

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-022

In the Matter of )

LINDA MUSETTI KINCH, M.D. )

**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 Linda Musetti Kinch, 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 is Docket No. 15-138.

**Biographical Information**

1. The Respondent was born on March 16, 1961. She graduated from Georgetown University School of Medicine in 1988. She has been licensed to practice medicine in Massachusetts under certificate number 74977 since 1991. She has no board certifications.

2. On July 1, 2015, the Board's Chair accepted the Respondent's Voluntary Agreement Not to Practice Medicine (VANP). The VANP was ratified by the full Board on July 2, 2015.

3. On June 19, 2015, the Wellesley Police Department notified the Board that they had filed an Immediate Threat Complaint with the Registry of Motor Vehicles (the Registry)

alleging that the Respondent's continued right to operate a motor vehicle placed the public in immediate risk of harm.

4. The Registry suspended the Respondent's license later the same day.

5. At around 8:30 a.m. on June 19, 2016, while driving through Wellesley Center, the Respondent had a collision with the driver's side door of a parked vehicle when the operator of the parked vehicle suddenly opened the door.

6. A Wellesley Police officer arrived at the scene, obtained the necessary information to complete an incident report and permitted the Respondent to leave the scene. The police officer's report noted that there was no suspicion that the Respondent was under the influence of drugs or alcohol.

7. The Respondent was ultimately determined not to have been at fault for the collision.

8. Although the Respondent's car had sustained damage to both the front of the car and one of the front wheels during the collision, the Respondent believed she could safely drive the car back home.

9. At 9:30 a.m., while the Respondent was driving home, she was observed by the Wellesley Fire Department's Assistant Chief who felt that the Respondent was driving in an erratic manner.

10. The Assistant Fire Chief followed the Respondent until he observed her pull into the garage next to her residence. He then notified the Wellesley Police Department.

11. Officers from the Wellesley Police Department arrived at the Respondent's residence and asked to speak with the operator of the motor vehicle.

12. The Respondent identified herself as the operator of the motor vehicle.

13. The Respondent admitted that she took Ativan that was not prescribed to her sometime between late night and early morning and that she had drank two glasses of wine since her arrival back at home.

14. Based on their interview and observations, the police officers determined that the Respondent was under the influence of one or more substances at that time.

15. However, the officers did not observe the Respondent operating the vehicle while under the influence of one or more substances.

16. At the time of this incident, the Respondent was working as a physician in addiction medicine one day per week at New Horizons.

17. From July 2014 until April 2015, the Respondent worked with a physician in Brighton, Massachusetts, shadowing her in a methadone clinic. The Respondent had also worked as an intern in addiction counseling four days a week in the same clinic.

18. On June 26, 2015, the Respondent contacted Physician Health Services (PHS) and met with PHS staff.

19. In early August 2015, PHS recommended that the Respondent have a further evaluation.

20. The Respondent agreed to undergo a further in-patient evaluation beginning on August 16, 2015.

21. On September 1, 2015, the Respondent began an inpatient treatment program for alcohol abuse.

22. On November 23, 2015, the Respondent successfully completed and was discharged from the treatment program.

23. The Respondent also attended and successfully completed a step down program after completing her in-patient treatment program.

24. On November 24, 2015, the Respondent signed a contract with PHS.

25. The Respondent has been in full compliance with her PHS contract since November 24, 2015.

26. The RMV has also reinstated the Respondent's driver's license on March 3, 2016..

27. The Respondent has received in-patient treatment for alcohol abuse on two prior occasions, once in 2012 and once in 2014.

28. The Respondent did not report a substance abuse issue or treatment on her 2008 or 2010 License Renewal Applications.

#### Legal Basis for Proposed Relief

A. 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 has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

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,

Candace Lapidus Sloane, MD  
Candace Lapidus Sloane, M.D.  
Board Chair

Date: May 24, 2018