

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2012-004

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 In the Matter of )  
 )  
 AMY L. FITZPATRICK, M.D. )  
 \_\_\_\_\_ )

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Amy L. Fitzpatrick, 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 Number 10-294.

**Findings of Fact**

1. The Respondent was born on April 27, 1976. She graduated from the Boston University School of Medicine in 2006. She has been licensed to practice medicine in Massachusetts under limited license number 229018 since 2006.

2. On December 5, 2007, the Board retroactively suspended the Respondent's limited license to March 21, 2007 based on her having forged multiple prescriptions to obtain drugs for self use. *In the Matter of Amy Marple, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2007-064 (Consent Order, December 5, 2007.)

3. The Respondent was permitted to submit a renewal application for a limited license upon entry into a Probation Agreement and one year of demonstrated sobriety in compliance with her Physician Health Services (PHS) contract.

4. On June 4, 2008, the Board approved the Respondent's application for renewal of her limited license contingent upon her compliance with her Probation Agreement, which was to remain in effect until March 23, 2012.

5. The Respondent submitted the renewal application and subsequent renewal applications knowing that she was consuming alcohol and taking prescription drugs in violation of the terms of her Probation Agreement.

6. On July 6, 2010, PHS sent a letter to the Board stating that the Respondent had experienced a relapse and was hospitalized.

7. The Respondent signed a Voluntary Agreement Not to Practice Medicine (VANP) the same day.

8. On July 21, 2010, the Board found that the Respondent violated Section IV Paragraph D of her Probation Agreement, which states that she agreed to abide by all terms of her PHS contract. The Board terminated the VANP, and lifted the stay of suspension of the Respondent's license.

9. The Respondent used Ambien throughout her PHS contract because it was listed on her contract as an authorized prescription. The Respondent's prescribed dosage was one pill per day.

10. The Respondent increased her use of Ambien without PHS's knowledge. In the months prior to her hospitalization, the Respondent was taking between 10 and 30 pills per day.

11. The Respondent obtained the prescription medication, Ambien, for self use through an internet pharmacy.

12. The Respondent stopped taking Ambien suddenly, which caused her to have a seizure.

13. The Respondent tailored her drug use to her schedule for a given day.

14. The Respondent tailored her drinking to her PHS drug testing schedule.

15. Immediately prior to her relapse, the Respondent was drinking up to two bottles of wine per night, on the nights immediately following a urine drug screen.

16. The Respondent would drink heavily on the night after she had a drug screening with PHS in an effort to avoid detection.

17. The Respondent entered into a substance abuse treatment facility to deal with her addiction.

18. The Respondent completed in-patient substance abuse treatment and is currently participating in out-patient treatment.

#### Conclusion of Law

A. The Respondent has violated G.L. c. 112, § 5, ninth par. (a) and 243 CMR 1.03(5)(a)1 by fraudulently procuring the renewal of her certificate of registration.

B. The Respondent has violated G.L. c. 112, § 5, ninth par. (c) and 243 CMR 1.03(5)(a)3 by engaging in conduct that places into question the Respondent's competence to practice medicine.

C. The Respondent has violated G.L. c. 112, §5 ninth par. (d) and 243 CMR 1.03(5)(a)4 by practicing medicine while her ability to do so was impaired by drugs and alcohol.

D. The Respondent has violated 243 CMR 1.03(5)(a)10 by practicing medicine deceitfully, or engaging in conduct that has the capacity to deceive or defraud.

E. The Respondent has violated 243 CMR 1.03(5)(a)18 by committing misconduct in the practice of medicine.

F. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See 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's limited license is hereby retroactively revoked to June 10, 2008. The Respondent will be permitted to apply for a limited license after demonstrating an 18-month period of continuous documented sobriety dating back to July 10, 2010. The Respondent must also establish full compliance with a PHS chemical dependency monitoring contract and her fitness to practice medicine. When filing her limited license application, the Respondent will be required to present a residency training proposal that sets forth her gradual reentry to training over a six month period. The Respondent will not be allowed to return to a full regimen of training without this six month gradual reentry period. When the Respondent applies for a limited license, she will be required to appear before the Licensing Committee with her residency training director. She will also be required to enter into a five year Probation Agreement, the terms of which will be determined by the Board.

#### Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order and Probation Agreement 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 for the duration of this revocation. 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 Amy Fitzpatrick  
Amy Fitzpatrick, M.D.  
Licensee

12/29/11  
Date

Signed by W. Scott Liebert  
W. Scott Liebert, Esquire  
Attorney for the Licensee

January 3, 2012  
Date

Signed by Gloria Brooks  
Gloria Brooks  
Complaint Counsel

1/4/12  
Date

So ORDERED by the Board of Registration in Medicine this 18th day of January, 2012.

Signed by Peter Paige  
Peter Paige, M.D.  
Chairman