

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss

Adjudicatory Case No. 2020-050

Docket No. RM-20-0617

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)  
In the Matter of )

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)  
Patricia Myers, M.D. )  
Respondent )  
\_\_\_\_\_)

FINAL DECISION AND ORDER

Procedural History

The Board initiated this matter by issuing a Statement of Allegations (“SOA”) against the Respondent on November 19, 2020 and referring the matter to the Division of Administrative Law Appeals (“DALA”). The SOA ordered the Respondent to show cause why the Board should not impose discipline on her Massachusetts physician license on the basis of violations of the Board’s regulations by practicing medicine while impaired and engaging in conduct that undermines the public confidence in the medical profession. On July 27, 2022 and by mutual agreement among the parties, a Stipulation was filed with DALA. After consideration of the Joint Stipulation, the DALA Magistrate issued a Recommended Decision on August 12, 2022. In the Recommended Decision, the Magistrate concluded that the conclusions of law, as set forth in the Stipulation, were warranted and adopted them.

The Recommended Decision is incorporated by reference, which includes the Stipulation filed by the Parties. After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, the Board adopts the Recommended Decision

Sanction

Pursuant to G.L. c. 112, §5, eight par. (d) and 243 CMR 1.03(5)(a)4, the Board has the authority to discipline a physician who practiced medicine while her ability do so was impaired by alcohol, drugs, physical disability or mental instability; and engaged in conduct that “undermines the public confidence in the integrity of the medical profession.” Accordingly, it is

proper for the Board to impose sanction. See *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982); *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979).

The facts of this case establish that the Respondent was asked to consult with a patient and showed signs of impairment while walking to the examination room; the Respondent admitted to consuming alcohol during the day. The Board has imposed an indefinite suspension, which could be stayed upon a demonstration of sobriety and entrance into a Probation Agreement. *See In the Matter of David Robinson, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2021-026 (Consent Order, June 3, 2021); *In the Matter of Jeffrey Bucci, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2020-045 (Consent Order, October 22, 2020); and *In the Matter of Marc DeBell, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2018-061 (Consent Order, December 20, 2018).

The Board indefinitely suspends the Respondent's license inchoate right to renew her medical license; said suspension can be stayed upon demonstration of eighteen (18) months of compliance with a Physician Health Services (PHS) or and an out-of-state equivalent physician health program monitoring contract; providing the Board with a release allowing it to communicate and exchange information with PHS or the out-of-state physician health monitoring program; completing an evaluation by a Board-approved psychiatrist with specialization with addiction and submitting a report; and entrance into a standard Probation Agreement that requires ongoing compliance with a PHS or out-of-state physician health program monitoring contract, monitoring by Board-approved monitors and a Board-approved practice plan, and such other terms as the Board deems warranted.

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; 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 Program. The Respondent shall also provide this notification to any such designated

entities with which he becomes associated for the duration of the indefinite suspension of his inchoate right to renew. 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 (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c.112, §64.

DATE: January 19, 2023



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Julian N. Robinson, M.D.

Chair