COMMONWEALTH OF MASSACHUSETTS

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BOARD OF REGISTRATION IN MEDICINE

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IN THE MATTER OF)
Michael Langan, M.D.	1

ORDER

At its meeting of February 6, 2013, the Board of Registration in Medicine (hereinafter "Board") affirmed the Complaint Committee's November 7, 2012 determination that the Licensee failed to comply with Paragraphs J and Y of his Letter of Agreement. This action was pursuant to the provisions of the Letter of Agreement accepted by the Board's Complaint Committee on October 8, 2008, as amended on February 1, 2012.

After reviewing the evidence referenced in the January 24, 2013, December 21, 2012, December 12, 2012, November 27, 2012, and October 26, 2012 notices from the Board's Physician Health & Compliance Manager, the Board immediately suspends the Licensee's medical license. Specifically, the Board bases its decision on the following grounds:

- (1) At its September 7, 2011 meeting, the Board's Complaint Committee found the Licensee in violation of his Letter of Agreement for not having entered into an evaluation program at the request of Physician Health Services.
- The Board concurred with the Complaint Committee's determination and voted to find the Licensee in violation of his Letter of Agreement on December 21, 2011, but did not suspend the Licensee's medical license at the time. Instead, the Board chose to resolve the 2011 matter by extending the Licensee's Letter of Agreement and fortifying certain provisions of the Licensee's Letter of Agreement.

- (3) Among the enhanced provisions of the Licensee's Letter of Agreement was a requirement that he attend a minimum of three (3) 12-step meetings per week for the duration of his Letter of Agreement and that he shall provide proof of said participation to Physician Health Services.
- (4) The Licensee was represented by competent counsel at the time and signed an Addendum to the Letter of Agreement, agreeing to the requirement set forth above.
- (5) At its February 1, 2012 meeting, the Board's Complaint Committee approved the Addendum to the Letter of Agreement.
- (6) On October 23, 2012, Physician Health Services informed, in writing, the Board that the Licensee was non-compliant with his Physician Health Services contract in that he repeatedly represented to them that he participated in required peer group meetings that he did not, in fact, attend.
- (7) Based on the Physician Health Services October 2012 report, the Board's Complaint Committee found the Licensee in violation of his Letter of Agreement for the second time. The Board takes seriously any failure by a licensee to comply with the provisions of his or her monitoring agreement, and this is the second time the Licensee has been found in violation of his Letter of Agreement.
- (8) Physician Health Services, at the request of the Board, supplemented its October 23, 2012 report in a January 15, 2013 letter. In this letter, Physician Health Services reported that, beginning in February 2012, the Licensee reported attending a physician support group at Bournewood Hospital. Physician Health Services further reported that, on October 19, 2012, the Licensee admitted that he only began attending the physician group meetings at Bournewood Hospital on September 5, 2012.
- (9) Among the additional documents submitted by Physician Health Services were copies of the Licensee's self-reports of attendance at meetings. These self-reports indicate that the Licensee reported attendance at a physicians group meeting at Bournewood Hospital for the following dates: February 29, 2012; April 4, 2012; April 11, 2012; April 18, 2012; April 25, 2012; May 2, 2012; May 9, 2012; May 16, 2012; May 23, 2012; May 30, 2012; June 13, 2012; June 20, 2012; and June 27, 2012.
- (10) Also included in the supplemental materials submitted by Physician Health Services was a January 15, 2013 communication to Physician Health Services that confirmed the Licensee's attendance at the Bournewood Hospital meetings for only the following dates: September 5, 2012; September 12, 2012; September 19, 2012; September 26, 2012; and October 17, 2012

- (11) On January 9, 2013, the Licensee, through his legal representative, submitted a document to the Board's Physician Health and Compliance Unit, which he claimed was the list of meetings he submitted to PHS to demonstrate his attendance at meetings. This document includes listings for a physician group meeting at Bournewood Hospital for the following dates: April 4, 2012; April 11, 2012; April 18, 2012; April 25, 2012; May 2, 2012; May 9, 2012; May 16, 2012; May 23, 2012; May 30, 2012; June 13, 2012; June 20, 2012; June 27, 2012; and October 3, 2012.
- (12) In a January 16, 2013 email from the Licensee, which was submitted to the Physician Health and Compliance Unit by the Licensee's legal representative, the Licensee states that he did not attend this group until September 5, 2012. In this email, the Licensee also states that he never informed Physician Health Services that he attended physician support group meetings at Bournewood Hospital until September 5, 2012 and that he never identified anyone named Melissa as his contact for this group meeting. These statements are contradictory to the documents referenced in items (9) and (11) above.
- (13) The Licensee has not submitted any documentation that he attended all of the required meetings, and, in fact, the documentation that he has submitted evidences that he did not.

Any Petition to Stay Suspension in this matter will be contingent upon the Licensee's completion of an independent psychiatric evaluation, including behavioral health assessment, by either a Board-approved evaluator. Board approval of any evaluator must be given before beginning any evaluation. In addition, any Petition to Stay Suspension will be contingent upon the Board's approval of a worksite monitoring plan and substance use monitoring plan. Furthermore, any stay of suspension will be contingent upon continued monitoring of the Licensee's practice of medicine subject to terms and conditions deemed warranted by the Board at the time of the Petition to Stay Suspension, including, but not limited to, any recommendations made by the Board-approved evaluator.

The Licensee may request a hearing before a single designated Board member hearing officer on this matter. The purpose of the hearing is to determine, solely as a matter of fact, whether the Licensee has been in compliance with his Letter of Agreement. A request for a hearing shall be made in writing and directed to the Executive Director of the Board. The Board must receive any request by 5:00 p.m., Friday, February 22, 2013. If such a request is determined to raise an issue of fact as to whether the Licensee has been in compliance with paragraphs J and Y of his Letter of Agreement, the Board will promptly schedule a hearing at a mutually convenient time.

The Licensee shall provide a complete copy of this 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: the Drug Enforcement Administration, Boston Diversion Group; the Massachusetts Department of Public Health's Drug Control Program; any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; and the state licensing boards of all states in which he has any kind of license to practice medicine. The Licensee shall also provide this notification to any such designated entities with which he becomes associated in the year following the Board's issuance of this Order. The Licensee is further directed to certify to the Board within ten (10) days that he has complied with this directive.

Date: February 6, 2013

Candace Lapidus Sloane, M.D. Chair