

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2012-021

\_\_\_\_\_ )  
 In the Matter of )  
 )  
 TORREY A. TOLTIN, M.D. )  
 \_\_\_\_\_ )

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Torrey A. Toltin, 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. 11-357.

**Findings of Fact**

1. The Respondent was born on May 4, 1953. He graduated from the University of Noreste School of Medicine in Mexico in 1980. The Respondent’s specialty is pediatrics, but he is not board-certified. He has been licensed to practice medicine in Massachusetts under certificate number 50002 since 1982. He is affiliated with Children’s Hospital in Boston and owns a pediatrics practice, Sandwich Pediatrics, in Sandwich, Massachusetts.

2. On August 23, 2011, the Respondent pleaded guilty in the U.S. District Court for the District of Massachusetts to two counts of tax evasion, three counts of failure to file returns, and one count of interfering with administration of Internal Revenue Laws.

3. The Respondent was sentenced to nine months of home confinement with electronic bracelet monitoring, an assessment of \$375, and a fine of \$20,000. The home confinement is part of a five year period of supervised release, during which time the Respondent will be required to cooperate with the Internal Revenue Service (IRS) for the purpose of assessing and paying his outstanding tax obligation.

#### Conclusion of Law

A. The Respondent has violated 243 CMR 1.03(5)(a)7 in that he has been convicted of a crime.

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 indefinitely suspended. The Respondent may immediately petition to stay the suspension upon entry into a five (5) year Probation Agreement.

The terms of the Probation Agreement shall include, but may not be limited to the following:

- Completion of 100 hours of uncompensated, Board-approved community service. Said community service is to be completed within the five year probationary period and may begin after the nine-month period of the Respondent's home confinement.
- A provision requiring compliance with the requirements of the Respondent's federal probation and a provision stating that, if the 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, the stay of suspension will be lifted.

Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order and 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 s/he 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 for the duration of the active or stayed suspension. 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 Torrey Toltin  
Torrey A. Toltin, M.D.  
Licensee

4/20/12  
Date

Signed by Paul J. Dee Jr.  
Paul J. Dee, Jr., Esq.  
Attorney for the Licensee

4/25/12  
Date

Signed by Luz Carrion  
Luz A. Carrion, Esq.  
Complaint Counsel

4/27/12  
Date

So ORDERED by the Board of Registration in Medicine this 11 day of July, 2012.

Signed by Herbert H. Hodos  
Herbert H. Hodos, J.D.  
Vice Chair