

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re:	)	CONSENT
David F. Sturdevant, M.D.	)	AGREEMENT
Complaint No. CR04-142	)	

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 David F. Sturdevant, M.D. The parties to the Consent Agreement are: David F. Sturdevant, M.D. ("Dr. Sturdevant"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Office of the Attorney General ("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 Consent Agreement, Dr. Sturdevant has held a license to practice medicine in the State of Maine. The Board first issued Dr. Sturdevant a medical license in 1988. Dr. Sturdevant specializes in Family Practice medicine.

2. On September 9, 2003, Dr. Sturdevant entered into a Consent Agreement with the Board and the Attorney General, which required him to: engage a professional office management company to review his coding and documentation practices; and educate himself regarding the management of chronic pain patients, including the proper prescribing of controlled

substances, the characteristics of drug seekers and the recognition of drug diversion.

3. On June 23, 2004, the Board received information from the State of Maine Department of Human Services (DHS), which had conducted a review of Dr. Sturdevant's narcotic prescribing practices to MaineCare patients. Based on its review, DHS terminated Dr. Sturdevant's status as a MaineCare provider.

4. Following the receipt of the information from DHS, the Board ordered a review of twenty-three (23) chronic pain patient charts of Dr. Sturdevant. Because this review raised concerns about Dr. Sturdevant's continued management of chronic pain patients, the Board issued a complaint against Dr. Sturdevant. The Board docketed that complaint as CR04-142.

5. On April 11, 2006, the Board reviewed the complaint materials, including Dr. Sturdevant's response, and voted to offer Dr. Sturdevant a Consent Agreement in order to resolve Complaint No. CR04-142.

6. Absent Dr. Sturdevant's acceptance of this Consent Agreement by signing and dating it in front of a notary public and returning it to Maureen Lathrop, Administrative Secretary, MBOLIM, 137 State House Station, Augusta, Maine 04333-0137 on or before July 10, 2006, the Board shall set this matter for an adjudicatory hearing.

7. Dr. Sturdevant has cooperated with the Board and the Office of the Attorney General.

8. This Consent Agreement has been negotiated between counsel for Dr. Sturdevant and counsel for the Board, and is not effective unless and until it is ratified by the Board on July 11, 2006.

#### COVENANTS

In lieu of proceeding to an adjudicatory hearing, and in order to resolve pending complaint CR04-142, Dr. Sturdevant agrees to the following:

9. The Board has jurisdiction over his medical license and over the matters which are the subject of this Consent Agreement.

10. The Board has sufficient evidence from which it could impose discipline upon his medical license pursuant to 32 M.R.S.A. § 3282-A based upon information in complaint CR04-142.

11. As discipline for the conduct admitted in paragraph 8 above, Dr. Sturdevant agrees to the following modification(s)/restriction(s) of his Maine medical license:

a. Dr. Sturdevant agrees to cease prescribing Schedule II and/or Schedule III controlled substances for any patient for the chronic use of Schedule II and/or Schedule III controlled substances. For the purposes of this Consent Agreement, "chronic use" means the continued prescribing of Schedule II and/or Schedule III controlled substances to patients for daily use beyond three (3) months. At present, Dr. Sturdevant has closed his practice and is no longer practicing medicine and, therefore, has no patients;

b. If Dr. Sturdevant resumes the practice of medicine, he will immediately so inform the Board, and he will abide by the prohibition set forth

in paragraph 11(a) above of this Consent Agreement. Prior to re-opening a new medical practice, Dr. Sturdevant shall employ the services of a professional management consultant. In addition, within six (6) months following the re-opening of his medical practice, Dr. Sturdevant shall arrange for a re-evaluation of his office management practices with the professional consultant whom he employed in order to comply with the previous 2003 Consent Agreement, or a comparable professional approved by the Board if she is unavailable, and will provide the Board with a copy of the re-evaluation;

c. Dr. Sturdevant shall permit the Board or its agent(s) access to all patient records to ensure that he is complying with the terms and conditions of this Consent Agreement;

d. Dr. Sturdevant acknowledges that the Board shall continue to monitor his narcotic prescription practices through access to his patients' records and through the Prescription Monitoring Program (PMP).

e. The restriction set forth in paragraph 11(a) above shall remain in effect until Dr. Sturdevant is able to demonstrate to the satisfaction of the Board that said restriction is no longer necessary. Dr. Sturdevant may make such a showing by requesting an amendment to this Consent Agreement. Upon receipt of a request to amend the Consent Agreement, the Board may, in its sole discretion, grant or deny such request.

