

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No.2018-022

In the Matter of)
)

Linda Musetti Kinch, M.D.)
)

CONSENT ORDER

Linda M. Kinch, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with all of 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 sanctions set forth below in resolution of Docket Number 15-138.

FINDINGS OF FACT

1. The Respondent was born on March 16, 1961. She graduated from Georgetown University School of Medicine in 1988. She has been licensed to practice medicine in Massachusetts under certificate number 74977 since 1991.

2. On July 1, 2015, the Board's Chair accepted the Respondent's Voluntary Agreement Not to Practice Medicine (VANP). The VANP was ratified by the full Board on July 2, 2015.

3. On June 19, 2015, the Wellesley Police Department notified the Board that they had filed an Immediate Threat Complaint with the Registry of Motor Vehicles (the Registry)

alleging that the Respondent's continued right to operate a motor vehicle placed the public in immediate risk of harm.

4. The Registry suspended the Respondent's license later the same day.

5. At around 8:30 a.m. on June 19, 2016, while driving through Wellesley Center, the Respondent had a collision with the driver's side door of a parked vehicle when the operator of the parked vehicle suddenly opened the door.

6. A Wellesley Police officer arrived at the scene, obtained the necessary information to complete an incident report and permitted the Respondent to leave the scene. The police officer's report noted that there was no suspicion that the Respondent was under the influence of drugs or alcohol.

7. The Respondent was ultimately determined not to have been at fault for the collision.

8. Although the Respondent's car had sustained damage to both the front of the car and one of the front wheels during the collision, the Respondent believed she could safely drive the car back home.

9. At 9:30 a.m., while the Respondent was driving home, she was observed by the Wellesley Fire Department's Assistant Chief who felt that the Respondent was driving in an erratic manner.

10. The Assistant Fire Chief followed the Respondent until he observed her pull into the garage next to her residence. He then notified the Wellesley Police Department.

11. Officers from the Wellesley Police Department arrived at the Respondent's residence and asked to speak with the operator of the motor vehicle.

12. The Respondent identified herself as the operator of the motor vehicle.

13. The Respondent admitted that she took Ativan that was not prescribed to her sometime between late night and early morning and that she had drank two glasses of wine since her arrival back at home.

14. Based on their interview and observations, the police officers determined that the Respondent was under the influence of one or more substances at that time.

15. However, the officers did not observe the Respondent operating the vehicle while under the influence of one or more substances.

16. At the time of this incident, the Respondent was working as a physician in addiction medicine one day per week at New Horizons.

17. From July 2014 until April 2015, the Respondent worked with a physician in Brighton, Massachusetts, shadowing her in a methadone clinic. The Respondent had also worked as an intern in addiction counseling four days a week in the same clinic.

18. On June 26, 2015, the Respondent contacted Physician Health Services (PHS) and met with PHS staff.

19. In early August 2015, PHS recommended that the Respondent have a further evaluation.

20. The Respondent agreed to undergo a further in-patient evaluation beginning on August 16, 2015.

21. On September 1, 2015, the Respondent began an inpatient treatment program for alcohol abuse.

22. On November 23, 2015, the Respondent successfully completed and was discharged from the treatment program.

23. The Respondent also attended and successfully completed a step down program after completing her in-patient treatment program.

24. On November 24, 2015, the Respondent signed a contract with PHS.

25. The Respondent has been in full compliance with her PHS contract since November 24, 2015.

26. The RMV has also reinstated the Respondent's driver's license on March 3, 2016.

27. The Respondent has received in-patient treatment for alcohol abuse on two prior occasions, once in 2012 and once in 2014.

28. The Respondent did not report a substance abuse issue or treatment on her 2008 or 2010 License Renewal Applications.

CONCLUSIONS OF LAW

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 is hereby indefinitely suspended. The Respondent may petition to stay the indefinite suspension upon documentation of eighteen months of consistent compliance with her November 24, 2015 PHS Substance Abuse Monitoring Contract and upon demonstrated fitness to practice medicine. Any stay of suspension is at the Board's discretion and contingent upon the Respondent entering into a five year Probation Agreement that shall include but not be limited to: required ongoing compliance with her PHS Substance Abuse Monitoring contract, practice pursuant to a Board-approved practice plan with workplace monitoring, and such other terms as the Board may require.

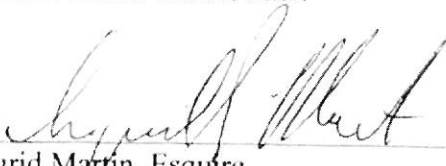
EXECUTION OF THIS CONSENT ORDER

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 she 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.


Linda Musetti Kinch, M.D.

12/21/16
Date


Ingrid Martin, Esquire
Counsel for the Respondent

1/11/2017
Date

Gloria Brooks
Gloria Brooks, Esquire
Complaint Counsel

1/17/17
Date

So ordered by the Board of Registration in Medicine this 24th day of May, 2018

Candace Lapidus Sloane, MD
Candace Lapidus Sloane, M.D.
Chair

SENT CERTIFIED MAIL 5/31/18 ms