

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2012-025

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In the Matter of)
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DONALD M. THEA, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Donald M. Thea, 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. 11-361.

Findings of Fact

1. The Respondent was born on June 9, 1953. He graduated from Columbia University College of Physicians and Surgeons in 1981. He is certified by the American Board of Internal Medicine and has subspecialty certification in infectious diseases. He received his license to practice medicine in Massachusetts on December 11, 1985 (certificate no. 55151). His license lapsed on June 9, 1993 and was revived on December 7, 2005. He is affiliated with Boston Medical Center.

2. From September 2008 to January 2011, the Respondent wrote nineteen prescriptions, outside the ordinary course of his medical practice, to a member of his household. The prescriptions were for Schedule II and Schedule IV controlled substances.

3. The Respondent wrote prescriptions, outside the ordinary course of his medical practice, to two of his friends. The prescriptions were for Schedule IV and Schedule VI controlled substances.

Conclusion of Law

A. Pursuant to G.L. c. 112, §5, ninth par. (b) and 243 CMR 1.03(5)(a)2, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician committed an offense against a provision of the laws of the Commonwealth relating to the practice of medicine, or a rule or regulation adopted thereunder. General Laws c. 94C, § 19(a), requires that physicians issue prescriptions for controlled substances in the usual course of the physician's medical practice.

B. Pursuant to G.L. c. 112, §5, ninth par. (h) and 243 CMR 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has violated a rule or regulation of the Board. Board regulation 243 CMR 2.07(5) states that physicians who violate G.L. c. 94C also violate a rule or regulation of the Board.

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.

Signed by Donald M. Thea
Donald M. Thea, M.D.
Licensee

8/8/12
Date

Signed by George E. Wakeman, Jr.
George E. Wakeman, Jr., Esquire
Attorney for the Licensee

8/13/12
Date

Signed by Jean M. O'Brien
Jean M. O'Brien
Complaint Counsel

8/20/12
Date

So ORDERED by the Board of Registration in Medicine this 19 day of September, 2012.

Signed by Mary Jo Harris
Mary Jo Harris, J.D.
Acting Chair