

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2014-019

_____)
 In the Matter of)
)
 RICHARD A. LIPTON, M.D.)
 _____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Richard A. Lipton, 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, 13-314.

Findings of Fact

1. The Respondent was born on February 2, 1940. He graduated from Columbia University College of Physicians & Surgeons in 1964. He is certified by the American Board of Internal Medicine and has subspecialty certification in hematology. He has been licensed to practice in Massachusetts since June 26, 1985 under certificate number 54436. He is licensed to practice in New York, where he resides.

2. Physicians are required to complete 40 Category 1 continuing professional development (CPD) credits biennially.

3. Question 22 on the Board's Physician Registration Renewal Application (Renewal Application) asks, in relevant part, "Have you completed all CPD requirements ... for this renewal period?"

4. Physicians may apply for a waiver of the portion of the CPD requirements that they cannot meet. The application must be submitted no less than 30 days prior to the renewal date.

5. The Respondent did not apply for a waiver.

6. The Respondent electronically filed his Renewal Application on December 6, 2012.

7. The Respondent answered, "yes," to Question 22 on that Renewal Application.

8. The Respondent was selected, at random, for an audit of his compliance with the CPD requirement.

9. The Respondent admitted that he had not completed the 40 Category 1 CPD credits.

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 his certificate of registration.

B. The Respondent has violated G.L. c. 112, §5, ninth par. (h) and 243 CMR 1.03(5)(a)11 by violating of a rule or regulation of the Board; specifically, he violated 243 CMR 2.06(5), which requires physicians to obtain not less than 40 Category 1 CPD credits during each

two year period that begins on the date that their license is issued or renewed by the Board and ends on the following renewal date.

Sanction and Order

The Respondent's license is hereby admonished and he is ordered to complete 25 Category 1 CPD credits in addition to the 40 Category 1 CPD credits required for his next renewal.

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.

Richard A. Lipton MD 4 Mar 2014
Richard A. Lipton, M.D. Date
Licensee

Jean M. O'Brien 3/11/2014
Jean M. O'Brien Date
Acting Director of Enforcement

So ORDERED by the Board of Registration in Medicine this 30th day of April,
2014.

Candace Lapidus Sloane, MD
Candace Lapidus Sloane, M.D.
Board Chair

SENT CERTIFIED MAIL 51114 (ms)