

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2019-013

In the Matter of)
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)
ROBI M. ROSENFELD, D.O.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (the "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 Robi M. Rosenfeld, D.O. (the "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. 16-325.

Biographical Information

1. The Respondent was born on August 2, 1954. He graduated from the Kirkville College of Osteopathic Medicine in 1983. He is certified by the American Board of Medical Specialties in Family Medicine. He has been licensed to practice medicine in Massachusetts under certificate number 234759 since 2008. He is also licensed to practice medicine in Maine, New Jersey, and New York.

Factual Allegations

2. In or around August 2014, the Respondent was contacted by representatives of a company named "24hoursphysician."

3. The Respondent understood from his interactions with representatives of

24hoursphysician that the company created contact between compounding pharmacies which produced pain-relieving creams and patients who needed such creams.

4. The Respondent further understood that staff from 24hoursphysician would interview prospective patients and then create a virtual chart and history for each patient which provided options for different compound medications that a physician working for the company could prescribe to that patient.

5. The Respondent worked for 24hoursphysician as one of its prescribing physicians from in or around September 2014 until in or around June 2015.

6. While working for 24hoursphysician, the Respondent received virtual patient charts, reviewed those charts to evaluate the company's prescription recommendations, and wrote only those prescriptions that he deemed to be appropriate.

7. 24hoursphysician paid the Respondent thirty dollars (\$30.00) for each patient chart reviewed, no matter how many prescriptions the Respondent issued.

8. The Respondent earned approximately twenty-six thousand dollars (\$26,000.00) from his work for 24hoursphysician and accordingly estimates that he prescribed to approximately 860 patients, less than ten percent (10%) of whom resided in Massachusetts.

9. When working for 24hoursphysician, the Respondent worked exclusively from his home office in New Jersey and did not meet with any patients that he prescribed to.

10. Patient contact information was available to Respondent and he was able to call any patient whose chart he evaluated if he had any questions or needed additional information.

11. The Respondent estimates that he called ten (10) patients whose charts he evaluated per month while working for 24hoursphysician.

12. The Respondent does not recall the name of any specific patient that he spoke to

while working for 24hoursphysician.

13. The Respondent did not maintain copies of the charts provided to him by 24hoursphysician, nor did he create any additional patient record of his own.

14. The Respondent has no knowledge of how 24hoursphysician obtained its patients, which 24hoursphysician staff members obtained intake information from the patients, or how intake interviews, if any, were conducted.

15. Accordingly, the Respondent does not know what medical credentialing, if any, such 24hoursphysician staff members may have had.

16. The Respondent's working relationship with 24hoursphysician ended in or around June 2015 when the company abruptly ceased responding to his communications.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, § 5, eighth par. (h) and 243 CMR 1.03(5)(a)(11) the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician violated a rule or regulation of the Board concerning the practice of medicine, or a rule or regulation adopted thereunder, to wit:

i. Board of Registration in Medicine Policy 03-06 on Internet Prescribing.

B. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); and *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 (1) 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: February 28, 2019