

COMMONWEALTH OF  
MASSACHUSETTS

Middlesex, SS.

Board of Registration in

Medicine Adjudicatory Case

No. 2023-019

In the Matter of

JOSEPH J. DOERR, M.D.

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Joseph J. Doerr, 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. 20-947.

**Findings of Fact**

1. The Respondent is a 1984 graduate of Chicago Medical School, University of Health Sciences. He is certified by the American Board of Physical Medicine and Rehabilitation with a subspecialty in pain medicine. He has a solo practice in Somerset. He has been licensed to practice medicine in Massachusetts since 1992 under certificate number 76775. He is affiliated with Vibra Hospital and St. Anne's Hospital.

2. Patient A, a female born in 1992, suffers from chronic shoulder pain stemming from a car accident.

3. On July 22, 2020, Patient A had her initial appointment with the Respondent at which time he prescribed the following: tizandine hydrochloride, a muscle relaxer and hydrocodone/acetaminophen, an opioid.

4. Patient A had another appointment with the Respondent on August 6, 2020. During that appointment, the Respondent told Patient A about the attractiveness of a recent restaurant server.

5. During a visit, the Respondent questioned Patient A regarding a past prescription for Percocet. Patient A explained it had been prescribed to her after one of her C-sections. The Respondent made an inappropriate remark regarding Patient A's genital area.

6. The Respondent created a medical record documenting a visit with Patient A occurring on September 3, 2020.

7. The Respondent billed Patient A's insurance for a 45-minute telehealth visit occurring on September 3, 2020.

8. On September 3, 2020, the Respondent did not meet with Patient A in-person nor did the Respondent meet with Patient A via telehealth.

9. Board Policy Number 01-01, Disruptive Physician Behavior (Adopted June 13, 2001) states "Disruptive behavior by a physician has a deleterious effect on the health care system and increases the risk of patient harm." Disruptive behavior is defined as style of interaction with physicians, hospital personnel, patients, family members or others that interferes with patient care and it includes foul language, rude or offensive comments and

intimidation of staff, patients, and family members.

10. Physicians are required to maintain a medical record for each patient that is complete, timely, legible, and adequate to enable the physician or any other healthcare provider to provide proper diagnosis and treatment. 243 CMR 2.07 (13) (a).

11. The Massachusetts Prescription Awareness Tool (MassPat) is an online database that lists all Schedule II to V prescriptions filled by patients at pharmacies.

12. On or about December 5, 2014, physicians were required to check MassPat prior to prescribing opioids listed in Schedules II and III.

13. On July 22, 2020, in the erroneous belief that Respondent's EMR system automatically checked MassPat, Respondent failed to check MassPat prior to issuing an opioid prescription to Patient A.

14. In July 2020, despite the Respondent's belief that his EMR system automatically checked MassPat, the Respondent directly accessed MassPat via its website to check prescribing for patients other than Patient A.

#### Conclusions 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).

B. The Respondent violated G.L. c. 112, § 5, eighth par. (h) and 243 CMR 1.03(5)(a)11 by violating a rule or regulation of the Board. Specifically, the Respondent:

i. engaged in disruptive behavior contrary to Board Policy 01-

01 Disruptive Physician Behavior (Adopted June 13, 2001);

and

- ii. failed to maintain complete medical records in violation of 243 CMR 2.07 (13) (a).

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

- 1. 105 CMR 700.00 as it pertains to mandatory review of the MassPat system for the issuance of certain prescriptions.

#### Sanction and Order

The Respondent's license is hereby REPRIMANDED. The Respondent is further ORDERED to complete 3 continuing medical education credits in the topic of physician-patient boundaries and 5 continuing medical education credits regarding the use of MassPat and prescribing generally to be completed within 90 days of the ratification of this Consent Order. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

#### 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

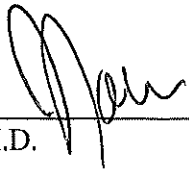
shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

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.

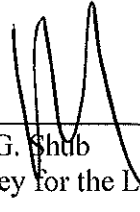
The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

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 in the year following the date of imposition of this reprimand. 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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Joseph J. Doerr, M.D.  
Licensee

4/12/2023  
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Date


  
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Mark G. Shub  
Attorney for the Licensee

4/11/23  
\_\_\_\_\_  
Date

  
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Tracy Morong  
Complaint Counsel

4/13/23  
\_\_\_\_\_  
Date

So ORDERED by the Board of Registration in Medicine this 25<sup>th</sup> day of may,  
2023.

  
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Julian N. Robinson, M.D.  
Board Chair