

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

BOARD OF REGISTRATION  
IN MEDICINE

Adjudicatory Case 2015-017  
(RM-15-193)

In the Matter of  
Medhat Michael, M.D.

**Final Decision & Order**

This matter came before the Board for final disposition on the basis of the Administrative Magistrate's Summary of Recommended Decision on Motion for Summary Decision ("Recommended Decision"), dated August 8, 2018. After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference; Respondent's Objections to Recommended Decision; the Petitioner's Response to the Respondent's Objections to the Recommended Decision; and the Parties' respective Memoranda on Disposition, the Board adopts the Recommended Decision, striking Conclusions of Law that were not charged in the Statement of Allegations and adding an additional Conclusion of Law, as follows:

- Striking that portion of paragraph 3 on page 7 that begins with "The Oklahoma Board's grounds for disciplining [...]" through the sentence ending with "[...] substantially the same."; and
- Adding: "Under 243 CMR 1.03(5)(b), physicians are subject to discipline for engaging in conduct that indicates a lack of good moral character and for conduct that undermines the public confidence in the integrity of the medical profession." 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 Board maintains the authority to discipline a physician upon proof satisfactory that the physician has been disciplined by another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in G.L. c. 112, § 5 and 243 CMR 1.03(5). In this case, the Oklahoma State Board of Medical Licensure and Supervision (“Oklahoma Board”) imposed discipline against the Respondent, via a March 6, 2014 Order Accepting Voluntary Surrender to Jurisdiction, in connection with allegations of sexual misconduct with ten (10) patients and seven (7) employees. Furthermore, the Oklahoma Board based its disciplinary action on allegations of obstruction of the Board’s investigation, falsification of medical records, prescribing controlled substances to his spouse, refusal to comply with Board subpoenas, falsification of medical records, and fraudulent license renewal. Pursuant to Ramirez v. Board of Registration in Medicine, 441 Mass. 479, 482 (2004), the Supreme Judicial Court has found that professional licensing boards need not limit reciprocal discipline to cases “where misconduct has been found by the foreign board or where the physician expressly admits to wrongdoing.”

The Board may impose reciprocal discipline for conduct that was charged in the Statement of Allegations. In this case, the Board may discipline the Respondent for engaging in conduct which places into question his competence to practice medicine, including but not limited to, gross misconduct in the practice of medicine. See G.L. c. 112, § 5, eighth par. (c) and 243 1.03(5)(a)3. The Board may also impose discipline for conduct that indicates a lack of good moral character and for conduct that undermines the public confidence in the medical profession.

Levy v. Board of Registration in Medicine, 378 Mass. 519, 527, 392 N.E. 2d 1036, 1041 (1979) and Raymond v. Board of Registration in Medicine, 378 Mass. 709, 454 N.E.2d 391, 394, 395 (1982).

The Board's paramount responsibility is the protection of the public health, safety and welfare. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979). The Board has imposed license revocation for physicians who have engaged in sexual misconduct concurrent with a physician-patient relationship and with employees. In In the Matter of Salah Abass, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2009-034 (Final Decision and Order, December 19, 2012), the Board revoked the license of a physician who sexually assaulted an employee who had previously been a patient of his, among other acts of misconduct. Similarly, in In the Matter of Erol Onel, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2008-006 (Consent Order, February 20, 2008), the Board revoked the license of a urologist who inappropriately touched two patients and two non-patients, a medical supply salesperson and a hospital employee).

As a function of its obligations to protect the public health, welfare and safety, it is proper for the Board to exercise its authority to discipline the Respondent. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979). Pursuant to 243 CMR 1.03(15), the Board maintains the authority to impose discipline against a physician whose license has been revoked by operation of law. Therefore, the Board REVOKES the Respondent's inchoate right to renew his license to practice medicine in the Commonwealth.

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 notify independently, at any time, any of the entities designated above, or any other affected entity, of any action 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: April 4, 2019

*Candace Lapidus Sloane, MD*

Candace Lapidus Sloane, M.D.  
Chair