COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2017-032

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In the Matter of )

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MARC E. EICHLER, M.D. )

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**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Marc E. Eichler, 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. 15-361.

Findings of Fact

1. The Respondent was born on February 21, 1961. He graduated from the Washington University School of Medicine in 1988. He has been licensed to practice medicine in Massachusetts under certificate number 160084 since 1999. He specializes in Neurological Surgery.
2. On December 17, 2015, the Respondent entered into a voluntary agreement not to practice medicine in Massachusetts.

Criminal Conviction

1. On June 8, 2016, the Respondent was arraigned in the United States District Court for the District of North Dakota Western Division (Federal Court) on charges which included two counts of Production of Materials Depicting the Sexual Exploitation of Minors; two counts of Attempted Production of Materials Depicting the Sexual Exploitation of Minors; one count of Receipt of Materials Involving the Sexual Exploitation of Minors; one count of Attempted Receipt of Materials Involving the Sexual Exploitation of Minors and one count of Transfer of Obscene Materials to Minors.
2. On February 21, 2017, the Respondent entered into a plea agreement in which he agreed to plead guilty to one count of the federal indictment. In the plea agreement, the Respondent acknowledged that

From in or about December, 2014, to in or about October, 2015,… the [Respondent], knowingly possessed, and accessed with intent to view, numerous computer files containing visual depictions …[involving] the use of minors engaging in sexually explicitly conduct….

1. On May 25, 2017, the Respondent’s guilty plea was accepted to one count of Possession of Materials Involving the Sexual Exploitation of Minors. The remaining charges were dismissed.
2. The Respondent was sentenced to 36 months in prison with credit for time served.

Out-of-State-Discipline

1. On February 5, 2016, the North Dakota State Board of Medicine (North Dakota Board) disciplined the Respondent. The North Dakota Board’s Stipulation is attached hereto as Attachment A and incorporated herein by reference.
2. On May 24, 2017, the Tennessee Board of Medical Examiners (Tennessee Board) disciplined the Respondent. The Tennessee Board’s Consent Order, is attached hereto as Attachment B and incorporated herein by reference.

Conclusions of Law

1. The Respondent has violated 243 CMR 1.03(5)(a)7 in that he has been convicted of a crime.
2. 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).
3. The Respondent has violated 243 CMR 1.03(5)(a)12 in that he has been disciplined in another jurisdiction in 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. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.
   2. Pursuant to 243 CMR 1.03(5)(a)7, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has been convicted of a crime.

Sanction and Order

The Respondent’s license is hereby REVOKED. This sanction is imposed for each violation of law listed in the Conclusions of Law section and not a combination of any or all of them. 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 Orderwith 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 he 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.

Signed by Marc Eichler, M.D. 8/25/17

Marc E. Eichler, M.D. Date

Licensee

Signed by Peter Welte 8/30/17

Peter Welte Date

Attorney for the Licensee

Signed by James Paikos 9/6/2017

James Paikos Date

Complaint Counsel

So ORDERED by the Board of Registration in Medicine this 14th day of September, 2017 .

Signed by Candace Lapidus Sloane, M.D.

Candace Lapidus Sloane, M.D.

Board 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>.