

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. )  
\_\_\_\_\_ )

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Mitchell J. Bellucci, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 12-270.

**Findings of Fact**

1. The Respondent was born on January 29, 1955. He is a 1982 graduate of The University of Nebraska College of Medicine and has been licensed to practice medicine in Massachusetts since 1986 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.
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.

#### Conclusions of Law

A. The Respondent has violated G.L. c. 112, § 5, ninth par. (b) and 243 CMR 1.03(5)(a)(2) in that he has committed an offense against the laws of the Commonwealth relating to the practice of medicine. Specifically, the Respondent has violated G.L. c. 94C, § 19(a) which requires that a valid prescription for a controlled substance shall be issued for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice.

B. The Respondent violated G.L. c. 112, § 5, ninth par. (h) and 243 CMR 1.03(5)(a)11 by violating a regulation of the Board—to wit,

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

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

#### Sanction and Order

The Respondent is hereby admonished. The Respondent must: complete one of the opioid prescribing courses listed on the Board's website under "Effective Pain Management" within sixty (60) days of the Board's approval of the Consent Order; and participate in a Board designee-approved Continuing Professional Development (CPD) course on the prescribing of benzodiazepines within six (6) months of the Board's approval of the Consent Order.

#### Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date

of imposition of this admonishment. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

Signed by Mitchell Bellucci  
Mitchell Bellucci, M.D.

10/7/12  
Date

Signed by Tracy Morong  
Tracy Morong  
Complaint Counsel

10/10/12  
Date

So ORDERED by the Board of Registration in Medicine this 19th day of December, 2012.

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