

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative Law Appeals

Board of Registration in
Medicine,
Petitioner

v.

Docket Nos. RM-13-461

Dated: September 5, 2014

Matthew Phillips, M.D.,
Respondent

Appearance for Petitioner:

James Paikos, Esquire
Complaint Counsel
Board of Registration in Medicine
200 Harvard Mill Square, Suite 330
Wakefield, MA 01880

Appearance for Respondent:

Stephen P. Harten, Esquire
Ratcliffe, Harten, Burke & Galamaga, LLP
40 Westminster Street
7th Floor, Suite 700
Providence, RI 02903

Administrative Magistrate:

Judithann Burke

CASE SUMMARY

Physician who failed to meet the standard of care, committed misconduct in the practice of medicine, engaged in conduct that undermines the integrity of the medical profession and engaged in conduct that places into question his competence to practice medicine, is subject to discipline by the Board of Registration in Medicine.

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RECOMMENDED DECISION

On September 11, 2013, the Petitioner, Board of Registration in Medicine (Board), issued a Statement of Allegations wherein it ordered the Respondent, Matthew Philips, M.D., to show cause why he should not be disciplined because it had reason to believe that: he engaged in conduct which calls into question his competence to practice medicine, G.L. c. 112, § 5, ninth par. (c) and 243 CMR 1.03(5)(a)3; engaged in conduct that undermines the public confidence in the integrity of the medical profession; and, committed misconduct in the practice of medicine. 243 CMR 1.03(5)(a)18. The Statement of Allegations is attached hereto as Attachment A.

On September 13, 2013, the matter was referred to the Division of Administrative Law Appeals (DALA). A pre-hearing conference was held on November 8, 2013. Thereafter, the parties exchanged discovery and entered into negotiations. Three days were set aside for a hearing in May 2014. On April 25, 2014, the parties submitted correspondence that they had signed a Stipulation in this matter that includes Findings of Fact and Conclusions of Law. The Stipulation is attached hereto as Attachment B.

The Stipulation contains fifteen (15) Findings of Fact and two (2) Conclusions of Law, executed by Dr. Philips, his counsel and Board's counsel. The Stipulation is incorporated herein by reference. Other than the facts as stipulated in the Stipulation and the admissions contained therein, I have not taken evidence with respect to the facts of this matter. Based on the facts as stipulated, I conclude that the Conclusions of Law set forth in the Stipulation are warranted and I hereby adopt them.

Based on the foregoing I recommend that the Board impose such discipline on Dr. Philips as it deems appropriate in light of the facts and conclusions of law as stipulated by the parties.

DIVISION OF ADMINISTRATIVE LAW APPEALS,

BY:

Judithann Burke
Judithann Burke
Administrative Magistrate

DATED: September 5, 2014