

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2017-045

In the Matter of)
)
)
ALAN S. ROCKOFF, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Alan S. Rockoff, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have 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 specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 14-264.

Findings of Fact

1. The Respondent was born on March 15, 1947. He graduated from the Albert Einstein College of Medicine, Yeshiva University, New York in 1972. He is certified by the American Board of Dermatology and Pediatrics. He has been licensed to practice medicine in Massachusetts under certificate number 41315 since 1977. He has privileges at St. Elizabeth's Hospital and Beth Israel Deaconess.

2. The Respondent began treating Patient A, a female, in 1992.

3. On May 11, 2010, when Patient A was 61-years-old, the Respondent examined Patient A in his office and noted that she had lesion on her chest which he diagnosed as benign. In his note, the Respondent failed to describe where on Patient A's chest the lesion was located.

4. On September 2, 2010, the Respondent saw Patient A and performed a curettage biopsy. A curettage biopsy is not the recommended form of evaluation for all types of suspected skin cancer.

5. The specimen from the curettage biopsy did not survive processing and no definitive diagnosis was rendered by the pathologist.

6. On September 8, 2010, the Respondent emailed Patient A and wrote "Good News. No skin cancer found". The Respondent's interpretation of the biopsy was incorrect. The Respondent should have told Patient A that the biopsy had not survived processing. The Respondent should have offered to perform a repeat biopsy.

7. In July 2017, the Respondent voluntarily underwent a practice audit during which fifty of the Respondent's records were reviewed. The audit found that the Respondent's records were substandard. Additionally, the audit recommended a functional capacity evaluation focused on issues of coordination and fine motor dexterity given the Respondent's routine completion of small procedures such as excisions and biopsies.

Conclusion of Law

A. The Respondent has violated G.L. c. 112, § 5, eighth par. (c) and 243 CMR 1.03(5)(a)3 by engaging in conduct that places into question the Respondent's competence to practice medicine including practicing medicine with negligence on repeated occasions.

Sanction and Order

The Respondent's license is Indefinitely Suspended and immediately stayed upon the Respondent's entry into a 12 month Probation Agreement. The Probation Agreement and the Consent Order will be reviewed by the Board concurrently and will not result in an active suspension of the Respondent's license absent a violation of the Probation Agreement or any newly presented information. The Probation Agreement shall include terms and conditions that the Board deems appropriate including but not limited to: no later than December 1, 2017, the Respondent agrees to *successfully make all changes* suggested in the audit report; within one week of the Board identifying an approved evaluator, schedule the functional capacity evaluation focused on issues of coordination and fine motor dexterity from a Board approved physician; have the audit entity return to his office in April 2018 to review fifty charts, randomly selected by the evaluator to determine whether the Respondent has made the corrections for the service dates during the period of December 1, 2017 to April 1, 2018 – five of the fifty charts will be charts of visits performed by physician extenders; instruct the audit entity to provide the Board the additional report; accept changes to the Probation Agreement based on any supplemental reports issued by the audit entity; in ten months from the execution of this Consent Order, the audit entity will return and review fifteen charts, five of which will be charts showing visits performed by physician extenders, to determine in the review of the fifteen chart that the Respondent has *successfully made changes suggested* in the original audit report. The parties agree that the Respondent will have successfully made changes suggested in the original audit report if at least 80% of his charts are deemed a one in the original audit entities scoring scale and 20% or fewer of his charts are deemed a two in the original audit entities scoring scale. The

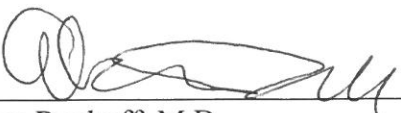
Respondent will not have successfully made the changes suggested in the original audit report if any patient charts are deemed to be higher than a two in the original audit entity's scoring scale.

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

Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent 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 s/he practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent 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 s/he becomes associated in the year following the date of imposition of this Indefinite Suspension. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

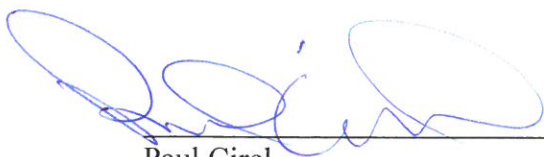
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Alan Rockoff, M.D.
Licensee

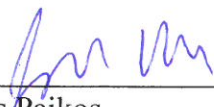


Date



Paul Cirel
Attorney for the Licensee

11/27/17
Date


James Paikos
Complaint Counsel

11/21/2017
Date

So ORDERED by the Board of Registration in Medicine this 22 day of November,
2017



Kathleen Sullivan Meyer
Vice Chair