

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-061

\_\_\_\_\_ )  
 In the Matter of )  
 )  
 MARC DEBELL, M.D. )  
 \_\_\_\_\_ )

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Marc DeBell, 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. 17-297.

Findings of Fact

1. The Respondent was born on February 18, 1967. He graduated from the Columbia University College of Physicians & Surgeons in 1993. He is certified by the American Board of Emergency Medicine. He has been licensed to practice medicine in Massachusetts under certificate number 151191 since 1991. He is also licensed to practice medicine in Maine.
2. On September 24, 2017, the Respondent had lunch at a Mexican restaurant and consumed alcoholic beverages.
3. On September 24, 2017, the Respondent went to work at Heywood Hospital's emergency room for his 7:00 p.m. shift.

4. During his shift, the Respondent treated at least two patients including one child.
5. During his shift, Heywood Hospital staff smelled alcohol on the Respondent.
6. At approximately 9:30 p.m., the Respondent was asked to stop working.
7. Pursuant to Heywood Hospital policy, the Respondent submitted to alcohol and drug screens.
8. The blood screen showed a blood alcohol level of 0.14; the urine screen was positive for cannabinoid.
9. On September 24, 2017, the Respondent resigned from the medical staff of Heywood Hospital and Athol Hospital.
10. The Respondent subsequently consulted with the Physicians Health Services (PHS) which recommended a comprehensive independent evaluation.
11. On or about October 11, 2017 Respondent self-reported to the Board of Registration of Medicine (the Board) that the Respondent had resigned from Heywood Hospital and that while he was working, the Respondent's blood alcohol level was 0.14.
12. On October 12, 2017, the Respondent entered into a Voluntary Agreement not to Practice Medicine with the Board.
13. The Respondent obtained treatment at the Florida Recovery Center from November 3, 2017 to February 2, 2018.
14. On February 14, 2018, the Respondent entered into a PHS Substance Use Monitoring Contract.

#### Conclusion 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 his ability to do so was impaired by alcohol.

### Sanction and Order

The Respondent's license is hereby indefinitely suspended. The Respondent should be allowed to petition to stay the indefinite suspension upon documentation of his consistent compliance for eighteen (18) months with his February 14, 2018 PHS Substance Use Monitoring Contract. Any stay of suspension would be at the Board's discretion and would be contingent upon the Respondent's entering into a five (5) year Probation Agreement that shall include, but not be limited to: required ongoing compliance with a PHS Substance Use Monitoring Contract with at least weekly testing; practice pursuant to a Board-approved practice plan with workplace monitoring utilizing a Board-approved workplace monitor; treatment by Board-approved health care provider(s); a provision prohibiting early termination of the Probation Agreement; a provision allowing the Respondent to petition the Board to modify the frequency of testing after three years of ongoing compliance with the PHS Substance Use Monitoring Contract; and such other terms as the Board may require.

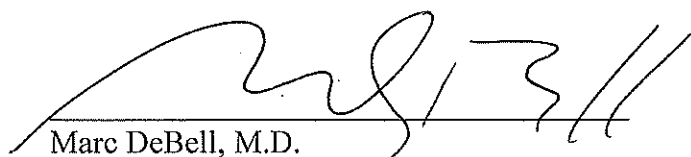
The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

### Execution of this Consent Order

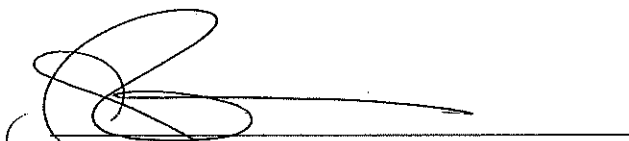
The Respondent shall provide a complete copy of this Consent Order and Probation Agreement with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which s/he 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 suspension and probation. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

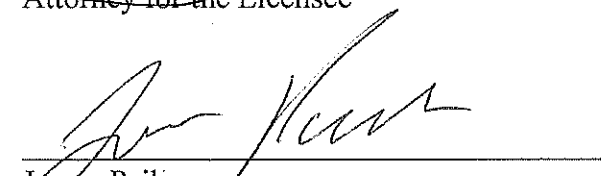
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

  
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Marc DeBell, M.D.  
Licensee

12-20-18  
Date

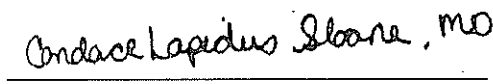
  
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Joel Rosen  
Attorney for the Licensee

12/20/18  
Date

  
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James Paikos  
Complaint Counsel

12/20/18  
Date

So ORDERED by the Board of Registration in Medicine this 20<sup>th</sup> day of December,  
20  .

  
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Candace Lapidus Sloane, M.D.  
Board Chair