MAINE BOARD OF DENTAL PRACTICE

In re:
David R. Steuer, D.M.D.
License Renewal Application
No. 16-70; Complaint Nos. 15-37
and 16-46

FIRST AMENDMENT TO
CONSENT AGREEMENT

Effective Date: December 9, 2016

This document is the First Amendment to the November 18, 2016 Consent Agreement executed between and among David R. Steuer, D.M.D. ("Dr. Steuer"), the Maine Board of Dental Practice ("the Board"), and the Office of the Maine Attorney General ("the Attorney General"). The parties execute this First Amendment pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 1077(1)(A). This First Amendment is effective when signed by all the parties hereto.

STATEMENT OF FACTS

1. Dr. Steuer was first licensed to practice dentistry in the State of Maine, on May 5, 2006. He is an endodontist.

2. On November 18, 2016, the parties hereto executed a Consent Agreement to resolve issues concerning Dr. Steuer's ability to practice dentistry in Maine. Facts giving rise to the necessity for the November 18, 2016 Consent Agreement are set forth in Paragraphs 1 through 21 of that document.

3. In Paragraph 30(A) of their November 18, 2016 Consent Agreement, the parties agreed that nitrous oxide is a Prohibited Substance which Dr. Steuer must refrain from using or possessing.

4. In Paragraph 30(B)(ii) of their November 18, 2016 Consent Agreement, the parties agreed that toxicological testing to which Dr. Steuer must submit as a condition of licensure would include testing for use of nitrous oxide. The first three sentences of Paragraph 30(B)(ii) read as follows:

Dr. Steuer shall undergo such toxicological testing as the MPHP deems appropriate, which may include without limitation, urine, blood, hair, or fingernail analysis. He shall undergo such testing as frequently and for the duration agreed to in his written contract with the MPHP as approved by the Board.
The toxicological testing shall include without limitation monitoring for all Prohibited Substances, alcohol, benzodiazepines, narcotics, nitrous oxide, and hypnotics/amnestic. Dr. Steuer shall undergo additional toxicological testing whenever directed to do so by the Board.

(emphasis added)

5. Subsequent to execution of the November 18, 2016 Consent Agreement, in consultation with the Maine Medical Professionals Health Program, the parties learned that effective testing for nitrous oxide use is presently impracticable.

AMENDMENT

6. In light of the impracticability of testing for nitrous oxide, the parties agree to amend the first three sentences of Paragraph 30(B)(ii) of their Consent Agreement to read:

Dr. Steuer shall undergo such toxicological testing as the MPHP deems appropriate, which may include without limitation, urine, blood, hair, or fingernail analysis. He shall undergo such testing as frequently and for the duration agreed to in his written contract with the MPHP as approved by the Board. The toxicological testing shall include without limitation monitoring for all Prohibited Substances, alcohol, benzodiazepines, narcotics, and hypnotics/amnestic. Dr. Steuer shall undergo additional toxicological testing whenever directed to do so by the Board.

7. The parties’ amendment of Paragraph 30(B)(ii) eliminates nitrous oxide from the list of Prohibited Substances for which the MPHP must test Dr. Steuer. It does not eliminate the requirement that Dr. Steuer abstain from using nitrous oxide; it does not impair the Board’s ability to order testing for nitrous oxide in the future if the Board deems it necessary and is satisfied that such testing is then practicable.

8. Dr. Steuer and his partners have office locations in three Maine municipalities: Portland, Yarmouth, and Biddeford. The Biddeford office uses nitrous oxide; the Portland and Falmouth offices do not use nitrous oxide. As a condition of licensure, Dr. Steuer shall not practice at the Biddeford office or any other office or location using or storing nitrous oxide. Further, Dr. Steuer shall take all necessary steps to ensure that he cannot access the Biddeford
office outside of regular business hours, and he shall not visit the Biddeford office unless at least one of his partners is present while he is there.

9. Except as explicitly set forth herein, this First Amendment does not alter the terms and conditions of the parties’ November 16, 2016 Consent Agreement. It shall be read in conformity with and as a part of the Consent Agreement.

10. Dr. Steuer acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult an attorney before signing this Consent Agreement, that he signed this Consent Agreement of his own free will and without undue influence of any kind from any person, and that he agrees to abide by all terms and conditions set forth herein.

SIGNATURES

Dated: 12/9/16

DAVID R. STEUER, D.M.D.

MAINE BOARD OF DENTAL PRACTICE

Dated: 12-9-16

GERALDINE A. SCHNEIDER, D.M.D
Chairperson

OFFICE OF THE ATTORNEY GENERAL


JAMES M. BOWIE, (Bar No. 2496)
Assistant Attorney General