

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine
Adjudicatory Case No. 2022-020

In the Matter of)
)
)

RICHARD E. CAESAR, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Richard E. Caesar, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree 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 the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 20-182.

Findings of Fact

1. The Respondent graduated from the University of South Florida College of Medicine in 1985 and is certified in Urology by the American Board of Urology. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 59487 since June 1, 1988, in Maine since 2014, New Hampshire since 2011, New Jersey since 2018, Florida since 2017, and Indiana since 2019. He was previously licensed in California, Connecticut, Pennsylvania, and Rhode Island.

2. On November 9, 2021 and as part of a Consent Agreement ("Maine Consent Agreement"), the State of Maine Board of Licensure in Medicine ("Maine Board") reprimanded the Respondent's license to practice medicine in Maine and the Respondent agreed to engage a pre-approved experienced urologist as a surgical proctor for a probationary period not less than

six months prior to him re-engaging in the practice of medicine in Maine. The Maine Consent Agreement is attached hereto as Attachment A and incorporated herein by reference.

3. On April 28, 2020 the Maine Board issued a complaint following receipt of a report regarding the care provided by Dr. Caesar to two patients. Specifically, it was alleged
 - a. On August 15, 2019 Dr. Caesar placed a ureteral stent that had been dropped on the operating room floor in a forty-seven-year-old patient; and
 - b. On August 8, 2019 Dr. Caesar failed to timely recognize the significance of the volume of fluid being irrigated during a more than four hour endoscopic procedure on a sixty-nine year-old patient who ultimately was transferred to another hospital where he underwent a laparotomy and repair of ruptured bladder wall.
4. Pursuant to the Maine Consent Agreement the Respondent admitted to the facts referenced above and agreed such conduct constituted grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(F) for unprofessional conduct.

Conclusions of Law

- A. The Respondent has violated 243 CMR 1.03(5)(a)(12) in that he has been disciplined in another jurisdiction by the proper licensing authority for reasons substantially the same as those set forth in G.L. c. 112, § 5 or 243 CMR 1.03(5), specifically:
 1. The Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See* Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982); Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979)
 2. The Respondent committed misconduct in the practice of medicine. *See* 243 CMR 1.03(5)(a)(18)

Sanction and Order

The Respondent's license is hereby Reprimanded. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all 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; 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 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.



Richard E. Caesar, M.D.
Licensee

4-15-22

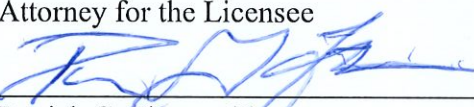
Date



John J. Heil
Attorney for the Licensee

4/25/22

Date




Patrick G. Fitzgerald
Complaint Counsel

4/28/2022

Date

So ORDERED by the Board of Registration in Medicine this 14th day of July,
2022.



Julian N. Robinson, M.D.
Board Chair

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT AGREEMENT
RICHARD EVAN CAESAR, M.D.)	
Complaint No. CR20-86)	

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Richard Evan Caesar, M.D. The parties to the Consent Agreement are: Richard Evan Caesar, M.D. ("Dr. Caesar"), the State of Maine Board of Licensure in Medicine ("the Board"), and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. Dr. Caesar has held a license to practice medicine in the State of Maine since September 16, 2014 (license number MD20302). Dr. Caesar specializes in urology.
2. On April 28, 2020, the Board issued a complaint following receipt of a mandated report from a hospital reporting concerns associated with the care provided by Dr. Caesar to two patients and having obtained an independent outside expert review identifying deviations from the standard of care. Specifically, it was alleged that: a) Dr. Caesar placed a ureteral stent that had been dropped on the operating room floor in a patient; and b) Dr. Caesar failed to timely recognize the significance of the volume of fluid being irrigated during a more than 4 hour endoscopic procedure on a patient that ultimately was transferred to another hospital where he underwent a laparotomy and

repair of ruptured bladder wall. The Board docketed the complaint as CR20-86 and sent it to Dr. Caesar for a response.

3. By letter dated June 29, 2020, Dr. Caesar responded to the complaint. In his response, Dr. Caesar explained his medical decision-making and the care provided to the two patients. Dr. Caesar stated that he regretted inserting the stent dropped on the operatory floor into the patient and that he will not repeat such conduct.

4. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline for unprofessional conduct if the licensee has engaged in conduct that violates a standard of professional behavior that has been established for the practice of medicine.

5. On August 11, 2020, the Board reviewed complaint CR20-86, and voted to set the matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Caesar a Consent Agreement to resolve the matter without further proceedings. Absent Dr. Caesar's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before November 1, 2021, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

6. Dr. Caesar admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(F) for unprofessional conduct.

7. As discipline for the foregoing conduct, Dr. Caesar agrees to accept the following:

a) A REPRIMAND for unprofessional conduct for violation of an applicable standard of care; and

b) Prior to engaging in the practice of medicine in Maine, Dr. Caesar shall notify the Board and engage a physician surgical proctor ("Surgical Proctor") that has been pre-approved by the Board Chair, Secretary or Case Reporter. The Surgical Mentor shall be an experienced urologist with surgical expertise. Dr. Caesar must engage the Proctor for a period of probation of not less than six months. Following approval of the Surgical Proctor, Dr. Caesar and the Surgical Proctor shall discuss all surgical cases in advance of Dr. Caesar performing surgery. The Surgical Proctor shall also select and directly monitor and observe at least one surgery performed by Dr. Caesar per month. Observation contemplated by this paragraph must be two-way observation. The Surgical Proctor may serve as a first assist for surgeries performed by Dr. Caesar. The Surgical Proctor shall submit bi-monthly written reports to the Board identifying and describing compliance with the requirements of this paragraph, and discussing any issues with intra-operative clinical judgment, medical decisionmaking, surgical techniques or skills, or any other issue that may have an impact on Dr. Caesar's ability to safely and appropriately practice medicine and comply with applicable standards of care. After receipt of at least three (3) written reports from the approved Surgical Proctor, the Surgical Proctor shall make a written recommendation regarding

whether proctoring of Dr. Caesar should or should not continue. Dr. Caesar understands that the Surgical Proctor is an agent of the Board pursuant to 24 M.R.S. § 2511. Upon receipt of the required written reports and recommendation of the Surgical Proctor, the Board shall review all information, and in its sole discretion, may maintain, modify, or eliminate the requirements of this paragraph for any remaining period of probation.

8. Dr. Caesar acknowledges that while this Consent Agreement together with any amendments is in effect he must directly communicate with the Board or Board staff and has the obligation to respond to any request for information or documentation within the timeframe specified or requested. If providing notice or supplying information to the Board is required by any provision of this Consent Agreement, Dr. Caesar shall provide such notice in writing to Julie Best, Complaint Coordinator, or her successor. Failure to comply with or respond to any request shall be considered unprofessional conduct and a violation of this Consent Agreement.

9. Any conduct of Dr. Caesar described herein may be considered in future Board action(s) as evidence of a pattern of misconduct.

10. Violation by Dr. Caesar of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

11. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

12. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Caesar or any other matter relating to this Consent Agreement.

13. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

14. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

15. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

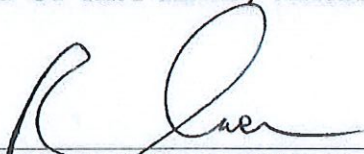
16. Dr. Caesar acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

17. Dr. Caesar has been represented by Philip M. Coffin, III, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

18. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.

I, RICHARD EVAN CAESAR, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 10-25-2021



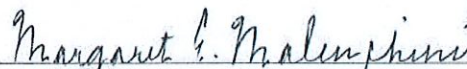
RICHARD EVAN CAESAR, M.D.

STATE OF MASSACHUSETTS

_____, S.S.

Personally appeared before me the above-named Richard Evan Caesar, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 10/25/21



NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: August 15, 2025

DATED: 10/27/2021



Philip M. Coffin, III, ESQ.
Attorney for Richard Evan Caesar, M.D.

STATE OF MAINE BOARD
OF LICENSURE IN MEDICINE

DATED: November 9, 2021

Maroulla S. Gleaton

MAROULLA S. GLEATON, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

11/9/21

Lisa A. Wilson

~~MICHAEL MILLER~~ *Lisa Wilson*
Assistant Attorney General

Effective Date: November 9, 2021