

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-035

In the Matter of)
)
)
DANIEL MAROTTA, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Daniel Marotta, 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. 16-448.

Findings of Fact

1. The Respondent was born on March 21, 1983. He graduated from St. George's University School of Medicine in Grenada and has held a limited license to practice medicine in Massachusetts since July of 2015 under certificate number 263954. The Respondent is currently a third-year psychiatry resident at Baystate Medical Center (hereinafter "Baystate").

2. On January 10, 2016, the Respondent was arrested for operating under the influence of alcohol in Northampton, MA. He later admitted that there were sufficient facts to

find him guilty of operating under the influence of alcohol. The matter was continued without a finding (CWO) for a period of one year at the conclusion of which the charge was dismissed.

3. In February of 2016 the Respondent self-referred to Physician Health Services of the Massachusetts Medical Society (hereinafter "PHS").

4. In March of 2016 the Respondent took a voluntary leave of absence from his residency program at Baystate to attend a substance abuse treatment program.

5. On May 19, 2016, the Respondent voluntarily entered into a Substance Abuse Monitoring contract with PHS. The contract required him, among other things, to remain alcohol free and submit to random alcohol screens.

6. In June of 2016 the Respondent submitted a Limited License Renewal Application. In his application the Respondent disclosed that he had been charged with operating under the influence of alcohol and suffered from an alcohol use disorder which interfered with his ability to practice medicine. Additionally, the Respondent reported that he had entered into a voluntary contract with PHS.

7. On June 30, 2016, the Board approved the Respondent's Limited License Renewal Application upon the conditions that the Respondent comply with his PHS Substance Abuse Monitoring contract and submit weekly progress reports from his residency program director.

8. On October 17, 2016, the Respondent failed to report for his randomly scheduled PHS alcohol screen. He went the following day and submitted a sample which was negative.

9. On November 2, 2016, the Respondent failed to report for his randomly scheduled PHS alcohol screen. He went the following day and submitted a sample which was negative.

10. On November 30, 2016, the Respondent failed to report for his randomly scheduled PHS alcohol screen. He went the following day and submitted a sample which was negative.

11. On January 25, 2017, the Respondent consumed three alcoholic beverages while on his honeymoon. On February 3, 2017, the Respondent disclosed to PHS and his workplace monitor that he had consumed alcohol in violation of his PHS contract.

12. In May of 2017, the Respondent took a voluntary leave of absence from his residency program at Baystate to attend a substance abuse treatment program.

Conclusion of Law

A. The Respondent has engaged in conduct that undermines the public's 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).

B. The Respondent has violated G.L. c. 112, § 5, ninth par. (c) and 243 CMR 1.03(5)(a)3 by engaging in conduct that places into question the Respondent's competence to practice medicine.

Sanction and Order

The Respondent's license is hereby suspended. The suspension may be stayed upon entry into a 5- year Probation Agreement which includes terms and conditions that the Board deems appropriate at that time, including: 1) compliance with his existing PHS Substance Abuse Monitoring contract; 2) submission of a limited waiver allowing the Board to confirm that the Respondent is in compliance with his existing Substance Abuse Monitoring contract; 3) completion of a psychiatric evaluation to be conducted by a Board-approved evaluator; and 4)

compliance with any and all follow-up recommendations made by PHS or the Board-approved evaluator.

The 5-year term of the Probation Agreement should begin on the date that the Board accepts it and not be considered eligible for early termination.

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.

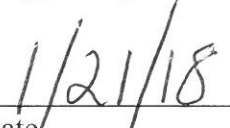
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which 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 suspension. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

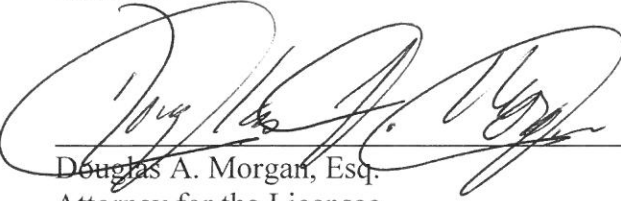
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Daniel Marotta, M.D.
Licensee




Date



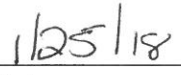
Douglas A. Morgan, Esq.
Attorney for the Licensee



Date

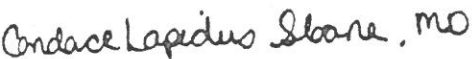


Lisa Fuccione
Complaint Counsel



Date

So ORDERED by the Board of Registration in Medicine this 9 day of August, 2018.



Candace Lapidus Sloane, M.D.
Board Chair