

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-025

In the Matter of

SHANNON M. BYLER, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Shannon M. Byler, M.D. ("the Respondent") 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 matter. 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. 16-334.

Findings of Fact

1. The Respondent was born on December 21, 1987. She graduated from Boston University School of Medicine in May 2015. She received a limited license to practice medicine in Massachusetts in May 2015 under certificate number 263384 to begin training at Boston Children's Hospital Pediatric Residency Program. From November 2015 to February 2016, the Respondent took a medical leave of absence from her residency program. In February 2016, the Respondent resumed participation in her residency program.

2. Effective July 1, 2016, the Board approved the renewal of the Respondent's limited license renewal application on the condition that her program director submit monthly performance monitoring reports to the Board.

3. In September 2016, the Respondent's program director reported that the Respondent had left her clinic session and was later found in a disoriented state.

4. The Respondent had consumed alcohol prior to reporting to work and had a bottle of wine in her bag when she reported to work.

5. The Respondent saw at least one patient during her clinic session while she was intoxicated by alcohol.

6. In September 2016, the Respondent took another medical leave of absence.

7. In October 2016, the Board ratified the Respondent's Voluntary Agreement Not to Practice Medicine.

8. After her Voluntary Agreement Not to Practice Medicine in October 2016, the Respondent underwent medical treatment, including treatment for alcohol dependency.

9. In April 2017, the Respondent entered into a substance abuse monitoring contract with Physician's Health Services.

Conclusions of Law

A. The Respondent has violated G.L. c. 112, § 5, eighth par. (d) and 243 CMR 1.03(5)(a)4 by practicing medicine while her ability to do so was impaired by alcohol.

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 limited license is hereby revoked, retroactive to July 1, 2016, the date the Respondent's limited license was renewed. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any of them.

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 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; and the Drug Enforcement Administration. 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.

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.

S. Byler
Shannon M. Byler, M.D.
Licensee

04/11/18
Date

David M. Gould
David Gould, Esq.
Attorney for the Licensee

4/12/18
Date

Karen Robinson
Karen Robinson, Esq.
Complaint Counsel

4/24/18
Date

So ORDERED by the Board of Registration in Medicine this 28th day of June, 2018.

Cordace Lapidus Shore, MD

Board Chair