

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Peter C. Ferrera, M.D.)	AGREEMENT
Complaint No. CR09-297)	

This document is a Consent Agreement, effective when signed by all parties, regarding a disciplinary action concerning and conditions imposed upon the license to practice medicine in the State of Maine held by Peter C. Ferrera, M.D. The parties to the Consent Agreement are: Peter C. Ferrera, M.D. (“Dr. Ferrera”), 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. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. Dr. Ferrera has held a license to practice medicine in the State of Maine since November 10, 2003. Dr. Ferrera specializes in Emergency Medicine. Dr. Ferrera possesses a current license to practice medicine in the State of Maine; however, he currently resides and practices medicine in the State of New York. During all times relevant to the issues involved in this Consent Agreement, Dr. Ferrera was employed as a physician in the Emergency Department (ED) of Glen Falls Hospital in the State of New York.

2. On or about May 26, 2009, the Board received information from the Federation of State Medical Boards (FSMB) indicating that on May 6, 2009, Dr. Ferrera had entered into a “Consent Agreement and Order” with the New York State Board for Professional Medical Conduct. After receiving this

information, the Board staff obtained a copy of the "Consent Agreement and Order" dated May 6, 2009, together with other relevant documentation from the State of New York.

3. On or about July 14, 2009, the Board reviewed this information and, pursuant to Title 32 M.R.S.A. § 3282-A, initiated a complaint against Dr. Ferrera's Maine medical license. The Board docketed that complaint as CR09-297.

4. On or about August 21, 2009, the Board received a written response from Dr. Ferrera to complaint CR09-297. In his response, Dr. Ferrera described the circumstances that led to the "Consent Agreement and Order" in New York, and the steps taken to prevent their reoccurrence.

5. On or about September 8, 2009, the Board reviewed the complaint materials, including Dr. Ferrera's response, and voted to schedule the matter for an adjudicatory hearing. In addition, the Board authorized its legal counsel to negotiate a Consent Agreement with Dr. Ferrera in order to resolve complaint CR09-297 without an adjudicatory hearing.

6. This Consent Agreement has been negotiated by legal counsel for Dr. Ferrera and legal counsel for the Board in order to resolve complaint CR09-297 without an adjudicatory hearing. Absent Dr. Ferrera's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maureen Lathrop, Administrative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before November 5, 2009, the matter will be scheduled for an adjudicatory hearing.

In addition, absent the Board's acceptance of this Consent Agreement by ratifying it on November 10, 2009, the matter will be scheduled for an adjudicatory hearing.

7. By signing this Consent Agreement, Dr. Ferrera and his legal counsel waive any and all objections to, and hereby consent to the presentation of this Consent Agreement to the Board for possible ratification. Dr. Ferrera and his legal counsel also forever waive any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Dr. Ferrera agrees to the following :

8. Dr. Ferrera admits that with regard to complaint CR09-297 the Board has sufficient evidence from which it could reasonably conclude that his Maine medical license is subject to discipline as a result of the discipline imposed by the "Consent Agreement and Order" with the New York State Board for Professional Medical Conduct dated May 6, 2009. Dr. Ferrera admits that the Board has sufficient evidence from which it could conclude that such conduct constitutes grounds for discipline of his Maine medical license pursuant to 32 M.R.S.A. § 3282-A(2)(M).

9. As discipline for the conduct described in paragraph 8 above, Dr. Ferrera agrees to accept, and the Board agrees to issue, the following discipline:

a. A REPRIMAND. Dr. Ferrera is hereby reprimanded by the Board for his professional misconduct by reason of his practicing medicine with negligence on more than one occasion and for failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient.

b. A LICENSE PROBATION for three (3) years following the execution¹ of this Consent Agreement. As specific conditions of probation, Dr. Ferrera shall:

(i) Maintain his Maine license to practice medicine for as long as this Consent Agreement remains in effect.

(ii) Create and maintain complete and legible medical records that accurately reflect the evaluation and treatment of the patients.

(iii) Within thirty (30) days following the execution of this Consent Agreement, Dr. Ferrera shall provide a copy of this Consent Agreement to ANY licensing jurisdiction where he holds a license to practice medicine.

(iv) Cooperate fully with the Board/Board staff in its administration and enforcement of this Consent Agreement, and of any investigation of Dr. Ferrera. In complying with this condition, Dr. Ferrera shall respond in a timely manner to all Board/Board staff requests for written periodic verification of Dr. Ferrera's compliance with this Consent Agreement. Dr. Ferrera shall respond promptly and provide all documents and information within his control, as directed.

