

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

BOARD OF REGISTRATION  
IN MEDICINE

Adjudicatory Case No.2014-032

\_\_\_\_\_ )  
 In the Matter of )  
 )  
 Konstantino Avradopoulos, M.D. )  
 \_\_\_\_\_ )

**PROBATION AGREEMENT**

**I. COMPLIANCE WITH AGREEMENT**

The Respondent agrees that violation of this Probation Agreement, including such provisions which survive this Agreement, shall constitute sufficient grounds for the immediate suspension of the Respondent's license to practice medicine, or any such lesser sanction as the Board may deem fit to impose, without prior notice to the Respondent. The Respondent hereby waives any claim or defense to any subsequent action by the Board to suspend the Respondent's license or impose such other lesser sanction, for any such violation or violations, except that the Respondent shall be entitled to defend against the assertion of a violation of this Agreement. The Respondent acknowledges and agrees that by entering into this Agreement, the Respondent is relinquishing important procedural and substantive rights.

## II. PARTIES

The parties to this Probation Agreement are the Board of Registration in Medicine (hereinafter "the Board") and Konstantino Avradopoulos, M.D. (hereinafter "the Respondent").

## III. JURISDICTION

The parties agree that the Board has the authority to enter into this Probation Agreement, and that the Board may enforce the terms of this Agreement in accordance with applicable laws and regulations and the provisions of this Agreement.

## IV. CONDITIONS OF PROBATION

During the probationary period, which shall be effective on the date the Board accepts this Agreement, the Respondent shall comply with each of the following requirements:

A. The Respondent agrees to undergo monitoring by the Board for at least five years from the date of the Board's acceptance of this Agreement and for such further period thereafter as the Board shall for reasonable cause order. At the Board's discretion, any periods during which the Respondent is not practicing medicine, during the probationary period, may extend the probationary period.

B. The Respondent shall undergo annual assessments for fitness to practice medicine by a Board-approved psychiatrist. The results of the assessments shall be filed with the Board annually. The Respondent hereby waives any privileges concerning such information, reports, records and disclosures to the Board. The Board-approved psychiatrist shall confirm in writing, within ten (10) days of the Board's accepting this agreement, his or her agreement and undertaking with respect to the obligations set forth in this Agreement, and shall notify the Board if the Respondent withdraws any waiver filed in connection with this Agreement. The Respondent has chosen Jordan Eisenstock, M.D. as the psychiatrist who shall complete the annual assessments. The Respondent must petition the Board for approval of any change in the Board-approved psychiatrist.

C. The Respondent shall undergo annual assessments for fitness to practice medicine by a Board-approved cognitive therapist. The results of the assessments shall be filed with the Board annually. The Respondent hereby waives any privileges concerning such information, reports, records and disclosures to the Board. The Board-approved cognitive therapist shall confirm in writing, within ten (10) days of the Board's accepting this agreement, his or her agreement and undertaking with respect to the obligations set forth in this Agreement, and shall notify the Board if the Respondent withdraws any waiver filed in connection with this Agreement. The Respondent has chosen Kevin Murphy, Ph.D. as the cognitive therapist who shall complete the annual assessments. The Respondent must petition the Board for approval of any change in the Board-approved cognitive therapist.

D. The Respondent shall undergo annual assessments for fitness to practice medicine by a Board-approved sleep disorder specialist. The results of the

assessments shall be filed with the Board annually. The Respondent hereby waives any privileges concerning such information, reports, records and disclosures to the Board. The Board-approved sleep disorder specialist shall confirm in writing, within ten (10) days of the Board's accepting this agreement, his or her agreement and undertaking with respect to the obligations set forth in this Agreement, and shall notify the Board if the Respondent withdraws any waiver filed in connection with this Agreement. The Respondent has chosen Payam Aghassi, M.D. as the sleep disorder specialist who shall complete the annual assessments. The Respondent must petition the Board for approval of any change in the Board-approved sleep disorder specialist.

E. The Respondent agrees to comply with any recommendations made as part of any of the annual assessments, required by Paragraphs B-D above, and any other recommendations made by his healthcare providers, including, but not limited to cognitive home exercises.

F. All agreements whereby third parties are to provide written reports, releases, records or any other information to the Board under this Probation Agreement shall be submitted to the Board for approval within thirty (30) days after the Probation Agreement is approved by the Board. All such releases and agreements must, in addition to waiving any relevant state law privileges or immunities, provide the Board with access to all material covered by 42 CFR, Part 2, and the Criminal Offender Records Information (CORI) Act, so-called, M.G.L. c. 6, §§ 167-178; all such releases and agreements must provide that the released party shall notify the Board if any waiver is withdrawn. In the event that any such releases or waivers are not sufficient to obtain access to any information which the Board in its discretion considers relevant, the Respondent

agrees to obtain personally such information and furnish it to the Board, to the extent permitted by law.

G. In the event that the Respondent seeks licensure to practice medicine in another state, the Respondent shall notify the Board of such fact and shall disclose to the licensing authority in such state his probationary status with this Board. The Respondent shall submit to the Board copies of all correspondence and application materials submitted to another states' licensing authority.

H. In the event the Respondent should leave Massachusetts to reside or practice out of the state, the Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside Massachusetts will not apply to the reduction of any period of the Respondent's probationary licensure, unless the Respondent enters into a monitoring agreement, approved by the Board, in the new location.

I. The Respondent shall appear before the Board or a committee of its members at such times as the Board may request, upon reasonable advance notice, commensurate with the gravity or urgency of the need for such meeting as determined by the Board or such committee.

J. The Respondent shall provide a complete copy of this Probation Agreement, with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges

or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the Drug Enforcement Agency, Boston Diversion Group; Department of Public Health Bureau of Health Care Safety and Quality; and the state licensing boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive. The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

K. The Respondent may engage in the practice of medicine under conditions that the Board may impose. The Respondent is not currently engaged in the practice of medicine and shall not engage in the practice of medicine until such time as the Board approves a practice plan. Any practice plan must be consistent with the recommendations made by the University of San Diego Physician Assessment and Clinical Education Program. Any practice plan must also be consistent with any recommendation made by the healthcare professionals referenced in Paragraphs B-D above. At the time of any petition for approval of a practice plan, the Respondent will submit the name of a worksite monitor for each practice location. Once approved, the monitor(s) will submit quarterly reports with the Board.

L. The Respondent, and not the Board, shall be responsible for the payment of any fee or charge occasioned by the Respondent's compliance with this Probation Agreement.

M. The Respondent may request that the Board modify any of the conditions set forth above. The Board may, in its discretion, grant such modification. Except for requests for modifications related to the identities of the health care professionals referenced in Paragraphs B-D and the monitor referenced in Paragraph K, and the Respondent's employment, the Respondent may make such a request not more than once in any one year period, nor any sooner than one year from the date of this Probation Agreement.

#### **V. TERMINATION OF PROBATION**

A. If the Respondent complies with his obligations as set forth above, the Board, at the expiration of the five-year period, shall, upon petition by the Respondent, terminate the Respondent's probationary period and probation with the Board, unless the Respondent's probation is extended in accordance with paragraph IV(A).

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B. If the Respondent fails to comply with his obligations as set forth above, the Respondent's license to practice medicine may be immediately suspended, as agreed in Section I.

6/19/2014  
Date

6/17/2014  
Date

Constantin A. Mardopolos M.D.  
Respondent  
[Signature]  
Attorney for the Respondent

Accepted this 6th day of August, 2014, by the Board of Registration in Medicine.

Kathleen Sullivan Meyer  
Kathleen Sullivan Meyer, Esq.  
Vice Chair