

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Takeo Kawamura, M.D.)	AGREEMENT
Complaint Nos. CR05-023/024)	

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 Takeo Kawamura, M.D. The parties to the Consent Agreement are: Takeo Kawamura, M.D. (“Dr. Kawamura”), 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. Dr. Kawamura has held a license to practice medicine in the State of Maine since 1962. Since that time, he has practiced in the Bangor area, and specialized in psychiatry.

2. On or about February 17, 2005, the Board received a complaint filed against Dr. Kawamura’s medical license from TL, a patient of Dr. Kawamura. The Board docketed the complaint as CR-05-023. The complaint alleged that: Dr. Kawamura told patient TL during a therapy session that he needed to leave his wife, ML; Dr. Kawamura told patient TL, using inappropriate language, that he needed to have sexual affairs with other women so that his wife, TL, would leave him; and Dr. Kawamura violated

doctor-patient confidentiality by discussing his psychiatric treatment of TL with ML without obtaining TL's prior consent.

3. On or about February 24, 2005, the Board received a complaint filed against Dr. Kawamura's medical license from ML, TL's wife, who was also a patient of Dr. Kawamura. The Board docketed the complaint as CR-05-024. The complaint alleged that her husband, TL, told her about Dr. Kawamura's statements, and that she went to speak to Dr. Kawamura about them. It also alleged that Dr. Kawamura admitted to ML that he made the alleged statements to her husband, TL, during a therapy session with him.

4. On or about March 15, 2005, the Board received a response from Dr. Kawamura to complaint CR05-023. In that response, Dr. Kawamura admitted that he had treated TL and ML as individual patients for many years. Dr. Kawamura did not deny making the statements attributed to him by TL, and asserted that he employed this unusual or unconventional therapeutic strategy because TL was at risk for suicide. In addition, Dr. Kawamura asserted that TL's risk of suicide amounted to clinical necessity that superseded TL's right to doctor-patient confidentiality.

5. On or about March 25, 2005, the Board received a response from Dr. Kawamura to complaint CR05-024. In that response, Dr. Kawamura again asserted that clinical necessity caused him to use unconventional or unorthodox therapeutic means and justified his violation of doctor-patient confidentiality.

6. On December 13, 2005, the Board conducted a review of complaints CR05-023 & 024. Following its initial review, the Board voted to set the complaints for an adjudicatory hearing, and to offer Dr. Kawamura this Consent Agreement to resolve complaints CR05-023 & 024.

7. Absent Dr. Kawamura'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 February 10, 2006, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

8. Dr. Kawamura admits that with regard to complaints CR05-023 & 024 the Board has sufficient evidence from which it could reasonably conclude that he: (a) used inappropriate language with patient TL; (b) inappropriately treated patients TL and ML on an individual basis, knowing that they were husband and wife and that they were not involved together in conjoint family therapy; (c) inappropriately shared with ML confidential medical information related to TL's treatment; and (d) improperly employed untested and unaccepted therapeutic measures in treating patient TL. Dr. Kawamura admits that such conduct could amount to unprofessional conduct and incompetence, and constitutes grounds for discipline of his Maine license pursuant to 32 M.R.S.A. § 3282-A.

9. As discipline for the conduct admitted in paragraph 8 above, Dr. Kawamura agrees to:

a. Accept a REPRIMAND from the Board. Dr. Kawamura shall not engage in this type of conduct again, and shall cease treating family members except where they are in conjoint family therapy and treatment.

b. Each and every calendar year following the execution¹ of this Consent Agreement, enroll in and successfully complete a Board-approved participatory ethics course with feedback to the Board;

c. Resume and maintain counseling and therapy with Geoffrey Thorpe, Ph.D. Dr. Kawamura agrees and understands that the Board and the Office of Attorney General shall have complete access to his present and future personal medical and counseling records, and shall execute any and all releases so that the Board and the Office of the Attorney General may access and/or obtain copies of his medical and/or counseling and treatment records; and

d. Meet with the Board or members thereof at times and places that, in the exercise of its discretion, the Board deems appropriate, concerning Dr. Kawamura's practice of medicine.

10. Dr. Kawamura waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Kawamura agrees that this Consent Agreement and Order is a final order resolving the complaints CR05-023 & 024. This Consent Agreement is not appealable and is effect until modified or rescinded by the parties hereto.

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

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. Kawamura shall be made in writing and submitted to the Board.

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

12. 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.

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

14. The Board and Dr. Kawamura 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. Kawamura 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. Kawamura's license.

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JAN 27 2006
LICENSE IN A...

15. The term of this Consent Agreement is indefinite from the date of execution, and remains in full force and effect so long as Dr. Kawamura is licensed with the Board, complies with the terms and conditions of this Consent Agreement, and does not otherwise pose a risk to the public. Dr. Kawamura may request amendments or changes to this agreement by submitting such request in writing to the Board which may decide the matter without a hearing.

16. Dr. Kawamura 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, TAKEO KAWAMURA, 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: January 26, 2006
STATE OF _____
_____, S.S.
TAKEO KAWAMURA, M.D.

Personally appeared before me the above-named Takeo Kawamura, 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: 1-26-06

RECEIVED
JAN 27 2006
Susan M. Good
NOTARY PUBLIC ATTORNEY

MY COMMISSION ENDS:

March 09, 2010

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 2/14/06

Edward David
EDWARD DAVID, M.D., Chairman

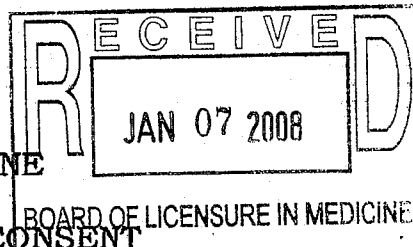
STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 2/14/06

Dennis E. Smith
DENNIS E. SMITH
Assistant Attorney General

Effective Date:

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE



In re:)
Takeo Kawamura, M.D.)
Complaint Nos. CR06-077/07-012)

CONSENT
AGREEMENT

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 Takeo Kawamura, M.D. The parties to the Consent Agreement are: Takeo Kawamura, M.D. ("Dr. Kawamura"), 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. Dr. Kawamura has held a license to practice medicine in the State of Maine since 1962. Since that time, he has practiced in the Bangor area, and specialized in psychiatry.

