

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2013-002

_____)
 In the Matter of)
 _____))
 Robert J. Villarreal, M.D.)
 _____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Robert J. Villarreal, 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. 11-292.

Findings of Fact

1. The Respondent was born on October 3, 1978. He graduated from Brown University School of Medicine in 2005. The Respondent had been licensed to practice medicine in Massachusetts under registration number 246586 since March 2, 2011 until his license lapsed on October 3, 2011.

2. On August 3, 2011, the Respondent was arrested by Drug Enforcement Agency officers and arraigned in the United States District Court for the District of

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Rhode Island on three counts of fraudulently obtaining, distributing and dispensing prescription drugs.

3. On August 5, 2011, Respondent entered into a Voluntary Agreement Not to Practice Medicine, which was ratified by the Board on August 17, 2011.

4. On March 21, 2012, the Respondent pled guilty to one charge of conspiracy to distribute dextroamphetamine, a Schedule II controlled substance, and hydrocodone, a Schedule III controlled substance, in violation of federal laws.

5. On August 21, 2012, the Respondent was sentenced to six months in federal prison, followed by four years of supervised release, the first 12 months of which is to be served at a federal residential re-entry center.

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 violated G.L. c. 112, § 5, ninth par. (b) and 243 CMR 1.03(5)(a)2 by committing an offense against a provision of the laws of the Commonwealth relating to the practice of medicine, or a rule or regulation adopted thereunder—to wit.

1. G.L. c. 94C, § 19(a), which requires that physicians issue prescriptions for controlled substances for legitimate purpose and in the usual course of the physician's medical practice;

C. 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

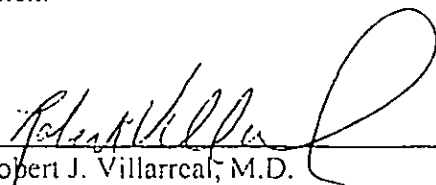
The Respondent's inchoate right to renew his license is hereby revoked, retroactive to August 5, 2011.

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 for the duration of this revocation. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

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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.



Robert J. Villarreal, M.D.
Licensee

12.3.12

Date



John Costello
Complaint Counsel

12/10/12

Date

So ORDERED by the Board of Registration in Medicine this 23rd day of

January, 2013.

Candace Lapidus Sloane MD

Candace Lapidus Sloane, M.D.
Board Chair

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Board of Registration in Medicine

In the Matter of

Robert J. Villarreal, M.D.

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Robert J. Villarreal, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice, as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 11-292

1. The Respondent was born on October 3, 1978. He graduated from Brown University School of Medicine in 2005. The Respondent had been licensed to practice medicine in Massachusetts under registration number 246586 since March 2, 2011 until his license lapsed on October 3, 2011.

2. On August 3, 2011, the Respondent was arrested by Drug Enforcement Agency officers and arraigned in the United States District Court for the District of Rhode Island on three counts of fraudulently obtaining, distributing and dispensing prescription drugs.

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CLERK OF SUPERIOR COURT
JULIA A. MCGEE

3. On August 5, 2011, Respondent entered into a Voluntary Agreement Not to Practice Medicine, which was ratified by the Board on August 17, 2011.

4. On March 21, 2012, the Respondent pled guilty to one charge of conspiracy to distribute dextroamphetamine, a Schedule II controlled substance, and hydrocodone, a Schedule III controlled substance, in violation of federal laws.

5. On August 21, 2012, the Respondent was sentenced to six months in federal prison, followed by four years of supervised release, the first 12 months of which is to be served at a federal residential re-entry center.

Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)7, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has been convicted of a crime.

B. 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. More specifically:

1. G.L. c. 94C, § 19(a), which requires that physicians issue prescriptions for controlled substances for legitimate purpose and in the usual course of the physician's medical practice;

C. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Candace Lapidus Sloane MD

Candace Lapidus Sloane, M.D.
Board Chair

Date: January 23, 2013