

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-026

In the Matter of)
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)

GAYLE REBOVICH, 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 Gayle Rebovich, 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. 14-253.

Biographical Information

1. The Respondent was born on June 20, 1976. She is a 2005 graduate of Columbia University College of Physicians and Surgeons. She has been licensed to practice medicine in Massachusetts since 2010 under certificate number 242267. She is certified by the American Board of Neurology.

Factual Allegations

2. From 2010 to January 2014, the Respondent was associated with Berkshire Medical Center (Berkshire) and a Pittsfield neurology practice, Neurology Professional Services (NPS).

Failure to Examine Patient

3. On Sunday, July 14, 2013, at approximately 12:13 p.m., the Respondent dictated a consultation note regarding her examination of a critically ill and neurologically complex patient (Patient A) in the Intensive Care Unit at Berkshire.

4. The Respondent did not examine Patient A on July 14, 2013.

5. On or about July 16, 2013, the Respondent was questioned as to whether she examined Patient A on July 14, 2013. The Respondent asserted that she examined Patient A on the morning of July 14, 2013.

6. For several months, the Respondent continued to claim that she had performed the July 14, 2013 consultation on Patient A.

7. On January 7, 2014, Berkshire suspended the Respondent's clinical privileges.

8. The Respondent appealed her suspension.

9. Throughout her appeal, the Respondent had a memory of seeing the patient on the Sunday in question, and at one point she submitted a video to Berkshire purporting to prove that she examined Patient A on July 14, 2013.

10. Eventually, the Respondent reported to Berkshire that she was impaired on the weekend of the relevant events, and such impairment was caused by her use of a benzodiazepine and weaning herself from Zoloft.

11. On June 19, 2014, the Respondent resigned from Berkshire during her appeal.

Other Unprofessional Conduct

12. The Respondent self-prescribed Zoloft for a number of years, after it was prescribed for her by a psychiatrist she saw while attending medical school.

13. From April 2013 to April 2014, the Respondent wrote four prescriptions (some with refills) in the name of a close family relative. The prescriptions were for clonazepam, a Schedule IV controlled substance, and were outside the ordinary course of her medical practice.

14. From August 2012 to August 2013, the Respondent committed various acts of unprofessional conduct including, but not limited to, an inappropriate reference about a patient on social media.

15. On August 23, 2013, the Respondent received a written corrective action from Berkshire for her inappropriate reference about a patient on social media.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §5, ninth par. (d) and 243 CMR 1.03(5)(a)4, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician practiced medicine while her ability to do so was impaired by alcohol, drugs, physical disability or mental instability.

B. Pursuant to 243 CMR 1.03(5)(a)10, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician practiced medicine deceitfully, or engaged in conduct that has the capacity to deceive or defraud.

C. Pursuant to 243 CMR 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician committed misconduct in the practice of medicine.

D. 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.
Chair

Date: September 10, 2015