

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-014

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In the Matter of )  
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 )  
RAKESH DHAR, M.D. )  
\_\_\_\_\_ )

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Rakes Dhar, 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. 16-263.

**Findings of Fact**

1. The Respondent graduated from Kempegowda Institute of Medical Sciences, Bangalore in 1992. He is certified by the American Board of Physical Medicine and Rehabilitation. He has been licensed to practice medicine in Massachusetts under certificate number 226685 since 2005. He is associated with Merck Inc. and the Wellesley Neurology Group.
2. The Respondent treated Patient A for chronic pain issues from October of 2015 through June of 2016.

3. Patient A's girlfriend, KM, accompanied him to many of his medical appointments with the Respondent.
4. At no time did the Respondent have a bona fide physician-patient relationship with KM.
5. On May 17, 2016, Patient A revoked his authorization allowing the Respondent to discuss his care with KM.
6. The Respondent continued to communicate with KM in person, via telephone and text messaging after May 17, 2016.
7. On June 2, 2016, the Respondent issued a prescription for Cyclobenzaprine for KM without conducting a physical examination of her.
8. The Respondent did not record the prescription he issued for Cyclobenzaprine for KM in a medical record.

#### Conclusion of Law

A. The Respondent has violated G.L. c. 112, §5, eighth par. (b) and 243 CMR 1.03(5)(a)2 by committing an offense against a provision of the laws of the Commonwealth relating to the practice of medicine, or a rule or regulation adopted thereunder—to wit:

1. G.L. c. 94C, §19(a).

B. The Respondent has engaged in conduct that undermines the public's 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 admonished and he is ordered to complete two additional continuing professional development (CPD) credits focused on boundaries as well as two additional credits focused on medical ethics.

### 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 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 in the year following the date of imposition of this admonishment. 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.

  
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Rakesh Dhar, M.D.  
Licensee

11/07/17  
\_\_\_\_\_  
Date


  
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Ingrid Martin, Esq.  
Attorney for the Licensee

11/8/17  
\_\_\_\_\_  
Date

  
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Lisa Fuccione  
Complaint Counsel

11/9/17  
\_\_\_\_\_  
Date

So ORDERED by the Board of Registration in Medicine this 25<sup>th</sup> day of April, 2018.

  
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Candace Lapidus Sloane, M.D.  
Board Chair