

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No.2013-042

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In the Matter of )  
)  
)

TIMOTHY SOULE-REGINE, M.D. )  
\_\_\_\_\_)

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Timothy Soule-Regine, 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. 11-091.

**Findings of Fact**

1. The Respondent was born on April 23, 1955. He graduated from the Tufts University School of Medicine in 1986. He is certified by the American Board of Family Medicine. He has been licensed to practice medicine in Massachusetts under certificate number 70502 since 1989. He has privileges at Athol Memorial Hospital (Athol) and Henry Heywood Hospital.

**Patient A**

2. On December 8, 2009, the Respondent was the hospitalist on call at Athol.

3. On December 8, 2009, Patient A, a 33-year-old pregnant female, was admitted shortly after midnight to Athol's Emergency Department with a chief complaint of shortness of breath.

4. On December 8, 2009, at approximately 2:30 a.m., the Emergency Department called and spoke with the Respondent and the Respondent admitted Patient A to the hospital.

5. The Respondent was frustrated because he believed that Patient A should have been transferred to another hospital by the Emergency Department and because he believed that the nurses at Athol would feel uncomfortable taking care of a pregnant woman.

6. After Patient A's admission to the hospital, a nurse called him with concerns about Patient A's condition.

7. When answering the call from the nurse, the Respondent, who was still frustrated, interrupted the nurse and told the nurse that he was not coming in to see Patient A.

8. The Respondent failed to come into Athol to evaluate Patient A.

9. After the nurse spoke with the Respondent, Patient A was again seen by the Emergency Department physician who transferred her to another facility.

10. Athol required the Respondent, as the hospitalist on duty, to evaluate every patient admitted to the hospital.

#### Patient B

11. On November 29, 2010, Patient B, a 68-year-old female, was admitted by the Respondent's partner to Athol for COPD exacerbation, pneumonia, and related symptoms.

12. During the November 30, 2010 to December 1, 2010 overnight shift, the Respondent was the hospitalist on call.

13. The Respondent was frustrated because he believed that Patient B should have been transferred to another hospital for treatment which Patient B had refused on prior occasions.

14. At approximately 3:00 a.m. on December 1, 2010, the nursing staff spoke to the Respondent by telephone and informed him that they had concerns about abnormalities in Patient B's heart rate and blood pressure.

15. The Respondent, who was still frustrated, responded negatively when speaking with the nurses, told the nurses to call him under limited circumstances, and to call a code if need be.

#### Disruptive Behavior

16. Board Policy Number 01-01 on Disruptive Physician Behavior states that "Disruptive behavior by a physician has a deleterious effect on the health care system and increases the risk of patient harm."

17. Behaviors such as foul language; rude, loud or offensive comments; and intimidation of staff, patients and family members are now recognized as detrimental to patient care.

18. Disruptive behavior can include passive behavior such refusing to perform tasks.

19. During his care of Patient A and Patient B, the Respondent violated the Board of Registration in Medicine's Disruptive Physician Behavior Policy.

#### Conclusion of Law

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

B. 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).

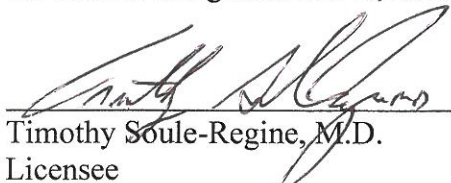
Sanction and Order

The Respondent's license is hereby Reprimanded.

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 reprimand. 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.

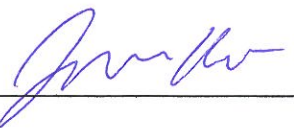
  
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Timothy Soule-Regine, M.D.  
Licensee

7/18/13  
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Date

  
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Michael Burke

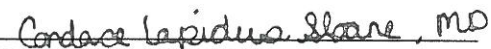
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Date

Attorney for the Licensee

  
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James Paikos  
Complaint Counsel

7/12/13  
\_\_\_\_\_  
Date

So ORDERED by the Board of Registration in Medicine this 11<sup>th</sup> day of September,  
2013.

  
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Candace Lapidus Sloane, M.D.  
Board Chair