

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss

Adjudicatory Case No. 2023-002
(RM-23-0034)

In the Matter of)
)
)

Paul Gosselin, D.O.)
_____)

FINAL DECISION AND ORDER

Procedural History

The Board of Registration in Medicine initiated this proceeding by issuing a Statement of Allegations (SOA) on January 5, 2023. The matter was referred to the Division of Administrative Law Appeals (DALA) on that date. The DALA Magistrate, issued a notice scheduling a pre-hearing status conference for April 25, 2023 ("Notice"). Notices were sent to Dr. Gosselin (the Respondent) in Waterville, Maine and Epping, New Hampshire, both of which were returned as undeliverable. Additional notices were sent by U.S. mail to the Respondent in care of Patriot Health in Augusta, Maine, and also by email¹. The Respondent did not respond and did not appear or call in to the prehearing conference on April 25, 2023.

On May 31, 2023, after receiving a request for entry of default from Complaint Counsel, the Magistrate issued an Order of Default Recommended Decision, recommending that the Board enter judgment against the Respondent under G.L. c. 30A, § 10(2). Neither party filed objections to the Recommended Decision.

After its review of the Recommended Decision, the Board hereby adopts the Recommended Decision, which is attached hereto and incorporated by reference.

¹ An internet search provided *Patriots Health* as the Respondent's practice. Using the information on the website, notices were sent to 86 Winthrop Street, Suite 7, Augusta, Maine 04330, two email addresses (one returned undeliverable, one with no response) and a telephone number (out of service). A further search of the internet provided a new practice website for the Respondent at *Gabriel's Health Ministry* at 86 Winthrop Street, Suite 9, Augusta, Maine 04330 with a new telephone number (voice recording indicated it was Respondent's practice but no information as to when he would be available. A subsequent call to that number indicated the number is temporarily out of service.).

Discussion and Sanction

The Magistrate cited numerous attempts to notify the Respondent of the prehearing conference by first class and certified mailings, by email, and by calling. DALA did not hear from the Respondent, and he did not call in or attend the prehearing conference. The Magistrate subsequently allowed a motion for default. When a Respondent defaults, the allegations in the Statement of Allegations are deemed admitted. See Metropolitan Property and Casualty Insurance Company v. Morrison, Supreme Judicial Court, 460 Mass 352 (2011). Those admitted facts and conclusions of law include:

1. The Respondent graduated from the University of New England College of Osteopathic Medicine in 1994. He specializes in internal medicine and maintains a private practice, Patriot Health, in Waterville Maine.
2. The Respondent was licensed to practice medicine in Massachusetts under certificate number 151513 between 1996 and 2001 when his license lapsed, and he failed to renew it.
3. On July 16, 2003, the Board indefinitely suspended the Respondent's inchoate right to renew his license to practice medicine in Massachusetts after the Maine Board disciplined him for practicing while impaired by alcohol and mental instability, among other reasons.
4. On or about November 19, 2021, the Maine Board suspended the Respondent's license to practice medicine in that state for thirty days pending an investigation into allegations he issued COVID-19 exemption letters for individuals without conducting physical examinations or completing the appropriate documentation.
5. On or about December 2, 2021, the Respondent entered an Interim Consent Order with the Maine Board wherein he agreed to the continued suspension of his license to practice medicine pending a hearing on the merits.
6. Following an evidentiary hearing which took place between April through June 2022, the Maine Board issued a Decision and Order on August 10, 2022, finding:
 - The Respondent engaged in unprofessional conduct by violating a standard of professional behavior that has been established by the practice of medicine when he issued COVID-19 exemption letters in October 2021 for 5 patients, without first obtaining their medical

histories, medical records, or consulting with their respective primary care providers; and

- The Respondent engaged in unprofessional conduct by violating a standard of professional behavior that has been established by the practice of medicine when he failed to create or maintain adequate medical records for 5 patients after issuing them COVID-19 exemption letters in October 2021.
- As a sanction for finding the Respondent engaged in unprofessional conduct the Maine Board placed the Respondent on probation for a period of one year, imposed \$1,000 in costs, required him to attend 20 hours of continuing educational classes focused on medical decision making and documentation, and prohibited him from issuing vaccine exemption letters.

