

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

BOARD OF REGISTRATION
IN MEDICINE

Adj. Case No: 2014-024

In the Matter of)
)
)
William J. Mugg, M.D.)
_____)

PROBATION AGREEMENT

I. COMPLIANCE WITH AGREEMENT

The Respondent agrees that violation of this Probation Agreement ("Agreement"), including such provisions which survive this Agreement, shall constitute sufficient grounds for the immediate suspension of the Respondent's license to practice medicine, or any such lesser sanction as the Board of Registration in Medicine may deem fit to impose, without prior notice to the Respondent. The Respondent hereby waives any claim or defense to any subsequent action by the Board to suspend the Respondent's license or impose such other lesser sanction, for any such violation or violations, except that the Respondent shall be entitled to defend against the assertion of a violation of this Agreement. The Respondent acknowledges and agrees that by entering into this Agreement, the Respondent is relinquishing important procedural and substantive rights.

II. PARTIES

The parties to this Probation Agreement are the Board of Registration in Medicine ("Board") and William J. Mugg, M.D. ("Respondent").

III. JURISDICTION

The parties agree that the Board has the authority to enter into this Agreement, and that the Board may enforce the terms of this Agreement in accordance with applicable laws and regulations and the provisions of this Agreement.

IV. CONDITIONS OF PROBATION

During the probationary period, which shall be effective on the date the Board accepts this Agreement, the Respondent shall comply with each of the following requirements:

A. The Respondent agrees to undergo monitoring by the Board for five years following adoption of this Agreement, and for such further period thereafter as the Board shall for reasonable cause order. At the Board's discretion, any periods during which the Respondent is not practicing medicine, during the probationary period, may extend the probationary period. The Respondent may petition to terminate this Agreement upon demonstrating five (5) years of consistent compliance with its terms.

B. Immediately upon entry into this Agreement, the Respondent shall be monitored by a Board-approved physician. Until the Board, upon petition of the Respondent, orders otherwise, the Respondent shall be monitored by Robert E. Byrne, III, M.D. Dr. Byrne shall immediately report any concerns about potential violations of this Probation Agreement by telephone, and in writing, directly to the Board. Dr. Byrne shall review at least ten (10) patient charts each month, which shall be randomly selected by Dr. Byrne. Dr. Byrne shall submit monthly monitoring reports to the Board, on a form provided by the Board, for the duration of the Agreement.

C. The Respondent agrees to undergo an audit of his medical practice ("Practice Audit"), conducted by Affiliated Monitors. The Practice Audit shall assess the Respondent's level of compliance with applicable standards for clinical record keeping, scheduling, HIPAA, pain management standards and office management. The Practice Audit must be completed within ninety (90) days from the date of the Respondent's entry into this Agreement. The Respondent shall bear all costs associated with the Practice Audit. The Respondent shall authorize and arrange for Affiliated Monitors to submit written confirmation to the Board that the Practice Audit was completed in its entirety, and with the Respondent's complete cooperation. The Respondent shall authorize and arrange for Affiliated Monitors to submit a report to the Board that includes both the results of the Practice Audit and Affiliated Monitor's recommendations for remediation stemming from the Practice Audit.

D. The Respondent agrees to execute any and all releases necessary to allow Board staff to discuss reports, results and recommendations for remediation relating to the Practice Audit, as well as all terms and conditions of the Agreement, with all persons and entities performing the Practice Audit.

E. The Respondent agrees to follow all of Affiliated Monitors' recommendations for remediation stemming from the Practice Audit. Within sixty (60) days of the completion of the Practice Audit, any recommendations for remediation stemming from the Practice Audit shall be incorporated into an amended Agreement. The Board may require additional monitoring provisions in the amended Agreement based upon the results of the Practice Audit.

F. The Respondent agrees to complete at least five (5) hours of Continuing Professional Development in the area of statutory reporting requirements for physicians through a Board approved course(s), and at least five (5) hours of Continuing Professional Development in the area of medical record-keeping through a Board approved course(s). The additional hours are over and above those required for licensure and shall be completed within one year from the date of the Respondent's entry into this Agreement. The Respondent shall file documentation of fulfillment of the Continuous Professional Development requirements with any petition to terminate this Agreement.

G. In the event that the Respondent seeks licensure to practice medicine in another state, the Respondent shall notify the Board, in writing, that he is doing so and shall disclose his status with this Board to the licensing authority in the other state. The Respondent shall submit to the Board copies of all correspondence and application materials submitted to the other state's licensing authority.

G. In the event the Respondent should leave Massachusetts to reside or practice outside of Massachusetts, the Respondent shall promptly notify the Board, in writing, of the new residence or practice location as well as the dates of his departure from and return to Massachusetts. Periods of residency or practice outside Massachusetts will not apply to the reduction of the

Respondent's probationary term, unless the Respondent enters into a monitoring agreement in the new location that is approved by the Massachusetts Board.

I. The Respondent shall appear before the Board, or a committee of its members, at such times as the Board requests, upon reasonable advance notice, commensurate with the gravity or urgency as determined by the Board or its committee.

J. The Respondent shall notify and provide, within ten (10) days of acceptance of this Agreement by the Board, a complete copy of this Agreement with all exhibits and attachments 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 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; and any in- or out-of-state medical employer, whether or not he practices medicine there; the Drug Enforcement Agency, Boston Diversion Group; the Massachusetts Bureau of Health Care Safety and Quality; and the state licensing boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he 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.

K. The Respondent, and not the Board, shall be responsible for the payment of all costs associated with the Respondent's compliance with this Agreement.

L. The Respondent may request that the Board modify any of the conditions set forth above. It is within the Board discretion whether to grant or deny requests for modifications.

V. TERMINATION OF PROBATION

A. If the Respondent complies with his obligations as set forth above, the Board, at the expiration of the five-year period, shall, upon petition by the Respondent, terminate the Respondent's probationary period and probation with the Board, unless the Respondent's probation is extended in accordance with paragraph IV(A). In accordance with paragraph IV(A) above, the Respondent may petition to terminate this Agreement upon demonstration of five years of compliance with this Agreement.

B. If the Respondent fails to comply with his obligations as set forth above, the Respondent's license to practice medicine may be immediately suspended, as agreed to in Section I.

5/6/14
Date

5/6/14
Date

[Signature]
Respondent

[Signature]
Attorney for the Respondent

Accepted this 25th day of June 2014, by the Board of Registration in Medicine.

[Signature]

Kathleen Sullivan Meyer, Esq.
Board Vice Chair

SENT CERTIFIED MAIL 6/26/14 mg⁵