

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine  
Adjudicatory Case No. 2018-045

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)  
In the Matter of )  
)  
JAMES G. BUCCI, M.D. )  
\_\_\_\_\_)

**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

A. 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).

B. 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.*

C. 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:

- i. 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");
- ii. 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;
- iii. 243 C.M.R. 1.03(5)(a)18: Misconduct in the practice of medicine; and
- iv. *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.

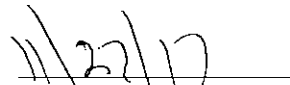
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments, within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, 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.



James G. Bucci, M.D.  
Licensee



Date

\_\_\_\_\_  
Attorney for the Licensee (if any)

\_\_\_\_\_  
Date

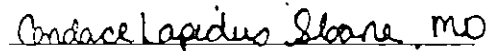


Lawrence Perchick  
Complaint Counsel



Date

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

  
Candace Lapidus Sloane, M.D.  
Chair



STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
HEALTHCARE QUALITY AND SAFETY BRANCH  
CONNECTICUT MEDICAL EXAMINING BOARD

In re: James Bucci, M.D.

Petition No. 2012-306

Petition No. 2015-479

CONSENT ORDER

WHEREAS, James Bucci, M.D., of Colchester, Connecticut (hereinafter "respondent") has been issued license number 039103 to practice as a physician and surgeon by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that respondent's care for Patient #1 during a period from 2005 through 2011, and for Patients 2, 3 and 4 at various times preceding May of 2015, failed to meet standard of care in that:

1. He inadequately documented his assessments of patients 1, 2, 3, and 4 and/or he inadequately documented his management of one or more of said patients' use of prescribed opioid medications.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c(4).

WHEREAS, respondent has completed coursework in pain management, opioid prescribing and documentation for primary care practitioners to the satisfaction of the Department.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter, while admitting no guilt or wrongdoing, and agrees that for purposes of this or any future proceedings before the Connecticut Medical Examining Board (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license shall be placed on probation for a period of twelve months under the following terms and conditions:
  - a. Respondent shall obtain at his own expense, the services of a physician and surgeon, pre-approved by the Department (hereinafter "supervisor"), who shall be board certified in internal medicine, and shall have experience treating chronic pain, to conduct a random review of twenty percent (20%), or twenty patients, whichever is greater, of respondent's records of patients who are prescribed opioid medication for pain for greater than thirty days.
    - (1) Respondent shall provide a copy of this Consent Order to his practice supervisor. Respondent's supervisor shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
    - (2) Respondent's supervisor shall conduct such review and meet with respondent each month for the first three months and thereafter not less than once in the next three months.
    - (3) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
    - (4) Respondent shall be responsible for providing written supervisor reports directly to the Department quarterly for the entire probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety and in compliance with standards of documentation. A report indicating that respondent is not practicing with reasonable skill and safety and in compliance with standards of documentation shall be deemed to be a violation of this Consent Order.



3. All correspondence and reports are to be addressed to:

Lavita Sookram, R.N., Nurse Consultant  
Practitioner Compliance and Monitoring Unit  
Department of Public Health  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308

4. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
  - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
  - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7.a. above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
  - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
  - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

8. In the event respondent is not employed as a physician and surgeon for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes practice as a physician and surgeon, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to practice as a physician and surgeon without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent understands that any return to practice as a physician and surgeon without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.
9. If, during the period of probation, respondent practices as a physician and surgeon outside Connecticut, he shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice as a physician and surgeon in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 2 above.
10. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.

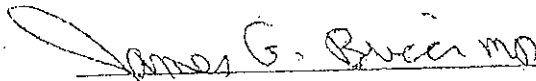
13. This Consent Order is a public document. Respondent agrees that the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank maintained by the United States Department of Health and Human Services and that all disciplinary actions will appear on his physician profile pursuant to Connecticut General Statutes 20-13j.
14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
16. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a

hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.

18. Respondent has consulted with an attorney prior to signing this document.
19. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
20. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

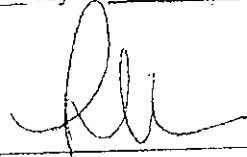
\* \* \* \* \*

I, James Bucci, M.D., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
James Bucci, M.D.

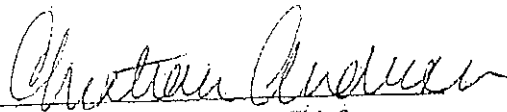
Subscribed and sworn to before me this 7<sup>th</sup> day of November 2016.

LACI M. REYES  
NOTARY PUBLIC OF CONNECTICUT  
My Commission Expires 3/31/2017



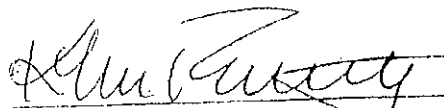
Notary Public or person authorized  
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 15<sup>th</sup> day of November 2016, it is hereby accepted.



Christian Andresen, Section Chief  
Practitioner Licensing and Investigations Section  
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the 15<sup>th</sup> day of November 2016, it is hereby ordered and accepted.



Kathryn Emmett, Esq., Chairperson  
Connecticut Medical Examining Board