

STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE

In re:) CONSENT AGREEMENT
MICHAEL J. GILMORE, D.O.) FOR PERMANENT SURRENDER
Case No. 2024-21) OF LICENSE

This document is a Consent Agreement for Permanent Surrender of License (“Consent Agreement”), effective when signed by all parties, regarding disciplinary action against the license to practice osteopathic medicine in the State of Maine held by Michael J. Gilmore, D.O. The parties to the Consent Agreement are: Michael J. Gilmore, D.O. (“Dr. Gilmore”), the State of Maine Board of Osteopathic Licensure (“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. § 2591-A.

STATEMENT OF FACTS

1. Dr. Gilmore has held a license to practice osteopathic medicine in the State of Maine since July 10, 2003 (license number DO1808). On May 9, 2024, Dr. Gilmore’s license was suspended by an Order of Immediate Suspension issued pursuant to 5 M.R.S. § 10004(3). Dr. Gilmore specializes in family/general practice.

2. On April 25, 2024, the Board received a complaint from a patient alleging that Dr. Gilmore made inappropriate comments, conducted an inappropriate physical examination including touching of her nipples and vagina, and that he attempted to stimulate her sexually. The Board docketed the complaint as Case 2024-21 and sent it to Dr. Gilmore for a response.

3. On June 18, 2024, Dr. Gilmore responded to the complaint and admitted conducting an intimate examination of the patient but denied any inappropriate conduct. He strongly disputed the allegations against him, insisted his examination and care of the patient were medically necessary, within his scope of practice, and appropriate to assess the patient's myriad related issues.

4. On July 11, 2024, the Board conducted the first day of an adjudicatory hearing pursuant to a notice of hearing that alleged 21 grounds for disciplinary action relating to Dr. Gilmore's treatment of the patient and his response to the Board.

5. Pursuant to 32 M.R.S. § 2591-A(2)(E), the Board may take disciplinary action for engaging in incompetence.

6. Pursuant to 32 M.R.S. § 2591-A(2)(F), the Board may take disciplinary action for engaging in unprofessional conduct by violating a standard of professional behavior that has been established in the practice of osteopathic medicine.

7. Pursuant to 32 M.R.S. § 2591-A(2)(H), the Board may take disciplinary action for engaging in sexual misconduct in violation of Board Rule, Chapter 10.

8. This consent agreement has been negotiated by assigned adjudicatory hearing counsel and legal counsel for Dr. Gilmore in order to resolve the matter without further proceedings. Absent Dr. Gilmore's acceptance of this Consent Agreement by signing and dating it in front of a

notary, providing it to assigned adjudicatory hearing counsel on or before August 5, 2024, and being approved by the Board, the matter will proceed to the continuation of the adjudicatory hearing currently scheduled for August 28, 2024.

COVENANTS

9. Dr. Gilmore admits that the Board could find by a preponderance of the evidence and the Board does hereby find that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 2591-A(2)(E), (F), and (H).

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

the PERMANENT SURRENDER of his license to practice osteopathic medicine in Maine effective immediately. Dr. Gilmore shall never seek to obtain or apply for any health care license or certification or license to practice osteopathic medicine in Maine.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. Dr. Gilmore 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.

18. Dr. Gilmore has been represented by Kelly M. Hoffman, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

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

I, MICHAEL J. GILMORE, D.O., 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: 8/5/2024 Michael Gilmore D.O.
MICHAEL J. GILMORE, D.O.

STATE OF Maine
Penobscot, S.S.

Personally appeared before me the above-named Michael J. Gilmore, D.O., 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: 08/05/2024 Brittani L. Sudborough
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS: 01/17/2025

DATED: 4 August 2024 Kelly Hoffman
KELLY M. HOFFMAN, ESQ.
Attorney for Michael J. Gilmore, D.O.

BRITTANI L. SUDBOROUGH
NOTARY PUBLIC
State of Maine
My Commission Expires
January 17, 2025

STATE OF MAINE BOARD
OF OSTEOPATHIC LICENSURE

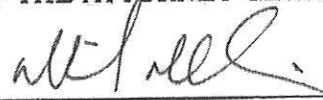
DATED: 8/8/2024



MELISSA MICHAUD, P.A., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: August 5, 2024



MICHAEL MILLER
Assistant Attorney General

Effective Date: