**COMMONWEALTH OF MASSACHUSETTS**

|  |  |
| --- | --- |
| Suffolk, ss. | **Division of Administrative Law Appeals** |
| **Board of Registration in Medicine,** Petitioner v.**Richard S. Fraser, M.D.** Respondent | Docket No. RM-13-224  |

|  |
| --- |
| **Appearance for Petitioner**:Sarah Fallon, Esq.Board of Registration in Medicine200 Harvard Mill Square Suite 330Wakefield, Massachusetts 01880 |
| **Appearance for Respondent**:David Gould, Esq.Ficksman & Conley, LLP98 North Washington Street, Suite 500Boston, Massachusetts 02114 |

**Administrative Magistrate**:

Bonney Cashin

**Summary of Recommended Decision**

Following notice that the respondent has died, I recommend this matter be dismissed as moot.

**RECOMMENDED DECISION**

*Introduction*

On April 10, 2013, the petitioner, Board of Registration in Medicine, issued a Statement of Allegations ordering the respondent, Richard S. Fraser, M.D., to show cause why he should not be disciplined for his conduct when treating persons identified as Patients A-K. On the same day, the Board referred the matter to the Division of Administrative Law Appeals for an adjudicatory hearing. On April 24, 2013, Dr. Fraser answered the Statement of Allegations, denying any misconduct in treating Patients A-K.

The Board alleges that Dr. Fraser’s business model poses a conflict of interest and violates ethical guidelines. The Board alleges that Dr. Fraser violated the standard of care when he prescribed opioids to Patient A while she was pregnant. With respect to Patients A-K, the Board alleges that Dr. Fraser’s opioid prescribing practices, including his failure to recognize drug-seeking behavior in Patients C, F, and K, was below the standard of care. With respect to Patients A-K, the Board further alleges that Dr. Fraser’s failure to develop and implement treatment plans and his failure to meet minimum requirements for medical recordkeeping were below the standard of care.

I held a hearing on December 2-4 and 29, 2014, and on February 26, 2015. There is a five volume stenographic transcript of the hearing. The record closed on April 13, 2015, when the parties filed their closing briefs.

On April 12, 2017, Dr. Frasier’s attorney filed a letter stating that Dr. Frasier died on March 5, 2017. Accordingly, this matter is moot. *Bd. of Registration in Med.v. Levy*, RM-94-521, Recommended Final Decision (Final Decision unavailable) (Div. Admin. Law App. Dec. 5, 1996). I recommend to the Board that it dismiss this matter.

 DIVISION OF ADMINISTRATIVE LAW APPEALS

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Bonney Cashin

 Administrative Magistrate

DATED: May 4, 2017