2. On or about March 27, 2006, the Board received a complaint filed against Dr. Kawamura's medical license from LR, a patient of Dr. Kawamura. The Board docketed the complaint as CR-06-077. The complaint alleged that Dr. Kawamura failed to adequately monitor her medication levels, resulting in LR suffering side-effects.

3. On or about May 17, 2006, the Board received a response from Dr. Kawamura to complaint CR06-077. In that response, Dr. Kawamura asserted that he adequately monitored patient LR's medications and treated patient LR appropriately.

4. On or about October 16, 2006, the Board reviewed a report regarding the treatment of patient LR by Dr. Kawamura.

5. On November 14, 2006, the Board conducted a review of complaint CR06-077. Following its review, the Board voted to set the complaint CR06-077 for an adjudicatory hearing.

6. On or about January 22, 2007, the Board initiated reviewed information concerning DG, a patient of Dr. Kawamura, who committed suicide while under treatment. Following its review, the Board voted to initiate a complaint against Dr. Kawamura's medical license alleging incompetence in the care of patient DG. The Board docketed the complaint as CR07-012.

7. On or about March 26, 2007, the Board received a response from Dr. Kawamura to complaint CR07-012. In his response, Dr. Kawamura denied providing incompetent care to patient DG.

8. On November 29, 2007, the Board reviewed a report regarding the treatment of patient DG by Dr. Kawamura.

9. On December 11, 2007, the Board conducted a review of complaint CR07-012. Following its review, the Board voted to set the complaint CR07-012 for an adjudicatory hearing with complaint CR06-077.

10. This Consent Agreement has been negotiated between legal counsel for Dr. Kawamura, who represents that Dr. Kawamura retired from the active practice of medicine in October 2007, and the Board's legal counsel in order to resolve complaints CR06-077 and CR07-012 without further proceedings.

11. By signing this Consent Agreement, Dr. Kawamura waives, in his personal capacity and through legal counsel, any and all objections to, and hereby consents to allow the Board's legal counsel to present this Consent Agreement to the Board for possible ratification. Dr. Kawamura waives, in his personal capacity and through legal counsel, forever any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this Consent Agreement.

12. Absent ratification of this Consent Agreement by a majority vote of the Board, the matters will proceed to an adjudicatory hearing.

COVENANTS

13. Dr. Kawamura neither admits nor denies the allegations in complaints CR06-077 and CR07-012. However, Dr. Kawamura concedes that: the Board has sufficient evidence from which it could reasonably conclude that he failed to adequately monitor patient LR's medical care and medications; and failed to adequately monitor patient DG's medical care and medications. Dr. Kawamura admits that such conduct could amount to incompetence and unprofessional conduct, and constitutes grounds for discipline of his Maine license pursuant to 32 M.R.S.A. § 3282-A(2)(E) & (F).

14. As discipline for the conduct identified in paragraph 13 above, Dr. Kawamura agrees to the immediate, voluntary, and permanent surrender of his Maine medical license.

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

Agreement. Dr. Kawamura agrees that this Consent Agreement and Order is a final order resolving complaints CR06-077 and CR07-012. 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 General. Requests for amendments by Dr. Kawamura shall be made in writing and submitted to the Board. The Board shall have the sole discretion to grant or deny any requests to modify this Consent Agreement. The parties agree that any decision by the Board made pursuant to a request to modify this Consent Agreement does not require a hearing and is not appealable.

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

17. 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.

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

19. The Board and Dr. Kawamura 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.

20. Dr. Kawamura has been represented by an attorney, Kenneth W. Lehman, Esq., who has participated on his behalf in the negotiation of this Consent Agreement.

21. Dr. Kawamura 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, TAKEO KAWAMURA, 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: Jan 3 2008

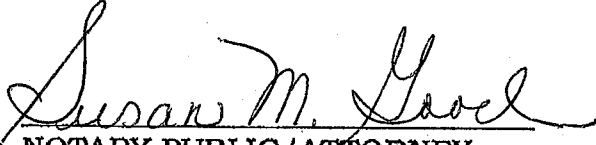

TAKEO KAWAMURA, M.D.

STATE OF _____

_____, S.S.

Personally appeared before me the above-named Takeo Kawamura, 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.

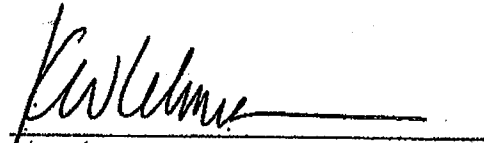
DATED: 1-3-2008


NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 3-09-2010

DATED:

January 3, 2008

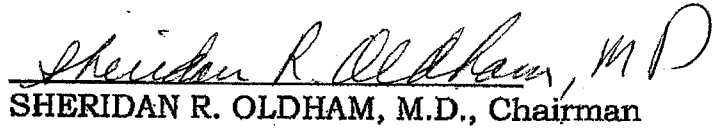


KENNETH W. LEHMAN, ESQ.
Attorney for Takeo Kawamura, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

1/8/08




SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

1/8/08



DENNIS E. SMITH
Assistant Attorney General

Effective Date: