

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2023-036

In the Matter of

Jeffrey Arle, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Jeffrey Arle, 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. 22-084.

Findings of Fact

1. The Respondent is a 1992 graduate of University of Connecticut School of Medicine. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 159495 since March 24, 1999.
2. The Respondent is Board certified in neurological surgery.
3. On November 18, 2020, the Respondent performed a neurosurgical procedure on Patient A.

4. Between November 27, 2020, and January 5, 2021, the Respondent saw Patient A for multiple post-surgical visits.

5. Patient A was last seen in Respondent's clinic on January 5, 2021. A subsequent follow-up visit was scheduled for March 23, 2021, but it was not kept.

6. Beginning in January 2021, Respondent and Patient A developed a personal texting relationship that included such topics as running, climbing, art, and growing up in the same region.

7. In a February 1, 2021, exchange concerning Respondent's mother living on a boat, Respondent wrote, "[i]t's a long story – maybe over a drink or 3 – after you recover."

8. On or about March 12, 2021, the Respondent and Patient A met socially for a drink. At that time Respondent considered Patient A to be a former patient.

9. In April 2021, Respondent and Patient A began a sexual relationship.

10. On March 11, 2021, July 7, 2021, and September 27, 2021, Respondent improperly accessed Patient A's electronic medical record.

11. Respondent did not render medical treatment to Patient A on March 11, 2021, July 7, 2021, and September 27, 2021.

12. On or about September 2021, Respondent improperly wrote an antibiotic prescription for Patient A as a substitute for an antibiotic prescription written by her urologist.

13. AMA Ethical Opinion 9.1.1 states, "[r]omantic or sexual interactions between physicians and patients that occur concurrently with the patient physician relationship are unethical."

14. On February 22, 2022, the Respondent entered a Voluntary Agreement Not to Practice.

15. Later in February 2022 the Respondent voluntarily consulted with the Physician Health Services program of the Massachusetts Medical Society (PHS).

16. PHS recommended that the Respondent complete a professional boundaries and ethics course, which he did in June 2022.

Conclusion of Law

A. The Respondent 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's license is hereby INDEFINITELY SUSPENDED. Said suspension may be stayed after one year retroactive to the date the Voluntary Agreement Not to Practice was accepted by the Board (March 10, 2022) and entry into a Probation Agreement requiring 1) completion of 5 CME's regarding patient confidentiality within six months of the Board's acceptance of this Consent Order; 2) completion of 5 CME's regarding prescribing within six months of the Board's acceptance of this Consent Order; and 3) any other conditions ordered by the Board.

This sanction is imposed for the violations of law listed in the Conclusion section.

Execution of this Consent Order

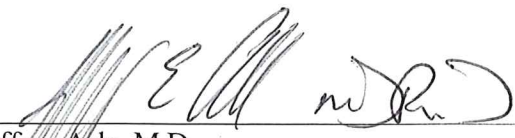
Complaint Counsel and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsels are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent 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 the Respondent 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 the Respondent becomes associated while the Probation Agreement is in effect. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

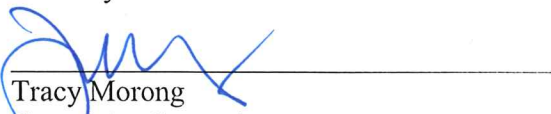
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Jeffrey Arle, M.D.
Licensee

8/8/23
Date


Paul Cirel
Attorney for the Licensee

8/8/23
Date


Tracy Morong
Complaint Counsel

9/13/23
Date

So ORDERED by the Board of Registration in Medicine this 14th day of 2023,
2023.


Julian N. Robinson, M.D.
Board Chair