

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No. 2014-035

In the Matter of)
)
)
Derek R. Illastron, M.D.)
_____)

CONSENT ORDER

Derek Illastron, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order with all 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 described below and agrees the Board may make conclusions of law and impose a sanction in resolution of investigative Docket No. 13-244.

FINDINGS OF FACT

1. The Respondent is a 35-year-old physician who has been licensed to practice in Massachusetts since June 25, 2008 under license number 235414. The Respondent reports his practice specialty as Internal Medicine. The Respondent is currently working as an internist with Pentucket Medical Associates.
2. Prior to his affiliation with Pentucket Medical Associates, the Respondent was affiliated with Harvard Vanguard Medical Associates (HVMA).
3. The Respondent accessed the electronic medical records (EMR) of two HVMA patients with whom he did not have a physician/patient relationship.

4. The Respondent accessed the patients' EMR without a legitimate reason and without written consent.

5. HVMA terminated the Respondent's employment on May 30, 2013.

CONCLUSIONS OF LAW

A. The Respondent has violated 243 CMR 1.03(5) (a) 18 by committing misconduct in the practice of medicine.

B. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession pursuant to Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996).

SANCTION

The Respondent is hereby reprimanded and required to complete ten (10) hours of Category 1 Continuing Professional Development courses, in addition to those required for licensure, in the area of patient medical record confidentiality and the requirements of the Health Insurance Portability and Accountability Act (HIPAA) within one (1) year of the adoption of this Consent Order.

EXECUTION OF THIS CONSENT ORDER

Complaint Counsel, the Respondent, and the Respondent's counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's 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 entire document 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 in this Consent Order left to the discretion of the Board, neither the

Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

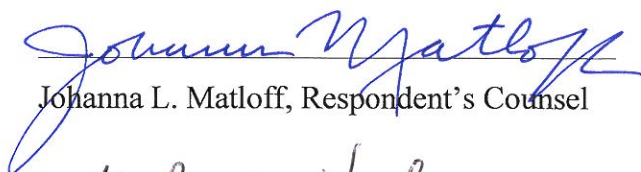
The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

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 Unit. The Respondent shall also provide this notification to any such designated entities with which he becomes associated within one year of the imposition of the reprimand. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

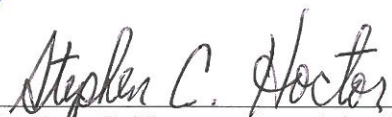
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Derek R. Illastron, M.D., Respondent

7/16/14
Date



Johanna L. Matloff, Respondent's Counsel

7/17/14
Date


Stephen C. Hctor, Complaint Counsel

7/21/14
Date

Accepted by the Board of Registration in Medicine on this 10th day of September, 2014.


Kathleen Sullivan Meyer, Esq.
Board Vice Chair