licensee responded to the complaints, he denied being sexually involved with Patient A and stated that he had prescribed to her and her son because they were his patients. The Licensee later admitted that he had been sexually involved with a patient for whom he was prescribing medications and had misrepresented that relationship to the Board in his response.

6. The Licensee's renewal application has not been acted on by the Board because of the complaints which are the subject of this Consent Agreement.

AGREEMENT

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

1. The Licensee agrees that his conduct violated Chapter 10 of the Rules of the Board of Licensure in Medicine regarding sexual misconduct because he entered into a sexual relationship with a private patient. Sexual misconduct is behavior that exploits the physician/patient relationship in a sexual way. It is non-diagnostic and non-therapeutic. Sexual misconduct, as defined by the Board's Rules, constitutes incompetence and unprofessional conduct.

2. The Licensee will receive a "**REPRIMAND**" and a **60-day license suspension** as discipline for his conduct. The license suspension will begin on January 26, 2004 and continue through March 25, 2004. This discipline is reportable to the National Practitioners Data Bank.

3. The Licensee will be assessed two fines of One Thousand One Hundred and Twenty Five Dollars (\$1,125.00) each for a total of Two Thousand Two Hundred and Fifty Dollars (\$2,250.00) for his violations of the Board Rules and Statutes. He will have thirty (30) days from the effective date of this agreement to pay this fine.

4. The Licensee will attend a multi-day, substantive ethics course sponsored by a major medical university within one year of the effective date of this agreement. The ethics course must cover the topics of appropriate patient-physician boundaries and proper prescribing practices. The Licensee will provide the Board with documentation from the sponsoring university of the successful completion of this course.

5. The Board will grant the Licensee's renewal application on the effective date of this agreement.

6. The Licensee has been represented by Roger J. Katz, Esq., who has participated in the negotiation of this Consent Agreement.

7. The Licensee waives any further hearings or appeal to the Court regarding the terms and conditions of this Consent Agreement. The Licensee further agrees that this Consent Agreement is a final order resolving the complaints against him, his renewal application and the adjudicatory hearing ordered by the Board.

I, JOHN J. WALSH, JR., M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND ITS 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:

1/27/2004


JOHN J. WALSH, JR., M.D.

STATE OF ME
KEN, S.S.

Personally appeared before me the above-named John J. Walsh, 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: 1/27/04

[Signature]
NOTARY PUBLIC/ATTORNEY

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 2/3/04

[Signature]
EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 1/27/04

[Signature]
RUTH E. McNIFF
Assistant Attorney General

APPROVED
EFFECTIVE: 1/26/04