COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2017-032

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In the Matter of )

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MARC E. EICHLER, M.D. )

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**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Marc E. Eichler, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause isDocket No 15-361.

# Biographical Information

1. The Respondent was born on February 21, 1961. He graduated from the Washington University School of Medicine in 1988. He has been licensed to practice medicine in Massachusetts under certificate number 160084 since 1999. He specializes in Neurological Surgery.
2. On December 17, 2015, the Respondent entered into a voluntary agreement not to practice medicine in Massachusetts.

Factual Allegations

Criminal Conviction

1. On June 8, 2016, the Respondent was arraigned in the United States District Court for the District of North Dakota Western Division (Federal Court) on charges which included two counts of Production of Materials Depicting the Sexual Exploitation of Minors; two counts of Attempted Production of Materials Depicting the Sexual Exploitation of Minors; one count of Receipt of Materials Involving the Sexual Exploitation of Minors; one count of Attempted Receipt of Materials Involving the Sexual Exploitation of Minors and one count of Transfer of Obscene Materials to Minors.
2. On February 21, 2017, the Respondent entered into a plea agreement in which he agreed to plead guilty to one count of the federal indictment. In the plea agreement, the Respondent acknowledged that

From in or about December, 2014, to in or about October, 2015,… the [Respondent], knowingly possessed, and accessed with intent to view, numerous computer files containing visual depictions …[involving] the use of minors engaging in sexually explicitly conduct….

1. On May 25, 2017, the Respondent’s guilty plea was accepted to one count of Possession of Materials Involving the Sexual Exploitation of Minors. The remaining charges were dismissed.
2. The Respondent was sentenced to 36 months in prison with credit for time served.

Out-of-State-Discipline

1. On February 5, 2016, the North Dakota State Board of Medicine (North Dakota Board) disciplined the Respondent. The North Dakota Board’s Stipulation is attached hereto as Attachment A and incorporated herein by reference.
2. On May 24, 2017, the Tennessee Board of Medical Examiners (Tennessee Board) disciplined the Respondent. The Tennessee Board’s Consent Order, is attached hereto as Attachment B and incorporated herein by reference.

Legal Basis for Proposed Relief

1. Pursuant to 243 CMR 1.03(5)(a)7, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has been convicted of a crime.
2. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), 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.
3. Pursuant to 243 CMR 1.03(5)(a)12, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has been disciplined in another jurisdiction in any way 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)—to wit:
   1. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), 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.
   2. Pursuant to 243 CMR 1.03(5)(a)7, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has been convicted of a crime.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

# Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Signed by Candace Lapidus Sloane, M.D.

Candace Lapidus Sloane, M.D.

Board Chair

Date: September 14, 2017

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at <https://www.mass.gov/board-of-registration-in-medicine-public-records>.