

COMMONWEALTH OF MASSACHUSETTS

Division of Administrative Law Appeals
1 Congress Street, 11th Floor
Boston, MA 02114
www.mass.gov/dala

Board of Registration in Medicine,
Petitioner

v.

Docket No. RM-15-64

Mohamad H. Ossiani, M.D.,
Respondent

Appearance for Petitioner:

Tracy Morong, Esq.
Board of Registration in Medicine
200 Harvard Mill Square
Suite 330
Wakefield, MA 01880

Appearance for Respondent:

Philip E. Murray, Jr., Esq.
Murray, Kelly & Bertrand
300 Trade Center - Suite 2700
Woburn, MA 01801-7411

Administrative Magistrate:

Kenneth Bresler

SUMMARY OF RECOMMENDED DECISION

Doctor paid and/or loaned money to a younger woman, with whom he had a social relationship, for her apartment. He also checked her medical records without written authorization and prescribed controlled substances for her without physically examining her or maintaining medical records and for no legitimate medical purpose. Doctor is subject to discipline by the Board of Registration in Medicine.

RECOMMENDED DECISION

The Board of Registration in Medicine (Board) filed a Statement of Allegations against

the respondent, Dr. Mohamad H. Ossiani. The parties signed a stipulation to resolve the matter without an evidentiary hearing.

Finding of Facts

The parties stipulate to the following facts:

1. Dr. Ossiani was born on August 23, 1968. He graduated from Georgetown University School of Medicine in 1999. He is certified in diagnostic radiology by the American Board of Radiology. He has been licensed to practice medicine in Massachusetts under certificate number 220726 since 2004. He is also licensed to practice medicine in Rhode Island and Oklahoma. He has privileges at Good Samaritan Medical Center, Marlborough Hospital, Norwood Hospital, Saint Anne's Hospital, and New England Sinai Hospital.
2. From approximately June 2006 to February 2013, Dr. Ossiani was employed by the Brigham and Women's Physician's Organization, Inc. and he held a medical staff appointment in the Radiology Department at Brigham and Women's Hospital (BWH).
3. In approximately February 2012, Dr. Ossiani and a 21-year-old woman (the friend) met and entered into a social relationship.
4. In May 2012, Dr. Ossiani signed as the friend's guarantor on a one-year lease to run from June 2012 to May 2013. The lease was for a two-bedroom apartment to be occupied by the friend and a roommate (the friend's apartment).
5. Dr. Ossiani advanced significant money to the friend for a security deposit, a broker's fee, and the initial monthly rent, and ultimately paid additional money as a result of the guaranty.
6. The friend did not repay all of the money that Dr. Ossiani advanced and/or paid.
7. In or around June 2012, the friend received medical treatment at BWH.

8. Dr. Ossiani did not treat the friend in his role as a BWH radiologist.
9. The friend's BWH medical record did not include written authorization for Dr. Ossiani to access her health information.
10. Dr. Ossiani accessed the friend's BWH medical records on five occasions: June 18, September 2, September 12, September 14, and October 29, 2012.
11. Between June 2012 and December 2012, Dr. Ossiani prescribed the following controlled substances to the friend: Xanax, Vicodin, and Percocet.
12. Dr. Ossiani did not conduct a physical examination of the friend before prescribing the above medications.
13. Dr. Ossiani did not keep or maintain any medical records documenting the above prescriptions for the friend.
14. Dr. Ossiani's prescriptions for the friend were not written for a legitimate medical purpose during the usual course of his professional practice.
15. In December 2012, Dr. Ossiani used his BWH electronic mail to communicate with the friend regarding money owed to him in connection with the Friend's apartment.
16. The friend now resides in California.
17. The friend has never responded to the Board's attempt to communicate with her.

Conclusions of Law

The parties agree to the following conclusions of law:

- A. Dr. Ossiani has violated G.L. c. 112, § 5, ninth par. (h) and 243 CMR 1.03(5)(a)11 by violating a regulation(s) of the Board—to wit,
 1. 243 CMR 2.07(5), a licensee who violates G.L. c. 94C, also violates a rule or regulation of the Board;

2. G.L. c. 94C, § 19(a), a prescription for controlled substances must be issued for a legitimate purpose by a practitioner acting in the usual course of his professional practice;

3. 243 CMR 2.07(13)(a), a licensee must maintain a medical record for each patient that is complete, timely, legible, and adequate to enable the licensee or any other health care provider to provide proper diagnosis and treatment.

B. Dr. Ossiani has violated 243 CMR 1.03(5)(a)18 by committing misconduct in the practice of medicine.

C. Dr. Ossiani 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 parties have communicated to me that they agree to the following: The Board may sanction Dr. Ossiani based upon the above Findings of Fact and Conclusions of Law. Dr. Ossiani should be reprimanded and pay a fine of \$3,000. Their recommended sanction is not binding on the Board, and that the Board may wish to impose a different sanction on Dr. Ossiani.

I pass on to the Board language contained in the stipulation that I consider a non-binding request to the Board that conveys the parties' intent:

At the time the Board considers this Stipulation, it will inform the parties of its inclination as to sanction. If the Board's sanction is different from the one recommended by the parties, the Respondent will be given an opportunity to either accept or reject the proposed sanction. If the Respondent rejects the proposed sanction, then the matter will continue through the adjudicatory process pursuant to General Laws chapter 30A and 801 CMR 1.00 et seq.

Similarly, the stipulation includes a section called "Execution of this Stipulation," which I do not include in this recommended decision but bring to the Board's attention because it

includes agreements between the parties and at least one request to the Board.

Conclusion

I adopt the parties' facts as stipulated, the conclusions of law as warranted, and the recommended sanction as not unreasonable. I attach the parties' stipulation as Exhibit 1.

Based on the foregoing, including my belief that the recommended sanction is not unreasonable, I recommend that the Board impose such discipline on Dr. Ossiani as it deems appropriate in light of the parties' stipulation.

DIVISION OF ADMINISTRATIVE LAW APPEALS

A handwritten signature in black ink, reading "Kenneth Bresler". The signature is written in a cursive style with a large initial "K".

Kenneth Bresler
Administrative Magistrate

Dated: **JAN 29 2016**