

STATE OF MAINE
BOARD OF VETERINARY MEDICINE

IN RE:)	
)	CONSENT
ALAN TOOTHAKER, V.M.D.)	AGREEMENT
)	
2016-VET-12790)	

INTRODUCTION

This document is a Consent Agreement concerning disciplinary action against the license of Alan Toothaker, V.M.D. to practice veterinary medicine in the State of Maine. The parties to the Consent Agreement are: Alan Toothaker, V.M.D. ("Dr. Toothaker"); the State of Maine Board of Veterinary Medicine ("Board"); and the Maine Office of Attorney General ("Attorney General"). The Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5-A).

FACTS

1. At all times pertinent to this matter, Dr. Toothaker was licensed by the Board as a veterinarian, license number VT827, and practicing in Ellsworth, Maine.
2. On August 24, 2016, Dr. Toothaker administered Depo-Medrol and aspirin concurrently to a canine patient. Concurrent administration of these drugs is contra-indicated as the combination can cause serious side effects, including bleeding ulcers.
3. On August 26, 2016, Dr. Toothaker authorized a prescription of five times the proper amount of meloxicam for the canine patient.
4. The canine suffered serious bleeding ulcers of the gastrointestinal tract.
5. On December 13, 2016, the canine's owners filed a complaint against Dr. Toothaker's license, which the Board docketed as 2016-VET-12790.

6. On April 19, 2017, following a presentation of the complaint, the Board voted to offer Dr. Toothaker this Consent Agreement in order to resolve 2016-VET-12790.
7. In a previous matter, 2007-VET-3584, Dr. Toothaker was disciplined for unprofessional conduct and for failing to maintain adequate medical records pursuant to a consent agreement dated November 14, 2007, which imposed a warning and placed Dr. Toothaker's license on probation, during which Dr. Toothaker was required to submit to the Board copies of five surgical records on a quarterly basis for a period of two years.
8. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Cathy Neumann, Complaint Coordinator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, Maine 04333-0035 by January 21, 2018, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

9. Dr. Toothaker admits to the facts as stated above and admits that such conduct constitutes grounds for imposing discipline against his license pursuant to 10 M.R.S. § 8003(5-A)(A)(2) for committing gross negligence in the practice of veterinary medicine.
10. As DISCIPLINE for the conduct admitted to in paragraph 9 above, Dr. Toothaker agrees to accept the following DISCIPLINARY ACTION:
 - (a) A REPRIMAND; and
 - (b) Completion of a minimum of three (3) hours of CONTINUING EDUCATION on the topic of the proper use of pain medication, specifically steroidal and non-steroidal anti-inflammatory medication, no later than 90 days from the date of his signature on the Consent Agreement. Dr. Toothaker agrees to submit the proposed continuing education course to the Board's

Complaint Officer for his prior approval no later than 30 days before the date of the course. Dr. Toothaker agrees that these continuing education hours will be in addition to those required for the standard licensure renewal eligibility requirement and that he will be responsible for all costs associated with the continuing education hours.

11. Violation of any of the terms or conditions of this Consent Agreement by Dr. Toothaker shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of licensure or re-licensure.
12. This Consent Agreement is not appealable and is effective until modified or terminated by the parties hereto.
13. This Consent Agreement may be modified or terminated only pursuant to a written agreement signed by all the parties to this Consent Agreement.
14. The Board and the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.
15. 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.
16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
17. This Consent Agreement becomes effective on the date of the last necessary signature below.
18. The Board and Dr. Toothaker agree that no further agency action will be initiated against his license by the Board based upon the specific violations admitted to 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 allegations are brought against Dr. Toothaker. 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. Toothaker.

19. Dr. Toothaker 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.


Dated: 1/16/18


ALAN TOOTHAKER, D.V.M.D.

Dated: 1/26/18


PETER DAVIS, D.V.M.
Chair, Maine Board of Veterinary Medicine

Dated: 2/5/18


SAMANTHA Y. MORGAN
Assistant Attorney General