

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-026

In the Matter of)
)
)

GAYLE REBOVICH, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Gayle Rebovich, 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. 14-253.

Findings of Fact

1. The Respondent was born on June 20, 1976. She is a 2005 graduate of Columbia University College of Physicians and Surgeons. She has been licensed to practice medicine in Massachusetts since 2010 under certificate number 242267. She is certified by the American Board of Neurology.

2. From 2010 to January 2014, the Respondent was associated with Berkshire Medical Center (Berkshire) and a Pittsfield neurology practice, Neurology Professional Services (NPS).

Failure to Examine Patient

3. On Sunday, July 14, 2013, at approximately 12:13 p.m., the Respondent dictated a consultation note regarding her examination of a critically ill and neurologically complex patient (Patient A) in the Intensive Care Unit at Berkshire.

4. The Respondent did not examine Patient A on July 14, 2013.

5. On or about July 16, 2013, the Respondent was questioned as to whether she examined Patient A on July 14, 2013. The Respondent asserted that she examined Patient A on the morning of July 14, 2013.

6. For several months, the Respondent continued to claim that she had performed the July 14, 2013 consultation on Patient A.

7. On January 7, 2014, Berkshire suspended the Respondent's clinical privileges.

8. The Respondent appealed her suspension.

9. Throughout her appeal, the Respondent had a memory of seeing the patient on the Sunday in question, and at one point she submitted a video to Berkshire purporting to prove that she examined Patient A on July 14, 2013.

10. Eventually, the Respondent reported to Berkshire that she was impaired on the weekend of the relevant events, and such impairment was caused by her use of a benzodiazepine and weaning herself from Zoloft.

11. On June 19, 2014, the Respondent resigned from Berkshire during her appeal.

Other Unprofessional Conduct

12. The Respondent self-prescribed Zoloft for a number of years, after it was prescribed for her by a psychiatrist she saw while attending medical school.

13. From April 2013 to April 2014, the Respondent wrote four prescriptions (some with refills) in the name of a close family relative. The prescriptions were for clonazepam, a Schedule IV controlled substance, and were outside the ordinary course of her medical practice.

14. From August 2012 to August 2013, the Respondent committed various acts of unprofessional conduct including, but not limited to, an inappropriate reference about a patient on social media.

15. On August 23, 2013, the Respondent received a written corrective action from Berkshire for her inappropriate reference about a patient on social media.

Conclusions of Law

A. The Respondent has violated G.L. c. 112, §5 ninth par. (d) and 243 CMR 1.03(5)(a)4 by practicing medicine while her ability to do so was impaired by drugs.

B. The Respondent has violated 243 CMR 1.03(5)(a)10 by engaging in conduct that has the capacity to deceive or defraud.

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

D. The Respondent has engaged in conduct that undermines the public 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).

Sanction and Order

The Respondent's license is hereby indefinitely suspended. Any stay of the suspension should be at the discretion of the Board and contingent upon:

1. Satisfactory completion of an independent forensic psychiatric evaluation, by a Board-approved psychiatrist, showing that she is fit to practice medicine; and
2. A five-year Probation Agreement.

The Probation Agreement shall include all conditions that the Board deems appropriate at the time including, but not limited to:

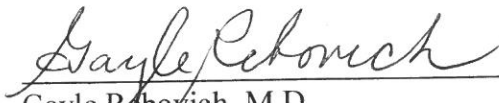
1. Recommendations made by the psychiatric evaluator;
2. A Board-approved practice plan;
3. Onsite monitoring by a Board-approved physician to include at a minimum, reviewing The Respondent's prescribing practices.
4. Monthly reports from the Monitor to the Board regarding the Respondent's practice.
5. Immediate reports from the Monitor to the Board regarding issues of impairment and/or dishonesty.

This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

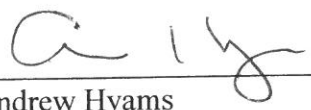
Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order and 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 s/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

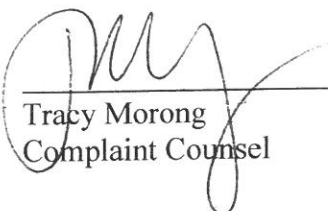
employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated for the duration 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.


Gayle Rebovich, M.D.
Licensee

5/29/15
Date

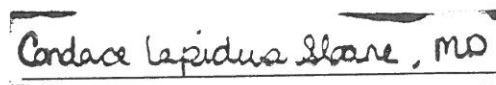

Andrew Hyams
Attorney for the Licensee

5/29/15
Date


Tracy Morong
Complaint Counsel

6/30/15
Date

So ORDERED by the Board of Registration in Medicine this 10th day of September,
2015.


Candace Lapidus Moore, MD