

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2019-016

In the Matter of)
)
)
PHILIP A. LEDERER, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Philip A. Lederer, 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 C.M.R 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 number 18-296.

Findings of Fact

1. The Respondent was born in October 1980 and graduated from the University of Pennsylvania School of Medicine in 2008. He is certified by the American Board of Internal Medicine and specializes in infectious diseases. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 267149 since 2016.

2. The Respondent is an attending physician in the Infectious Disease Unit at Boston Medical Center ("BMC").

3. From mid-February 2018 to June 22, 2018, the Respondent served as a preceptor

for Fellows 1 and 2 in the Infectious Disease Training Program at BMC.

4. As a preceptor, the Respondent was responsible for directly supervising Fellows 1 and 2 during clinical consultations.

5. In June 2018 the Respondent brought a basketball to clinical consultations which he passed and bounced in the critical care units of the hospital.

6. In June 2018 the Respondent made inappropriate and insensitive comments to a patient during a follow-up consultation with Fellow 1.

7. In June 2018 the Respondent was inappropriate and insensitive to a patient during a follow-up consultation with Fellow 2.

8. In June 2018 the Respondent told Fellow 2 that he would only allow her two minutes to consult with him about a patient's prior medical history before meeting with the patient to discuss treatment recommendations. The Respondent then took out his cell phone and set a timer for two minutes. At the end of the two-minute period the Respondent walked away from Fellow 2 before she could finish discussing the patient's history and potential treatment recommendations.

9. In June 2018 the Respondent sent Fellows 1 and 2 and his colleagues at BMC a number of lengthy, rambling emails and text messages at odd hours.

10. In June 2018 the Respondent failed to complete over 30 patient notes in a timely manner.

11. On June 22, 2018, BMC encouraged the Respondent to take a medical leave of absence from his position at the hospital based on his erratic, inappropriate behavior.

Conclusions of Law

A. Pursuant to G.L. c. 112, §5, ninth par. (c) and 243 C.M.R 1.03(5)(a)3, the Board

may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct which calls into question his competence to practice medicine.

- B. Pursuant to 243 C.M.R. 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has violated any rule or regulation of the Board, including Board Policy 01-01, Disruptive Physician Behavior (Adopted June 13, 2001).

Sanction and Order

The Respondent's license to practice medicine is hereby admonished. The Respondent will also enter into a standard Probation Agreement for a period of three years, which requires the Respondent to: 1) comply with his October 18, 2018 Physician Health Services ("PHS") Behavioral Health Monitoring Contract; 2) 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) comply with any other terms and conditions that the Board deems appropriate.

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.

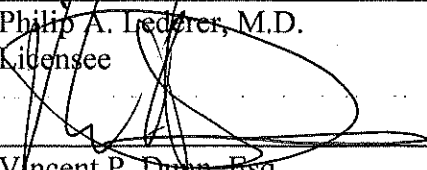
The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order and the accompanying 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 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 for the duration of the 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.


Philip A. Lederer, M.D.
Licensee

3-13-19
Date


Vincent P. Dunn, Esq.
Attorney for the Licensee

3-13-19
Date


Lisa L. Fuccione, Esq.
Complaint Counsel

3-13-19
Date

So ORDERED by the Board of Registration in Medicine this 13 day of March 2019.

Candace Lapidus Sloane, MD
Candace Lapidus Sloane, M.D.
Board Chair, Physician Member