¹ For purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

(v) Provide the Board/Board staff with the following information, in writing, and ensure that it is kept current: (a) a full description of his employment and practice; (b) all professional and residential addresses and telephone numbers within and outside the State of Maine; and (c) all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. In complying with this condition, Dr. Ferrera shall notify the Board/Board staff, in writing, within thirty (30) days of any additions to or changes in the foregoing, required information.

(vi) Prior to his return to the practice of medicine in the State of Maine, Dr. Ferrera must have a Board-approved practice monitor who shall monitor his medical practice. In complying with this requirement, prior to his return to the active practice of medicine in the State of Maine, Dr. Ferrera shall submit to the Board for its approval the name of a proposed practice monitor, whom the Board has the sole discretion to approve or deny. The monitoring physician must be in direct contact with Dr. Ferrera and observe him within his medical practice at least once a week, and inform the Board if Dr. Ferrera demonstrates any issues with regard to isolation, inappropriate decision-making, incompetence, unprofessionalism or any other concerns. The monitoring physician shall report such information to the Board by telephone and in writing within 24 hours or as soon thereafter as possible. Dr. Ferrera understands that the monitoring physician will be an agent of the Board pursuant to Title 24 M.R.S. § 2511. Dr. Ferrera shall permit the monitoring physician full access to his medical practice, including but not

limited to all patient information. Upon approval by the Board, the practice monitor shall provide the Board each calendar quarter with reports regarding Dr. Ferrera's medical practice in the State of Maine.²

(vii) During each of the three (3) years of probation, shall complete fifty (50) hours of continuing medical education pre-approved by the Board in the specialty area of Emergency Medicine.

(viii) Be solely responsible for all costs incurred in complying with the conditions of probation, including but not limited to all expenses associated with the physician monitoring and reporting, and all continuing medical education.

10. Violation by Dr. Ferrera of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

11. Pursuant to 10 M.R.S.A. § 8003(5) the Board and Dr. Ferrera agree that the Board has the authority to issue an order, following notice and hearing, modifying, suspending, revoking his license in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

12. Dr. Ferrera waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Ferrera agrees that this Consent Agreement and Order is a final order

² Since Dr. Ferrera currently resides and practices medicine in New York, he has a practice monitor in the State of New York approved by the New York State Board for Professional Medical Conduct.

resolving complaint CR09-297. This Consent Agreement is not appealable and is effect until modified or rescinded by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General. Requests for amendments by Dr. Ferrera shall be made in writing and submitted to the Board. Dr. Ferrera may, at reasonable intervals, request the Board for amendment of the terms and conditions of this Consent Agreement. Upon making such a petition, Dr. Ferrera shall bear the burden of demonstrating that the Board should amend the Consent Agreement. The Board shall have the discretion to: (a) deny Dr. Ferrera's request; (b) grant Dr. Ferrera's request; and/or (c) grant Dr. Ferrera's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board on this issue need not be made pursuant to a hearing and is not appealable.

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

14. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

15. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Healthcare Integrity and Protection Data Bank (HIPDB), and the Federation of State Medical Boards (FSMB).

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

17. The Board and Dr. Ferrera agree that no further agency or legal action will be initiated against him by the Board based upon the facts described herein, except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Dr. Ferrera in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Dr. Ferrera's license.

18. Dr. Ferrera acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

I, PETER C. FERRERA, 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:

10/30/09



PETER C. FERRERA, M.D.

STATE OF New York
County of Warren, S.S.

Personally appeared before me the above-named Peter C. Ferrera, 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: 10-30-09 Arlene E. Archambault
NOTARY PUBLIC/ATTORNEY

ARLENE E. ARCHAMBAULT
Notary Public, State of New York
Washington County No. 01AR5012331
Commission Expires June 15, 2011

MY COMMISSION ENDS: June 15, 2011

DATED: 11-2-2009

ANOUSH K. SCOTT
Notary Public, State of New York
No. 02SC5007147
Qualified in Saratoga County
Commission Expires Jan. 19, 2011

James D. Horwitz
JAMES D. HORWITZ, ESQ.
ATTORNEY FOR PETER C. FERRERA,
M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 11/10/09

Sheridan R. Oldham, MD
SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 11/10/09

Dennis E. Smith
DENNIS E. SMITH
Assistant Attorney General

Effective Date: 11/10/09