/COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

 Adjudicatory Case No. 2022-001

In the Matter of

ARASH NIKTARASH, M.D.

**CONSENT ORDER**

 Pursuant to G.L. c. 30A, § 10, Arash Niktarash, 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. 20-259.

Findings of Fact

1. The Respondent was born on August 10, 1977. He graduated from Tehran University in 2003. He was first licensed to practice medicine in Massachusetts in 2013 under certificate number 254628. On August 10, 2015, the Respondent’s license to practice medicine in Massachusetts first lapsed. He submitted a lapsed license application and was re-licensed on January 11, 2018. On August 10, 2018, the Respondent’s license lapsed again, and he has not sought reinstatement.
2. The Respondent holds an active license in Colorado where he currently practices.
3. On May 19, 2020, the Colorado Medical Board disciplined the Respondent for failing to refer a patient with possible cardiac arrythmia to a cardiologist; and failing to maintain a complete medical record for said patient. *See* Colorado Medical Board Stipulation and Final Agency Order at Exhibit A and incorporated herein by reference.

Conclusion of Law

A. The Respondent has violated G.L. c. 112, § 5, eighth par. (h) and 243 CMR 1.03(5)(a)12 by having been disciplined in another jurisdiction for reasons substantially the same as those set forth in G.L. c. 112, § 5 and 243 CMR 1.03(5), to wit: The Respondent has violated G.L. c. 112, § 5, eighth par. (h) and 243 CMR 1.03(5)(a)11 by violating a regulation of the Board—to wit, 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 is hereby Reprimanded. This sanction is imposed for the violation of law listed in the Conclusion section.

Execution of this Consent Order

 Complaint Counsel and the Respondent 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 her behalf, has received any promises or representations regarding the same.

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

The Respondent shall provide a complete copy of this Consent Orderwith 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.

 10/20/2021



Arash Niktarash Date

Licensee

Paul W. Shaw 10/25/2021

Paul Shaw Date

Attorney for the Licensee

/s/ James Paikos 10/25/2021

James Paikos Date

Complaint Counsel

 So ORDERED by the Board of Registration in Medicine this 6th day of January , 2022\_.

 Signed by Julian Robinson, M.D.

 Board Chair

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at <https://www.mass.gov/board-of-registration-in-medicine-public-records>.