

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
CHARLES D. CLEMETSON, M.D.) CONSENT AGREEMENT
Complaint No. CR24-79)

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Charles D. Clemetson, M.D. The parties to the Consent Agreement are: Charles D. Clemetson, M.D. ("Dr. Clemetson"), 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. Clemetson has held a medical license in the State of Maine since July 27, 1994, and currently holds a license to practice administrative medicine (license number MDA13808). Dr. Clemetson held a license to practice clinical medicine until May 1, 2019, when he renewed his license as an administrative license. Dr. Clemetson has a disciplinary history with the Board which includes a June 12, 2001 Decision and Order, a May 14, 2002 Automatic Suspension of License, a September 10, 2002 Consent Agreement for Inactive License, a November 10, 2004, Consent Agreement for Conditional License, as amended, a July 11, 2013 Decision and Order, a March 9, 2016 Decision and Order, and a February 15, 2017 Decision and Order.

2. On March 21, 2024, the Board initiated a complaint following receipt of information alleging that Dr. Clemetson performed forensic patient

evaluations while holding an administrative license and conducted at least three evaluations of a patient and issued reports dated February 27, 2023, August 21, 2023, and January 6, 2024. The Board docketed the complaint as CR24-79 and sent it to Dr. Clemetson for a response.

3. On May 16, 2024, the Board received Dr. Clemetson's response to the Complaint. In his response, Dr. Clemetson asserted that he did not "provide any patient services of any kind ...[and he] provided only very few consulting services for litigation matters not involving patient diagnoses or treatment." Dr. Clemetson explained that he "made clear to all involved that he was not practicing medicine, and he was not."

4. Review of the evaluation reports written by Dr. Clemetson which were submitted to a federal court in connection with a criminal matter demonstrate that Dr. Clemetson practiced clinical medicine. For example, Dr. Clemetson issued a report on a criminal defendant's "competence to stand trial" which included an "in person interview [of the defendant] by this psychiatrist," the taking of medical history, the performance of examinations of the defendant, and the rendering of an opinion that the defendant had "no psychiatric illness that needs medical attention" "with reasonable medical certainty."

5. Board rules define administrative medicine as: "a) professional managerial or administrative activities related to the practice of medicine or to the delivery of health care services, but not including the practice of clinical medicine; and/or b) medical research, excluding clinical trials on humans."

Chapter 1, § 1(4). Clinical medicine is defined as including but not limited to: “a) direct involvement in patient evaluation, diagnosis and treatment; b) prescribing any medication; c) delegating medical acts, services or prescriptive authority; or d) the supervision of physicians who practice clinical medicine, physician assistants who render medical services, or the clinical practice of advanced practice registered nurses.”

6. Pursuant to 32 M.R.S. § 3282-A(2)(H), the Board may impose discipline for violation of Board rules, including Chapter 1 Rule Regarding Physicians, §§ 1(3), 14.

7. Pursuant to 32 M.R.S. § 3282-A(2)(N), the Board may impose discipline for engaging in any activity requiring a license that is beyond the scope of acts authorized by the license held.

8. Dr. Clemetson respectfully reiterates that because he made clear to all concerned that he was retired from the practice of medicine, that the litigant was not his patient, and that he was not the litigant’s doctor, he believed he was not practicing medicine in providing consultation services relative to litigation, but he accepts the Board’s determination that he was mistaken in that assessment, and he apologizes for his error

9. On July 8, 2024, the Board reviewed Complaint CR24-79 and voted to offer Dr. Clemetson a Consent Agreement to resolve the matters without further proceedings. Absent Dr. Clemetson’s acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta,

Maine 04333-0137 on or before August 30, 2024, the matter will be returned to the Board for further action.

COVENANTS

10. Dr. Clemetson admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3282-A(2)(H), and (N).

11. As discipline for the foregoing conduct, Dr. Clemetson agrees to accept, and the Board imposes the following discipline:

a) a CENSURE for practicing clinical medicine which is not within the scope of his administrative license; and

b) a requirement that Dr. Clemetson immediately CEASE all clinical medicine activities, including but not limited to conducting any evaluations or examinations to include those labelled independent or forensic that involve any direct interaction with a patient. Dr. Clemetson is PROHIBITED from practicing clinical medicine so long as he holds an administrative license.

12. Upon a Board vote that Dr. Clemetson is in substantial and material noncompliance of any requirement related to this Consent Agreement without having sought and received prior approval for the noncompliance from the Board, Dr. Clemetson's license to practice medicine may be suspended, effective immediately, which license suspension shall continue until compliance has been achieved as determined by the Board or Board staff, if delegated. Alternatively, upon a Board vote that Dr. Clemetson is in

substantial noncompliance of any requirement related to this Consent Agreement without having sought and received prior approval for the noncompliance from the Board, the Board may, in its sole discretion, impose disciplinary action, including the issuance of a warning, reprimand, or censure, or the payment of a civil penalty in an amount not to exceed \$5,000.00.

13. Dr. Clemetson acknowledges that while this Consent Agreement is in effect he must communicate directly with the Board or Board staff and has the obligation to respond to any request for information or documentation within the timeframe specified or requested. Failure to comply with or respond to any request shall be considered unprofessional conduct and a violation of this Consent Agreement.

14. Any conduct of Dr. Clemetson described herein may be considered in future Board action(s) as evidence of a pattern of misconduct.

15. Violation by Dr. Clemetson 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.

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

17. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Clemetson or any other matter relating to this Consent Agreement.

18. 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-A.

19. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

20. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

21. Dr. Clemetson 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.

22. Dr. Clemetson has been represented in this matter by Edward S. MacColl, Esq.

23. This Consent Agreement may be signed in counterparts, with all counterparts together constituting one original instrument. Signatures below may be applied and/or saved electronically, and such electronic signatures will be given the same effect as a paper document signed in ink.

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

I, CHARLES D. CLEMETSON, 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.

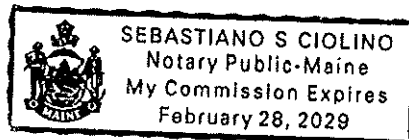
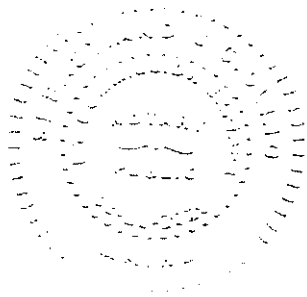
DATED: Sept 4th 2024 C. Clemetson
CHARLES D. CLEMETSON, M.D.

STATE OF Maine
County of Cumberland, S.S.

Personally appeared before me the above-named Charles D. Clemetson, 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: 9/4/2024 [Signature]
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS: 2/28/2029

DATED: _____
EDWARD S. MACCOLL, ESQ.
Attorney for Charles D. Clemetson, M.D.



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DATED: September 3, 2024 CHARLES CLEMETSON
CHARLES D. CLEMETSON, M.D.

STATE OF _____,
_____, S.S.

Personally appeared before me the above-named Charles D. Clemetson, 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: _____
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS: _____

DATED: 9/3/2024
EDWARD S. MACCOLL, ESQ.
Attorney for Charles D. Clemetson, M.D.

STATE OF MAINE BOARD
OF LICENSURE IN MEDICINE

DATED:

9/9/24



MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

September 9, 2024



MICHAEL MILLER
Assistant Attorney General

Effective Date: