

**STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE**

**IN RE: DANIEL J. KARY, D.O.)
 CR 2014-18)
 CR 2014-19)** **CONSENT AGREEMENT**

This document is a Consent Agreement effective when signed by all parties, regarding disciplinary action against Daniel J. Kary's license to practice osteopathic medicine in the State of Maine. The parties to this Consent Agreement are: the Board of Osteopathic Licensure (hereafter "the Board"), Daniel J. Kary, D.O. ("Dr. Kary"), and the Office of the Attorney General ("the Attorney General").

FACTS

1. At all times relevant to this matter, Dr. Kary was licensed to practice osteopathic medicine in the State of Maine, license number DO 1123.
2. On or about April 4, 2014, the Board received information from Patient 1 that alleged that Dr. Kary engaged in sexual misconduct during a medical appointment on March 26, 2014, which was docketed as Complaint CR 2014-18.

3. On or about April 8, 2014, the Board received information from Patient 2 that alleged that Dr. Kary engaged in sexual impropriety during a medical appointment on March 11, 2014, which was docketed as CR 2014-19.

4. On or about May 19, 2014, the Board received Dr. Kary's responses to Complaints CR 2014-18 and CR 2014-19.

5. On or about June 12, 2014, the Board reviewed Complaints CR 2014-18 and CR 2014-19, and voted to set the matters for a July 10 adjudicatory hearing.

6. This Consent Agreement has been negotiated by Dr. Kary, his legal counsel Owen B. Pickus, D.O., Esq., and the assigned legal counsel to the Board in order to resolve Complaints CR 2014-18 and CR 2014-19 without an adjudicatory hearing. Absent ratification of this Consent Agreement by a majority vote of the Board, the matter shall proceed to an adjudicatory hearing.

COVENANTS

7. Dr. Kary admits that if the above referenced complaints were to proceed to hearing that the Board would have sufficient evidence to find that he committed unprofessional conduct in violation of 32 M.R.S. §§ 2591-A(2)(F), (H), and Board Rules, Chapter 10, §§ 1, 2, including that he committed a sexual violation which is any conduct with a patient that is sexual or may be reasonably interpreted as sexual, even when initiated by or consented to by a

patient, and that he committed sexual impropriety which is behavior, gestures, or expressions by him that are seductive, sexually suggestive, or sexually demeaning to a patient.

8. As discipline for the conduct described above, Dr. Kary agrees to the immediate and permanent surrender of his license to practice osteopathic medicine in this State and Dr. Kary agrees that he will never apply to practice medicine in this State or any other state effective upon the date upon which the last signature is affixed to this Consent Agreement.

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

10. The Board and the Office of the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.

11. 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.

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

13. This Consent Agreement constitutes disciplinary action that is reportable to the National Practitioner Data Bank, the Healthcare Integrity and

Protection Data Bank, and the Federation of State Medical Boards.

14. Dr. Kary 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, DANIEL J. KARY, D.O., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. 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: 6/27/14


DANIEL J. KARY, D.O.

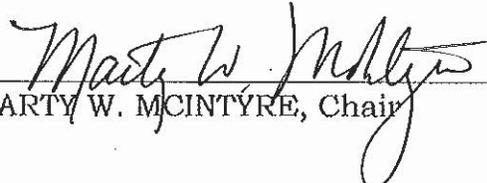
STATE OF MAINE
Cumberland, SS.

Before me this 27th day of June, 2014, personally appeared Daniel J. Kary, 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.

 Anissa Parkham
Notary Public/Attorney at Law
My commission expires: 6/20/19

BOARD OF OSTEOPATHIC LICENSURE

DATED: 7-10-14


MARTY W. MCINTYRE, Chair

OFFICE OF THE ATTORNEY GENERAL

DATED: July 1 2014


MICHAEL MILLER
Assistant Attorney General