



STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE
137 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0137

EDWARD DAVID, M.D.J.D.
CHAIRMAN

JOHN ELIAS BALDACCI
GOVERNOR

RANDAL C. MANNING
EXECUTIVE DIRECTOR

May 11, 2007

Joel I. Franck, M.D.
99 Campus Ave., Suite 303
Lewiston, ME 04240

RE: CONSENT AGREEMENT

Dear Dr. Franck:

This letter is to confirm that you have complied with and successfully completed the terms of your Consent Agreement dated July 11, 2006. The Board has received proof of your course completion and reimbursement of the Boards investigative costs. As you are aware, you agreed to accept a reprimand and assured the Board you shall not engage in this type of conduct again.

If you have any questions please, feel free to contact me at (207) 287-6931.

Very truly yours,

A handwritten signature in cursive script that reads 'Maria A. MacDonald'.

Maria A. MacDonald
Field Investigator

/mm

Cc: Julian Sweet, Esq.

CR 06-226

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Joel I. Franck, M.D.)	AGREEMENT
Complaint No. CR04-066/111)	

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against and conditions imposed upon the license to practice medicine in the State of Maine held by Joel I. Franck, M.D. The parties to the Consent Agreement are: Joel I. Franck, M.D. (“Dr. Franck”), 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. § 3282-A.

STATEMENT OF FACTS

1. At all times relevant to this matter, Dr. Franck has been a licensee of the Board. The Board first licensed Dr. Franck in 1986. Dr. Franck is board certified in Neurological Surgery.

2. On June 14, 2004, the Board initiated a complaint against Dr. Franck’s Maine medical license based upon information that it reviewed concerning an incident that occurred on May 4, 2004 involving Dr. Franck. The Board docketed that complaint as CR04-066.

3. On September 21, 2004, the Board received a complaint against Dr. Franck’s Maine medical license. The Board docketed that complaint as CR04-111.

4. On December 14, 2004, the Board held an informal conference with Dr. Franck concerning complaint CR04-066 and CR04-111. Following

that informal conference, the Board voted to set the matters for an adjudicatory hearing.

5. This Consent Agreement has been negotiated by counsel for Dr. Franck and counsel for the Board in order to resolve complaint CR04-066 and CR04-111 without an adjudicatory hearing. Absent the Board's acceptance of this Consent Agreement by ratifying it on July 11, 2006, the matter will proceed to an adjudicatory hearing at a later date.

COVENANTS

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

6. Dr. Franck admits that, with regard to Complaint Nos. CR04-066 & CR04-111, the Board has sufficient evidence from which it could reasonably conclude that he engaged in unprofessional conduct by: failing to be available to see and/or treat patients at St. Mary's Regional Hospital emergency room as a result of his conduct on May 4, 2004; and by repeatedly cancelling and/or rescheduling appointments for patient YL. Dr. Franck admits that the Board could reasonably conclude that such conduct could constitute grounds for discipline pursuant to 32 M.R.S.A. § 3282-A(2)(F).

7. As discipline for the conduct admitted in paragraph 6 above, Dr. Franck agrees to:

a. Accept a REPRIMAND from the Board. Dr. Franck shall not engage in this type of conduct again;

b. Reimburse the Board for investigative costs in the amount of Two Thousand Two Hundred Dollars and Zero Cents (\$2,200.00) within sixty (60) days following the execution¹ of this Consent Agreement. Payment shall be made by certified check or money order and made payable to "Maine Board of Licensure in Medicine" and remitted to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, State House Station 137, Augusta, ME 04333-0137; and

b. Within one (1) year following the execution of this Consent Agreement, enroll in and successfully complete a Board-approved course in general ethics and boundaries, and provide the Board with documentary proof of the completion of such Board-approved course. The acceptable general ethics and boundaries course that is contemplated by this paragraph may include a segment of a single continuing medical educational course presentation.

8. Dr. Franck waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Franck agrees that this Consent Agreement and Order is a final order resolving Complaint Nos. CR04-066 & CR04-11. 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 Department of Attorney

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

General. Requests for amendments by Dr. Franck shall be made in writing and submitted to the Board, which may, without hearing, grant or deny any such request for amendments or modifications to this Consent Agreement.

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

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

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

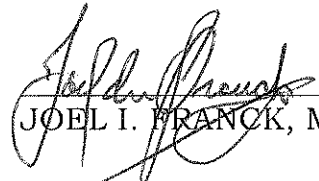
12. The Board and Dr. Franck agree that no further agency or legal action will be initiated against him by the Board based upon the facts described herein, except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described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

13. Dr. Franck 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.

14. Dr. Frank has been represented by Julian L. Sweet, Esq., who has negotiated this Consent Agreement on his behalf with counsel for the Board.

I, JOEL I. FRANCK, 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: June 23, 2006 
JOEL I. FRANCK, M.D.


STATE OF Maine
Audvoscoggin, S.S.

Personally appeared before me the above-named Joel I. Franck, 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: 23 June 06 
~~NOTARY PUBLIC ATTORNEY~~

MY COMMISSION ENDS:

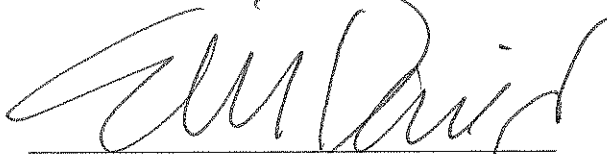
DATED: 23 June 06



JULIAN L. SWEET, ESQ.
Attorney for Joel I. Franck, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

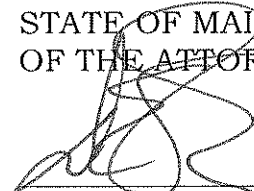
DATED: 7-11-06



EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 7/11/06



DENNIS E. SMITH
Assistant Attorney General

Effective Date: