

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.
Medicine

Board of Registration in

Adjudicatory Case No. 2016-007

In the Matter of)
)
)
SHARAD KOTHARI, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Sharad Kothari, 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. 14-016.

Findings of Fact

1. The Respondent was born on on August 30, 1975. He graduated from Dr. S.N. Medical College, University of Rajasthan, India in 2002. He has been licensed to practice medicine in Massachusetts under certificate number 253041 since 2012. He is also licensed to practice medicine in Connecticut.

2. On or about December 6, 2013, the Respondent spoke with the superintendent of his building who told him that she was experiencing pain.

3. On or about December 6, 2013, the Respondent prescribed his superintendent 60 tablets of the analgesic Tramadol outside of the office setting. The superintendent stated that she would follow-up with the Respondent at his office.

4. The Respondent did not take an adequate medical history of his superintendent nor did he conduct an adequate physical examination.

5. The Respondent did not create a medical record for his superintendent.

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 offence 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), which requires that physicians issue prescriptions for controlled substances for legitimate purpose and in the usual course of the physician's medical practice; and

2. 243 CMR 2.07(13)(a), which requires a physician to:

a. maintain a medical record for each patient, which is adequate to enable the licensee to provide proper diagnosis and treatment; and

b. maintain a patient's medical record in a manner which permits the former patient or a successor physician access to them.

Sanction and Order


The Respondent's license is hereby Reprimanded. 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 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.



Sharad Kothari, M.D.
Licensee

1/12/2016

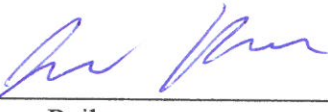
Date



Paul Shaw
Attorney for the Licensee

1/15/2016

Date

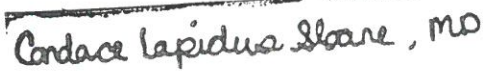


James Paikos
Complaint Counsel

1/19/2016

Date

So ORDERED by the Board of Registration in Medicine this 11th day of February
_____, 20 16



Candace Lapidus Sloane, M.D.
Board Chair

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Board Chair