

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No.

In the Matter of)
)
)

STEPHEN F. KULCSAR, D.O.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Stephen F. Kulcsar, D.O. (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. 17-025.

Findings of Fact

1. The Respondent was born in January 1975. He graduated from Nova Southeastern University College of Osteopathic Medicine in 2004 and is certified by the American Board of Family Medicine. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 231442 since July 2007.

2. The Respondent was employed as a primary care provider at North Shore Community Health Center ("NSCHC") from June 2012 to January 2017.

3. The Respondent was responsible for a primary care patient panel of approximately 1200 individuals. About 100 of these patients participated in the NSCHC Suboxone Treatment Program. Since the start of the Suboxone program at NSCHC the Respondent had experienced an increase in the number of patients demanding prescriptions for opioids and benzodiazepines. The Respondent sought support from NSCHC's administration in managing the behavior of these patients, but did not feel that adequate help was provided to him.

4. On Wednesday January 4, 2017, the Respondent sent NSCHC's Medical Director an email stating that he was being threatened by some of his patients, one of whom threw a cup of urine at him, and he could no longer tolerate it. The Respondent further stated that he intended on tendering his 60-day notice of resignation.

5. On Thursday January 5, 2017, the Respondent was scheduled to attend a providers' meeting at NSCHC's Salem office and then travel to the Gloucester office to see his patients.

6. At approximately 8:00 a.m. on January 5, 2017 the Respondent sent a text message to the Assistant Medical Director stating that he was ill and would not be coming into work that day.

7. The Assistant Medical Director told the Respondent that he could skip the providers' meeting in Salem but he needed to report to the Gloucester office by 11:30 a.m. to see his patients.

8. The Respondent attended a portion of the providers' meeting in Salem and then traveled to the Gloucester office.

9. Once at the Gloucester office the Respondent sent an email to the Medical Director expressing his displeasure with having to wait 60 days to resign.

10. The Respondent then sent a text message to the Gloucester Site Manager stating that he was leaving NSCHC effective immediately.

11. The Respondent did not see any of the patients who had appointments scheduled with him that day.

12. The Respondent did not inform any of his patients that he was leaving the practice.

13. The Respondent did not make arrangements for his patients to see other providers.

14. The Respondent did not complete any of his outstanding medical notes from that week before resigning. The Respondent intended to complete the prior week's medical chart notes over the weekend, as was his normal practice, but he was unable as his access to the electronic records was terminated by NSCHC.

15. On January 6, 2017, a day the Respondent was not scheduled to work, NSCHC leadership called and sent text messages to the Respondent in an effort to encourage him to return to the practice. The Respondent did not reply to any of these communications.

16. The Respondent contacted NSCHC leadership the following Monday, January 9, 2017, and offered to return to the practice. His offer was declined.

17. As a result of the Respondent's abrupt resignation, physicians from NSCHC's other offices had to travel to the Gloucester office to provide temporary coverage for his patients.

18. As a result of his abrupt resignation, all of the Respondent's patients had to be rescheduled and eventually reassigned to new providers.

19. American Medical Association Ethical Opinion 8.115, Termination of the Physician-Patient Relationship states: "Physicians have an obligation to support continuity of care for their patients. While physicians have the option of withdrawing from a case, they cannot

do so without giving notice to the patients, relatives or responsible friends sufficiently long in advance of withdrawal to permit another medical attendant to be secured.”

Conclusion of Law

The Respondent has violated 243 CMR 1.03(5)(a)18 by committing misconduct in the practice of medicine.

Sanction and Order

The Respondent’s license to practice medicine is indefinitely suspended. The suspension of his license may be stayed immediately upon entry into a Probation Agreement for a period of five years. Terms of the Probation Agreement shall include the following: 1) the Respondent shall comply with his April 18, 2017 Physician Health Services (“PHS”) Substance Use/Behavioral Health Monitoring Contract; 2) the Respondent will practice pursuant to a Board-approved practice plan, at Board-approved work sites, with Board-approved practice monitors who will report to the Board quarterly on a form provided by the Board; and 3) he comply with any additional terms that the Board may require.

Execution of this Consent Order

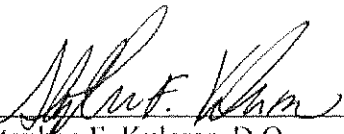
Complaint Counsel, the Respondent, and the Respondent’s counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent’s counsel are expressly conditioned on the Board accepting this Consent Order. If 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 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 during the pendency of his suspension and Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

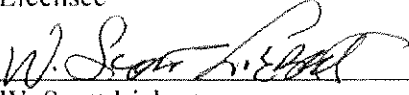
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Stephen F. Kulesar, D.O.
Licensee

7/17/19


Date



W. Scott Liebert
Attorney for the Licensee

7/17/19

Date

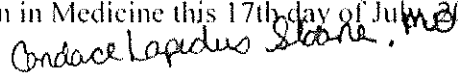


Lisa L. Fuccione
Complaint Counsel

7.17.19

Date

So ORDERED by the Board of Registration in Medicine this 17th day of July, 2019.



Candace Lapidus Sloane, M.D.
Board Chair