

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No: 2012-021

In the Matter of)
)
 Torrey Toltin, M.D)
)
 _____)

PROBATION AGREEMENT

I. COMPLIANCE WITH AGREEMENT

The Respondent agrees that violation of this Probation Agreement, including such provisions which survive this Agreement, shall constitute sufficient grounds for the immediate lifting of the stay of suspension of the Respondent’s license to practice medicine, or any such lesser sanction as the Board 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 (the “Board”) and Torrey Toltin, M.D., (the “Respondent”).

III. JURISDICTION

The parties agree that the Board has the authority to enter into this Probation 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 a probationary period of five (5) years commencing on the date the Probation Agreement is accepted by the Board and for such further period thereafter as the Board shall for reasonable cause order. During this probationary period, the Respondent agrees to 1) complete one hundred (100) hours of uncompensated Board-approved community service within the five year probationary period, to be performed providing meal service to needy individuals and families at St. Peter's Roman Catholic Church, 86 Court Street, Plymouth, Massachusetts, every other Sunday for three (3) hours commencing on the first Sunday after completion of Dr. Toltin's federal nine-month home confinement sentence, presently scheduled to be September 22, 2012, and 2) comply with all the requirements of the Respondent's federal probation. In the event Respondent fails to comply with all terms of his probation with the U.S. District Court, and the U.S. District Court concludes as such, any stay of suspension will be lifted.
- B. The Respondent's performance of this activity shall be monitored by John Malloy. Mr. Malloy shall, on a quarterly basis, file reports to the Board certifying the number of hours the Respondent has completed in the activity listed above in Paragraph A.

C. In the event that the Respondent seeks licensure to practice medicine in another state, the Respondent shall notify the Board of such fact and shall disclose to the licensing authority in such state his status with this Board. The Respondent shall submit to the Board copies of all correspondence and application materials submitted to another states' licensing authority.

D. In the event the Respondent should leave Massachusetts to reside or practice out of the state, the Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside Massachusetts will not apply to the reduction of any period of the Respondent's probationary licensure, unless the Respondent enters into a monitoring agreement, approved by the Board, in the new location.

E. The Respondent shall appear before the Board or a committee of its members at such times as the Board may request, upon reasonable advance notice, commensurate with the gravity or urgency of the need for such meeting as determined by the Board or such committee.

F. The Respondent shall provide a complete copy of this Probation Agreement, 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 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; the state licensing boards of all states in which he has any kind of license; 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 he becomes associated during 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.

G. The Respondent, and not the Board, shall be responsible for the payment of any fee or charge occasioned by the Respondent's compliance with this Probation Agreement.

H. The Respondent may request that the Board modify any of the conditions set forth above. The Board may, in its discretion, grant such modification. The Respondent may make such a request not more than once in any one-year period, nor any sooner than one year from the date of this Probation Agreement.

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).

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

6/12/12
Date

Signed by Torrey Toltin
Respondent

6/18/12
Date

Signed by Paul J. Dee
Attorney for the Respondent

Accepted this 11th day of July, 2012, by the Board of Registration in Medicine.

Signed by Herbert H. Hodos
Herbert H. Hodos, J.D.
Vice Chair
Board of Registration in Medicine