

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2022-032

)
In the Matter of)
)

ROBERT M. SHINER, 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 Robert M. Shiner, M.D., (Respondent) 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. 20-110.

Biographical Information

1. The Respondent graduated the Robert Wood Medical School in New Jersey in June 1994 and completed a family practice residency at Malden Hospital in 1997. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 82084 since October 25, 1995.

Factual Allegations

1. The Respondent is registered with the Drug Enforcement Agency (DEA) and the Commonwealth of Massachusetts Office of Professional Licensure and Department of Public Health as a practitioner authorized to both handle and dispense Scheduled II-V controlled substances.

2. The Respondent has practiced as a family physician at Manet Community Health Center (“Manet”) since August 1999 and served as Manet’s Chief Quality Officer from 2017 to 2019 and Director of Manet’s Medication Assistance Treatment (MMAT) from 2016 to 2019.

3. Between July 2014 and September 2019 the Respondent issued twenty-nine (29) prescriptions for cough medicine with Codeine, Schedule V controlled substances, to a friend outside his usual practice and without regular in office physical examinations, ordering any tests, or adequate medical record documentation supporting the prescriptions.

- a. The first two (2) prescriptions on July 1, 2014 and April 3, 2015 were for 10-100 mg/5mL Iphen-C NR with two refills each.
- b. The remaining twenty-seven (27) prescriptions from July 27, 2015 through September 20, 2019 were for 6.25 mg Promethazine with 10 mg Codeine; two with two refills, six with one refill, and the others without refill.

4. Beginning in April 2014 to November 2019 the Respondent entered twenty-two (22) prescription orders for his friend into the Manet medical record system without an accompanying encounter note or any other indication of a formal office visit with his friend until November 11, 2019.

5. On November 7, 2019 the Drug Enforcement Agency (DEA) Boston Divisional Office initiated an investigation into Respondent’s prescribing after a pharmacist contacted the DEA with a concern regarding the Respondent’s prescriptions.

6. On February 24, 2021, the Respondent entered into a three-year Memorandum of Agreement with the DEA.

Legal Basis for Proposed Relief

A. The Respondent committed an offense against the laws of the Commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder. *See* G.L. c. 112 § 5, ninth par. (b) and 243 CMR 1.03(5)(a)(2), to wit: M.G.L. c. 94C §19(a)

B. The Respondent violated a rule or regulation of the Board governing the practice of medicine. *See* G.L. 112 § 5, ninth par. (h) and 243 CMR 1.03(5)(a)(11), to wit: 243 CMR 2.07(13)(a) and Prescribing Practices Policy and Guidelines, Board of Registration in Medicine adopted August 1, 1989, amended November 17, 2010

C. The Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See* Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982); Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979)

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

By the Board of Registration in Medicine,



Julian N. Robinson, M.D.
Board Chair, Physician Member

Date: 9/8/2022