

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2014-018

\_\_\_\_\_  
In the Matter of )  
)  
)

PETER BLACK, M.D. )  
\_\_\_\_\_)

CONSENT ORDER

Peter Black, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with all of the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanctions set forth below in resolution of Docket Number 11-246.

FINDINGS OF FACT

1. The Respondent was born on April 3, 1944. He graduated from McGill University Faculty of Medicine in 1970. He has been licensed to practice medicine in Massachusetts under certificate number 37479 since 1974. He is board certified in neurological surgery.

2. On July 3, 2011, while on summer vacation, the Respondent was involved in a motor vehicle accident.

3. On July 5, 2011, the Respondent was arraigned in the Orleans District Court on charges of Operating Under the Influence of Alcohol Causing Personal Injury, Negligent Operation of a Motor Vehicle and two other charges that were subsequently dismissed.

4. On July 17, 2012, the Respondent appeared before the Orleans District Court. He admitted that there were sufficient facts on one count of Operating under the Influence of Liquor and one count of Negligent Operation of a Motor Vehicle.

5. The court accepted the Respondent's admission but continued the case without making a finding. The Respondent is on probation until July 17, 2014.

6. In March 2012, the Respondent entered into a Physician Health Services (PHS) Substance Use Monitoring Contract.

7. More than a year later, in April 2013, the Respondent self-reported one occasion of his non-compliance to PHS.

8. On April 9, 2013, a Board member accepted the Respondent's Voluntary Agreement Not to Practice Medicine (VANP). It was ratified by the Board on May 8, 2013.

9. On April 10, 2013, the Respondent entered into a new PHS contract.

10. The Respondent successfully completed in-patient treatment.

11. By letter dated September 29, 2013, PHS stated that the Respondent has been compliant with his PHS contract since he entered into it on April 10, 2013.

#### CONCLUSION OF LAW

The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. See *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

#### SANCTION AND ORDER

The Respondent is hereby indefinitely suspended. The suspension may be stayed upon 12 consecutive months of documented abstinence and entrance into a five-year Probation Agreement. The conditions of the Probation Agreement are as follows: compliance with his

Physician Health Services contract, worksite monitoring and other conditions as the Board may deem appropriate.

#### EXECUTION OF THIS CONSENT ORDER

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of the Respondent, his attorney, and Complaint Counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the stipulations contained herein shall be null and void; thereafter neither of the parties nor anyone else may rely on these stipulations in this proceeding. As to any matter that this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this consent order 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 state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this suspension

and probation. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

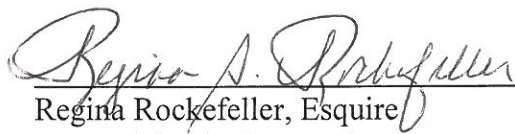
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



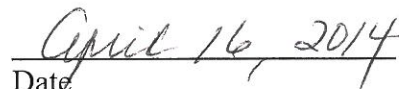
Peter Black, M.D.  
Respondent



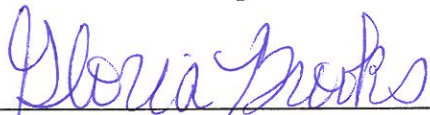
Date



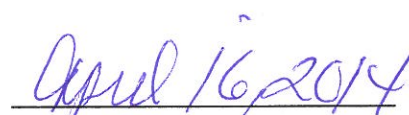
Regina Rockefeller, Esquire  
Counsel for the Respondent



Date



Gloria Brooks, Esquire  
Complaint Counsel



Date

So ordered by the Board of Registration in Medicine this 16th day of April, 2014



Kathleen Meyer, Esq.  
Vice Chair

SENT CERTIFIED MAIL 4/17/14 (MC) 4