12. Dr. Sturdevant has been represented by Teresa M. Cloutier, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

13. Dr. Sturdevant waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement.

14. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.

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

16. 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.

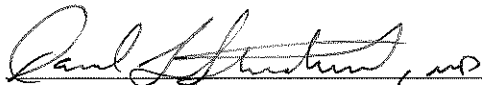
17. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

18. The Board and Dr. Sturdevant 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.

**I, DAVID F. STURDEVANT, 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: 6-23-2006

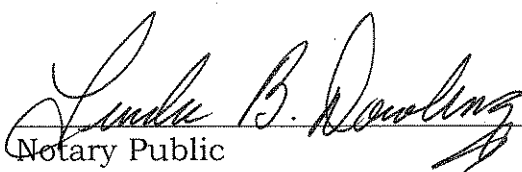
  
\_\_\_\_\_  
DAVID F. STURDEVANT, M.D.

STATE OF MAINE

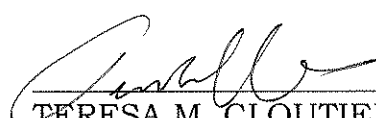
  
\_\_\_\_\_, ss.

Personally appeared before me the above named David F. Sturdevant, 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: June 23, 2006

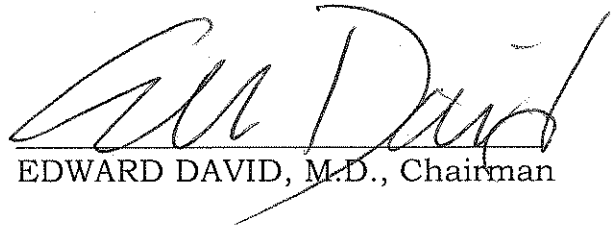
  
\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_  
LINDA B. DOWLING  
Notary Public, Maine  
My Commission Expires June 29, 2008

DATED: 6/23/06

  
\_\_\_\_\_  
TERESA M. CLOUTIER, Esq.  
Attorney for David F. Sturdevant, 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:

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT  
David F. Sturdevant, M.D. ) 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 F. Sturdevant, M.D. The parties to this Consent Agreement are: David F. Sturdevant, 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 issued pursuant to 10 M.R.S.A. § 8003(5) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. At all times material to this agreement, the Licensee has held a license to practice medicine in the State of Maine.
2. In 2002, the Board received a report alleging that the Licensee had inappropriately prescribed opioid analgesics for a patient with a longstanding history of addiction.
3. Subsequently, the Board ordered a random chart review of eight (8) chronic pain patients.
4. The review raised concerns about the Licensee's management of chronic pain patients, documentation and office practices.



## AGREEMENT

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

1. The Board has jurisdiction over the Licensee and over the matters which are the subject of this Consent Agreement.
2. The Licensee agrees to engage a professional office management company to review coding and documentation practices.
3. The Licensee will educate himself about the management of chronic pain patients, including the proper prescribing of controlled substances, the characteristics of drug seekers and the recognition of drug diversion. The Licensee will document his ongoing education in these matters in his next two applications for renewal of his medical license.

I, DAVID F. STURDEVANT, 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: 9-3-03

*David F. Sturdevant*  
DAVID F. STURDEVANT, M.D.

STATE OF Maine  
Cumberland, S.S.

Personally appeared before me the above-named David F. Sturdevant, 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: Sept 03, 2003

*Patricia A. Day*  
NOTARY PUBLIC / ATTORNEY  
PATRICIA A. DAY  
Notary Public, Maine  
My Commission Expires 11-26-2004

MY COMMISSION ENDS:

DATED: 9/3/03

*Philip M. Coffin III*  
PHILIP M. COFFIN, III, Esq.  
Attorney for David F. Sturdevant, M.D.

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 9/9/03

*Edward David*  
EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: 9/9/03

*Ruth E. McNiff*  
RUTH E. McNIFF  
Assistant Attorney General

APPROVED  
EFFECTIVE: 9/9/03