COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2018-045

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In the Matter of )

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JAMES G. BUCCI, M.D. )

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**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, James G. Bucci, M.D. (the “Respondent” or “Licensee”) and the Board of Registration in Medicine (the “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 Number 16-442.

Findings of Fact

1. The Respondent was born on January 30, 1956. The Respondent graduated in 1993 from University of Rome Medical School. He has been licensed to practice medicine in Massachusetts under license number 202958 since 2000.
2. The Respondent is not certified by any medical specialty board and lists “internal medicine” as his practice specialty.
3. On November 7, 2016, the Respondent entered into a Consent Order with the Connecticut Medical Examining Board (the “CT Board”) in order to resolve an active case that the latter had open against the Respondent (the “Settlement Agreement”) which related to the Respondent’s failure to meet the applicable standard of care with regard to his treatment of four (4) patients. The Settlement Agreement is attached hereto as Attachment A and incorporated herein by reference.
4. The Respondent failed to properly document his assessment of one (1) patient during the time period from 2005 until 2011 and/or inadequately documented his management of one (1) or more of the patients’ use of prescribed opioid medications, thereby failing to meet the applicable standard of care for that patient.
5. As to the other three (3) patients, the Respondent failed to meet the applicable standard of care for them at various times preceding May 2015 by failing to properly document his assessments of them and/or inadequately documenting his management of one (1) or more of the patients’ use of prescribed opioid medications.
6. Pursuant to said Consent Order, the CT Board placed the Respondent’s license to practice medicine in Connecticut on probation for a period of twelve (12) months.
7. As a condition of the probation referenced in ¶ 6, above, the Respondent was required to hire a supervisor who would conduct a random review of the Respondent patient charts for the patients prescribed opioid medications. The supervisor would meet with the Respondent each month for the first three (3) months of the probationary term and thereafter not less than once in the following three (3) months.

Conclusions of Law

* 1. The Board is authorized to discipline physicians that have been disciplined by another jurisdiction for reasons substantially the same as those set forth in Massachusetts law and regulations. *See* 243 CMR 1.03(5)(a)(12).
  2. Whether this Board may exercise its discretion and impose reciprocal discipline depends upon whether the reciprocal state’s disciplinary action was based upon facts and law that are “substantially similar” to the bases for discipline in our state. *Id.*
  3. In the instant matter, the Connecticut action was based upon conduct that is substantially similar to conduct which this Board may discipline. Parallel disciplinary grounds in Massachusetts include:
     1. G.L. c. 112, § 5, ¶ 9(c) and 243 C.M.R. 1.03(5)(a)3 (“Fell short of good and accepted medical practice”);
     2. 243 CMR 2.07(13)(a), which requires a physician to:
        1. maintain a medical record for each patient, which is adequate to enable the licensee to provide proper diagnosis and treatment;
        2. maintain a patient’s medical record in a manner which permits the former patient or a successor physician access to them;
     3. 243 C.M.R. 1.03(5)(a)18: Misconduct in the practice of medicine; and
     4. *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), which provide for discipline where, by proof satisfactory to a majority of the Board, a physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

Sanction and Order

The Respondent is hereby reprimanded.

Execution of this Consent Order

Complaint Counsel, the Respondent, and the Respondent’s counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent’s counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board’s acceptance 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 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; and the state licensing boards of all states in which he has any kind of license.  The Respondent shall also provide this notification to any such designated entities with which he 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 he 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 James G. Bucci, M.D. 11/27/17

James G. Bucci, M.D. Date

Licensee

Attorney for the Licensee (if any) Date

Signed by Lawrence Perchick 11/29/17

Lawrence Perchick Date

Complaint Counsel

So ORDERED by the Board of Registration in Medicine this 11 day of October , 2018.

Signed by Candace Lapidus Slone, M.D.

Candace Lapidus Sloane, M.D.

Chair

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at <https://www.mass.gov/board-of-registration-in-medicine-public-records>.