

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine  
Adjudicatory Case No. 2012-030

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 In the Matter of )  
 )  
 MITCHELL J. BELLUCCI, M.D. )  
 \_\_\_\_\_ )

**STATEMENT OF ALLEGATIONS**

1. 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 Mitchell J. Bellucci, 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. 12-270 \_ under certificate number 56178. The Respondent specializes in gynecology and has a solo practice in Milford, Massachusetts. He is affiliated with Sturdy Memorial Hospital and Milford-Whitinsville Regional Hospital.

Factual Allegations

- 2. Female A was a patient of the Respondent for approximately twenty years.
- 3. Female A’s last documented visit with the Respondent was in 2009.
- 4. Male B is the husband of Female A.
- 5. The Respondent and Male B are friends.
- 6. Male B owns an auto-related business.
- 7. From 1996 to May 2012, the Respondent supported Male B’s business by purchasing goods and/or services.

8. In November 2011, Male B went to the Respondent's office and requested a prescription for oxazepam from the Respondent. Male B told the Respondent that he was unable to see his primary care physician.

9. Oxazepam is a benzodiazepine and a Schedule IV controlled substance.

10. The Respondent wrote a prescription for oxazepam for Male B.

11. The Respondent did not charge Male B for the November 2011 encounter.

12. The Respondent did not document the November 2011 encounter with Male B nor did he record the oxazepam prescription.

13. On various dates from December 2011 to May 2012, Male B presented without an appointment to the Respondent's office.

14. From December 2011 to May 2012, the Respondent issued prescriptions for lorazepam and alprazolam to Male B.

15. Lorazepam and alprazolam are benzodiazepines and Schedule IV controlled substances.

16. The Respondent did not document every encounter with Male B nor did he record the lorazepam and alprazolam prescriptions.

17. The Respondent did not charge Male B for any encounter.

18. The Respondent did not issue the prescriptions described in Paragraphs 10 and 14 in the usual course of his professional practice.

19. Male B told the Respondent that Female A suffered from anxiety.

20. Male B requested that the Respondent prescribe a benzodiazepine for Female A.

21. From January 2012 to May 2012, the Respondent issued seven prescriptions for benzodiazepines in the name of Female A at the request of Male B.

22. The prescriptions described in Paragraph 21 were given to Male B.

23. Female A was not present when Male B requested or received the prescriptions described in Paragraph 21.

24. From January 2012 to May 2012, Female A did not see the Respondent in his office.

25. From January 2012 to May 2012, the Respondent did not speak with Female A regarding the prescriptions described in Paragraph 21.

26. The Respondent did not document the prescriptions described in Paragraph 21.

27. The prescriptions described in Paragraph 21 were not issued in the usual course of the Respondent's professional practice.

#### Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §5, ninth par. (b) and 243 CMR 1.03(5)(a)2, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician committed an offense against a provision of the laws of the Commonwealth relating to the practice of medicine, or a rule or regulation adopted thereunder. Specifically:

1. G.L. c. 94C, § 19(a).

B. Pursuant to G.L. c. 112, §5, ninth 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 has violated of a rule or regulation of the Board. Specifically:

1. 243 CMR 2.07(13)(a).

C. 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,

Signed by Candace Lapidus Sloane, M.D.  
Candace Lapidus Sloane, M.D.  
Chair

Date: December 19, 2012