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Board of Registration in Medicine

In the Matter of

RICHARD A. LIPTON, M.D.

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Richard A. Lipton, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No, 13-314.

1. The Respondent was born on February 2, 1940. He graduated from Columbia University College of Physicians & Surgeons in 1964. He is certified by the American Board of Internal Medicine and has subspecialty certification in hematology. He has been licensed to practice in Massachusetts since June 26, 1985 under certificate number 54436. He is licensed to practice in New York, where he resides.

2. Physicians are required to complete 40 Category 1 continuing professional development (CPD) credits biennially.

3. Question 22 on the Board's Physician Registration Renewal Application (Renewal Application) asks, in relevant part, "Have you completed all CPD requirements ... for this renewal period?"

4. Physicians may apply for a waiver of the portion of the CPD requirements that they cannot meet. The application must be submitted no less than 30 days prior to the renewal date.

5. The Respondent did not apply for a waiver.

6. The Respondent electronically filed his Renewal Application on December 6, 2012.

7. The Respondent answered, "yes," to Question 22 on that Renewal Application.

8. The Respondent was selected, at random, for an audit of his compliance with the CPD requirement.

9. The Respondent admitted that he had not completed the 40 Category 1 CPD credits.

#### Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, § 5, ninth par. (a) and 243 CMR 1.03(5)(a)1, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has by fraudulently procuring his certificate of registration or its renewal.

B. Pursuant to G.L. c. 112, §5, ninth par. (h) and 243 CMR 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has violated of a rule or regulation of the Board—specifically, 243 CMR 2.06(5), which requires physicians to obtain not less than 40 Category 1 CPD credits during each two year period that

begins on the date that their license is issued or renewed by the Board and ends on the following renewal date.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.  
Board Chair

Date: April 30, 2014