Conclusions of Law

The legal basis for discipline arises pursuant to 243 CMR 1.03(5)(a)12, in that:

A. The Respondent was disciplined in another jurisdiction by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, §5 or 243 CMR 1.03(5). More specifically, the Respondent has:

- i. Engaged in conduct which places into question his competence to practice medicine, including but not limited to gross misconduct in the practice of medicine, or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions 243 CMR 1.03(5)(a)3;
- ii. Engaged in conduct in violation of a Board rule or regulation, to wit:
 - a) violated 243 CMR 1.03(5)(a)10 by practicing medicine deceitfully, or engaging in conduct which has the capacity to deceive or defraud, in violation of 243 CMR 1.03(5)(a)10;
 - b) committed misconduct in the practice of medicine in violation of 243 CMR 1.03(5)(a)18; and
 - c) failed to 1) maintain a medical record for each patient, which is adequate to enable the physician to provide proper diagnosis and treatment; and 2) maintain a patient's medical record in a manner which permits the former patient or a successor physician access to them in violation of 243 CMR 2.07(13)(a).

B. The Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

When determining the appropriate sanction where there has been a violation of the laws and rules relating to the practice of medicine, the Board takes into consideration which laws, rules or regulations were violated, the nature or severity of the violation(s) that occurred, any past discipline, the inclusion or absence of additional infractions of other laws or regulations, and any mitigating or aggravating circumstances. The present matter involves the Respondent having been disciplined in Maine for engaging in unprofessional conduct by violating a standard of professional behavior when he issued COVID-19 exemption letters in October 2021 for five patients, without first obtaining their medical histories, medical records, or consulting with their respective primary care providers; and additionally, by violating a standard of professional behavior when he failed to create or maintain adequate medical records for the same five patients after issuing them COVID-19 exemption letters. Maine determined the Respondent committed misconduct in the practice of medicine, practiced medicine deceitfully, engaged in conduct which places into question his competence to practice medicine, lacked good moral character, and engaged in conduct that undermines the public confidence in the integrity of the medical profession. All of these grounds constitute “reasons substantially the same as those set forth in M.G.L. c. 112, §5 or 243 CMR 1.03(5)”, allowing for reciprocal discipline in Massachusetts.

The Respondent’s failure to file an Answer to the Statement of Allegations, failure to appear for a pre-hearing conference, and his default at DALA, demonstrate his utter disregard for the Board’s statutory mandate to protect the public health, safety, and welfare. His violations undermine the public’s confidence in the medical profession. See In the Matter of Joshua P. Golden, M.D., Board of Registration in Medicine, Adjudicatory Case No. 89-10-SU (Final Decision and Order, August 1, 1990) (Board may discipline a physician who “undermines public confidence in the integrity of the medical profession by flouting the rules and regulations of the agency which granted his license” by failing to respond to Board inquiries.)

The Board notes that, in the past, the Board of Registration in Medicine has historically imposed the sanction of license revocation in cases involving similar issues of default. *See, e.g., In the Matter of Paul M. Willette, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2017-035 (Final Decision and Order, September 13, 2018); *In the Matter of John P. Katzenberg, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2017-054 (Final Decision and Order, August 9, 2018); *In the Matter of Christopher D. Owens, M.D.*, Board of Registration in Medicine, Adjudicatory

Case No. 2017-031 (Final Decision and Order, April 25, 2018); *In the Matter of John E. Strobeck, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2017-044 (Final Decision and Order, April 25, 2018). In these cases, the Board reasoned that a default demonstrates a physician's "utter disregard for the Board's statutory mandate."

In this instance, the physician's violations are further compounded by his history of discipline. "Evidence of past misconduct...has been essential in determining the appropriate level of discipline to be imposed in any case." See Matter of Saab, 406 Mass. 315, 327-328 (1989).

Based on the foregoing, the Board hereby REVOKES the Respondent's inchoate right to renew his license to practice medicine, effective as of the date of this Final Decision and Order.

The Respondent shall provide a complete copy of this Final Decision and 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; and the state licensing boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this revocation. 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. The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c. 112, § 64.

Date: October 5, 2023



Julian Robinson, M.D.
Chair
Board of Registration in Medicine