

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re:	)	CONSENT
David A. Thanhauser, M.D.	)	AGREEMENT
Complaint No. CR05-093	)	

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 A. Thanhauser, M.D. The parties to the Consent Agreement are: David A. Thanhauser, M.D. ("Dr. Thanhauser"), 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. Thanhauser has been a licensee of the Board. The Board first licensed Dr. Thanhauser in 1975. Dr. Thanhauser is board certified in Family Practice.

2. On July 28, 2005, the Board staff received a telephone call from Dr. Thanhauser. Dr. Thanhauser informed Board staff that he was doing research concerning why post-partum women developed attractions to their physicians, and asked Board staff if it was aware of this phenomenon. During this telephone conversation, Dr. Thanhauser admitted that he had an affair with one of his patients whose baby he had delivered.

3. On August 3, 2005, Board Investigator Seth Blodgett interviewed Dr. Thanhauser. During that interview, Dr. Thanhauser admitted that in 1992

he had a six-month sexual affair with a patient whose baby he had delivered. Dr. Thanhauser also admitted that he was aware at the time that he was prohibited from having a sexual relationship with a patient.

4. The Board reviewed the foregoing information, and voted to initiate a complaint against Dr. Thanhauser alleging unprofessional conduct, incompetence, and improper sexual relations with a patient. The Board docketed that complaint as Complaint CR05-093.

5. On or about October 3, 2005, the Board received a response from Dr. Thanhauser to the complaint. In his response, Dr. Thanhauser admitted that in 1992 and early 1993 he had engaged in a sexual relationship with a patient.

6. On November 8, 2005, the Board reviewed the complaint materials, and directed that Dr. Thanhauser undergo a psychological evaluation pursuant to 32 M.R.S.A. § 3286 in order to assess his sexual boundary issues and intellectualization of such issues. On June 1, 2006, the Board received the results of that psychological evaluation.

7. On June 13, 2006, the Board reviewed the complaint materials, together with the psychological evaluation, and voted to set the matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Thanhauser this Consent Agreement in an attempt to resolve Complaint CR05-093 without hearing.

8. Absent Dr. Thanhauser's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to Maureen Lathrop,

Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before August 31, 2006, the Board will resolve this matter by holding an adjudicatory hearing.

#### COVENANTS

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

9. Dr. Thanhauser admits, that with regard to Complaint No. CR05-093, he engaged in an inappropriate sexual relationship with a patient, and that such conduct constitutes unprofessional conduct and grounds for discipline pursuant to 32 M.R.S.A. § 3282-A.

10. As discipline for the conduct admitted in paragraph 9 above, Dr. Thanhauser agrees to:

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

b. Within six (6) months following the execution<sup>1</sup> 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

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

paragraph may include a portion of a single continuing medical educational course presentation.<sup>2</sup>

11. Dr. Thanhauser waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Thanhauser agrees that this Consent Agreement and Order is a final order resolving the complaint CR05-093. This Consent Agreement is not appealable and is in 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 General. Requests for amendments by Dr. Thanhauser 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.

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

13. 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.

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<sup>2</sup> The purpose of this qualifying sentence is to allow Dr. Thanhauser to propose to the Board for its approval a general ethics and boundary course that may be part of a multi-day continuing medical education seminar. Ultimately, the Board has the sole discretion to approve or disapprove any general ethics and boundary course proposed by Dr. Thanhauser to meet the requirements of this Consent Agreement.

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

15. The Board and Dr. Thanhauser 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. Thanhauser in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement to: (a) determine appropriate discipline in any further complaints against Dr. Thanhauser's license.

16. Dr. Thanhauser 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, DAVID A. THANHAUSER, 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: 10/2/06

David Thanhauser  
DAVID A. THANHAUSER, M.D.

STATE OF Maine  
Waldo, S.S.

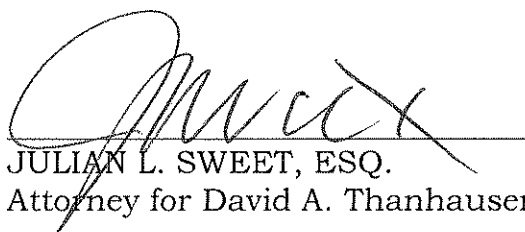
Personally appeared before me the above-named David A. Thanhauser, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 2 Oct 06

  
NOTARY PUBLIC / ATTORNEY

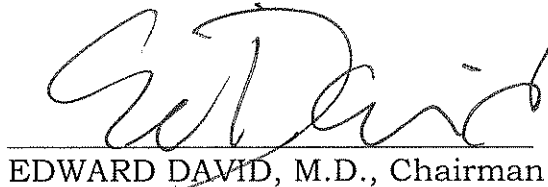
MY COMMISSION ENDS:

DATED: 2 Oct 06

  
JULIAN L. SWEET, ESQ.  
Attorney for David A. Thanhauser, M.D.

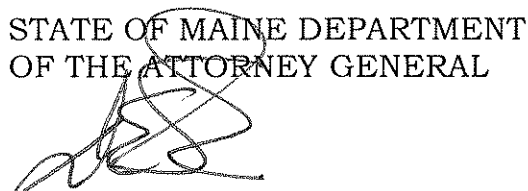
STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED: 10-10-06

  
EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED: 10/10/06

  
DENNIS E. SMITH  
Assistant Attorney General

Effective Date: