

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY NO. 2017-030

In the Matter of)
)
)

JOHN R. SEBASTIANELLI, M.D.)
_____)

CONSENT ORDER

John R. Sebastianelli, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order with 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 described below and agrees the Board may make conclusions of law and impose a sanction in resolution of Docket No. 14-013.

BIOGRAPHICAL INFORMATION

1. The Respondent was born on September 9, 1947. He graduated from Jefferson Medical College of Thomas Jefferson University in 1973. He has been licensed to practice medicine in Massachusetts under certificate number 71571 since June of 1987. The Respondent is certified by the American Board of Medical Specialties in Pediatrics. He lists his practice specialty as Psychiatry.

FINDINGS OF FACT

2. The Respondent began working at the Whittier Pavilion ("Pavilion") in Haverhill on January 3, 2011.

3. On December 26, 2013, Pavilion issued a written reprimand to the Respondent. The reprimand stated that the Respondent must self-report to the Board.

4. In January of 2014, the Respondent, through his attorney, self-reported to the Board that on three occasions during his employment at Pavilion, he provided prescription medication to three co-workers. The co-workers were not the Respondent's patients and the prescriptions were written outside the usual course of the Respondent's practice.

5. From 2012 until 2017, the Respondent has been prescribing schedule II through VI medications to Patient A, who is his husband.

6. The Respondent signed his 2015 Physician Renewal Application ("PRA") on July 18, 2015.

7. Question 18(c) on the PRA reads: "Have you been the subject of an investigation by any governmental authority, including the Massachusetts Board of Registration in Medicine or any other state medical board, health care facility, group practice, employer, or professional association?"

8. Question 18(d) on the PRA reads: "Have you been the subject of a disciplinary action taken by any governmental authority, health care facility, group practice, employer, or professional association?"

9. The Respondent answered "no" to questions 18(c) and 18(d) when he should have answered "yes."

CONCLUSIONS OF LAW

A. The Respondent has violated G.L. c. 112, §5, eighth par. (b) and 243 CMR 1.03(5)(a)2 by committing an offense against a provision of the laws of the Commonwealth

relating to the practice of medicine, or a rule or regulation adopted thereunder. More specifically:

1. G.L. c. 94C, § 19(a), which requires that physicians issue prescriptions for controlled substances in the usual course of the physician's medical practice;

B. The Respondent has violated G.L. c. 112, §5, eighth par. (h) and 243 CMR 1.03(5)(a)11 by violating a rule or regulation of the Board. Specifically:

1. 243 CMR 2.07(5), which states that a licensee who violates G.L. c. 94C also violates a rule or regulation of the Board;
2. 243 CMR 2.07(19), which prohibits a physician from:
 - b. prescribing Schedule II controlled substances to a member of his immediate family, including a spouse (or equivalent), parent, child, sibling, parent-in-law, son/daughter-in-law, brother/sister-in-law, step-parent, step-child, step-sibling, or other relative permanently residing in the same residence as the licensee, except in an emergency;

C. The Respondent has violated G.L. c. 112, § 5, eighth par. (a) and 243 CMR 1.03(5)(a)1 by improperly procuring his certificate of registration or its renewal.

D. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession, in violation of the standards set forth in Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982).

SANCTION

The Respondent's license is hereby reprimanded and he is ordered to complete two Continuing Professional Development courses on the subject of Boundary Violations, four

Continuing Professional Development courses on the subject of Opiate Prescribing, three Continuing Professional Development courses on the subject of Addiction Medicine, and one Continuing Professional Development course on the subject of Medical Record-Keeping.

This sanction is imposed for Conclusions of Law A, B, C, and D individually and not for any combination of them.

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.

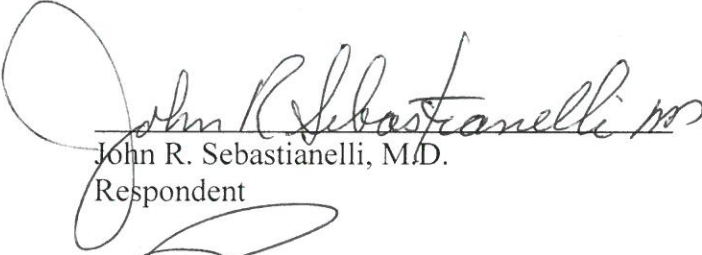
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

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 he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a

provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Unit. The Respondent shall also provide this notification to any such designated entities with which he becomes associated within one year of the imposition of the reprimand and fine. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

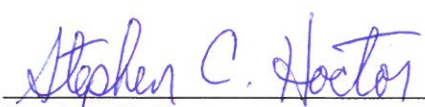
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


John R. Sebastianelli, M.D.
Respondent

9-14-17
Date


Joel Rosen, Esq.
Attorney for Respondent

9-14-17
Date


Stephen C. Hctor
Complaint Counsel

9/14/17
Date

So ordered by the Board of Registration in Medicine this 14th day of September, 2017.



Ms. Kathleen Sullivan Meyer,
Board Vice Chair