STATE OF MAINE BOARD OF OSTEOPATHIC LICENSURE

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| IN RE: | ROBERT BLAIK, D.O. |) | CONSENT AGREEMENT |
| | |) | AND BOARD ORDER |

The Board of Osteopathic Licensure (hereafter "the Board"), Robert Blaik, D.O. ("Dr. Blaik") and the Office of the Attorney General enter into the following Consent Agreement in order to resolve a pending complaint.

I. FACTS AND CONCLUSIONS

Dr. Blaik admits to the following findings set forth in this Consent Agreement:

- 1. Dr. Blaik is licensed to practice osteopathic medicine in the State of Maine and has been licensed to do so since 1992. Dr. Blaik is board-certified in psychiatry and sub-certified in addiction psychiatry and currently has a private practice in Portland, Maine. In his forty (40) years practicing as a physician, Dr. Blaik has had no prior board actions or malpractice actions.
 - 2. In the years 2008, 2009 and 2010, Dr. Blaik treated a patient, L.B.
 - 3. L.B. had health insurance coverage through Cigna.
- 4. At the time that Dr. Blaik treated L.B., he was only authorized to bill Cigna for a forty-five minute session per day for up to three (3) sessions per week with the patient.
- 5. Because L.B. was working full-time, taking care of two children at home and lived an hour away from Dr. Blaik's office, she could only come in for an office session one day per week.

- 6. Because of the acuteness and complexity of her presenting clinical features, Dr. Blaik saw L.B. for as long as two and one half hours during her once per week session, which L.B. acknowledged to have occurred.
- 7. When Dr. Blaik billed for L.B.'s longer sessions, he incorrectly documented that he had seen L.B. on two to three different dates, even if sessions did not occur on those dates.
- 8. Dr. Blaik now realizes that it was wrong to bill for sessions on dates when he did not actually see L.B., although the total amount of time per week spent with L.B. was the same.
- 9. Dr. Blaik has paid back to Cigna all of the money he was paid for the sessions on dates when he did not see L.B., for a total of \$24,725.00.
- 10. Dr. Blaik has also retained an outside consultant to advise him on developing a system so such billing issues do not recur.
- 11. The Board concludes that the above facts are grounds for discipline pursuant to 32 M.R.S. § 2591-A (2)(A) and (F).

Absent Dr. Blaik's acceptance of this consent agreement by dating and signing it and returning it to Susan E. Strout, Executive Secretary, Maine Board of Osteopathic Licensure, 142 State House Station, Augusta, Maine 04333-0142 by January 20, 2012, this matter will be set for an adjudicatory hearing.

II. SANCTIONS

Based on the foregoing findings and conclusions, the Board imposes, as a disciplinary sanction, a CENSURE.

I, ROBERT BLAIK, D.O., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO FURTHER HEARINGS OR APPEALS REGARDING THIS CONSENT AGREEMENT. KNOWING THIS, I SIGN THIS AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THE CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THE CONSENT AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated: 61/04/12

Robert Blaik, D.O.

STATE OF MAINE SS.

Before me this 4 day of 4 day of 2012, personally appeared Robert Blaik, D.O., who after first being duly sworn, signed the foregoing Consent Agreement in my presence or affirmed that the signature above is his own.

Notary Public Attorney at Law My commission expires:

SUZETTE M. SASS NOTARY PUBLIC, MAINE MY COMMISSION EXPLICES JANUARY 28, 2012

BOARD ORDER

IT IS HEREBY ORDERED by vote of the Maine Board of Osteopathic Licensure that Robert Blaik's license to practice osteopathic medicine is subject to the terms and conditions of the Consent Agreement signed by Dr. Blaik on **January 4**, 2012, which are incorporated by reference.

STATE OF MAINE

BOARD OF OSTEOPATHIC LICENSURE

Dated:

1/12/12

Approved by:

STATE OF MAINE, OFFICE OF ATTORNEY GENERAL

Dated: 1-12-12

Carrie L. Carney

Assistant Attorney General