

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-025

In the Matter of)
)
)
STEPHEN H. FOX, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Stephen H. Fox, 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. 14-297.

Findings of Fact

1. The Respondent was born on July 4, 1968. He graduated from the University of Connecticut School of Medicine in 1996. He is certified by the American Board of Surgeons. He has been licensed to practice medicine in Massachusetts under certificate number 216553 since 2003.

2. On July 29, 2014, the Respondent entered into a Voluntary Agreement Not to Practice Medicine ("VANP"). The VANP was ratified by the full Board on September 10, 2014.
3. The Respondent was employed by Baystate Medical Practice ("BMP") and was affiliated with Baystate Franklin Medical Center ("Baystate Franklin").
4. In or about late Spring 2014, after work, the Respondent frequently consumed a sixteen-ounce beer and smoked marijuana.
5. By June 2014, the Respondent smoked marijuana at times in the evening when he was on call.
6. During the weekend of July 4, 2014, the Respondent was the on-call surgeon at Baystate Franklin.
7. On the evening of July 4, 2014, as the on-call surgeon, the Respondent performed an exploratory laparotomy.
8. On the morning of July 5, 2014, as the on-call surgeon, the Respondent performed an incision and drainage.
9. As the weekend progressed, concerns were raised by hospital staff about the Respondent's ability to perform his duties.
10. On the evening of July 5, 2014, BMP removed the Respondent from call and from all clinical duties.
11. The Respondent had a blood sample drawn on the evening of July 5, 2014.
12. On July 7, 2014, the sample results were positive for alcohol and marijuana.
13. The Respondent voluntarily entered an in-patient substance abuse treatment program at Caron in Pennsylvania on July 13, 2014. He remained at Caron until November 5, 2014.

14. The Respondent successfully completed the Caron program on November 5, 2014.

15. The Respondent entered into a Physician Substance Use Monitoring/Behavioral Health Monitoring Contract with the Physician Health Services (PHS) program of the Massachusetts Medical Society, effective July 13, 2014. He has been compliant with that contract.

Conclusion of Law

A. The Respondent has violated G.L. c. 112, §5 ninth par. (d) and 243 CMR 1.03(5)(a)4 by practicing medicine while his ability to do so was impaired by alcohol and drugs.

B. The Respondent has 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

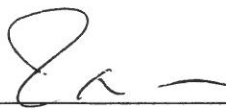
The Respondent's license is hereby indefinitely suspended. The Respondent has leave to petition for a stay of suspension after eighteen consecutive months of documented sobriety as demonstrated by compliance with his PHS substance use monitoring contract. Furthermore, any stay will be conditioned upon the Respondent's entry into a 5-year Probation Agreement under terms and conditions that the Board deems appropriate at that time, including ongoing compliance with his PHS contract; a board-approved practice plan that includes monitoring of his clinical practice; regular meetings with his therapist; and any other conditions as the board may deem appropriate. 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

The Respondent shall provide a complete copy of this Consent Order and Probation Agreement, 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 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 the Respondent becomes associated for the duration of this suspension. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

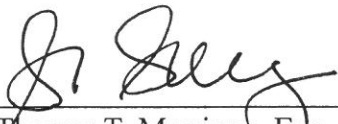
The Board expressly reserves the authority to independently notify, at any time, any of

the entities designated above, or any other affected entity, of any action it has taken.




Stephen H. Fox, M.D.
Licensee

6/29/15
Date



Thomas T. Merrigan, Esq.
Attorney for the Licensee

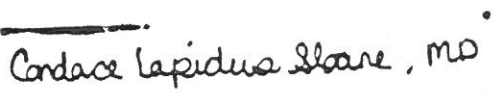
6.29.15
Date



Gloria Brooks, Esq.
Complaint Counsel

7/1/15
Date

So ORDERED by the Board of Registration in Medicine this 10th day of September,
2015.



Candace Lapidus Sloane, M.D.
Board Chair