

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2019-050

In the Matter of)
)
)

Robert L. Gordon, M.D.)
_____)

CONSENT ORDER

Robert L. Gordon, M.D. (Respondent) and Complaint Counsel agree the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of the Board issuing a Final Decision and Order taking action on the Recommended Decision. The Respondent admits to the findings of fact specified below and agrees the Board may make the conclusions of law and impose the sanctions set forth below in resolution of investigative Docket No. 18-321.

FINDINGS OF FACT

1. The Respondent graduated from the University of Montpelier Faculty of Medicine in 1965 and specializes in Emergency Medicine. The Respondent was licensed to practice medicine in Massachusetts under certificate number 37388 from December 12, 1974 to August 26, 2017 when his license lapsed.

2. The Respondent is licensed to practice medicine in Rhode Island under license number MD04002.

3. On November 8, 2017, the Rhode Island Board of Medical Licensure and Discipline ("Rhode Island Board") reprimanded the Respondent's license to practice medicine in that state pursuant to a Consent Order which is attached and incorporated herein by reference as

Attachment 1.

4. The November 8, 2017 Consent Order establishes the Respondent's license to practice medicine in Rhode Island was reprimanded based on the following factual findings:

- a. The Respondent failed to register for Rhode Island's Prescription Monitoring Program ("PMP");
- b. The Respondent neglected to renew his controlled substance registration ("CSR") prior to June 2016 as required; and
- c. The Respondent prescribed opioids to 269 new patients from June 1, 2015 to June 1, 2016 without first checking the PMP.

5. Following the execution of the November 8, 2017 Consent Order the Respondent continued to prescribe controlled substances for patients without checking the PMP.

6. On March 29, 2018 the Rhode Island Board suspended the Respondent's CSR pending the completion of an evaluation at the Center for Personalized Education for Physicians ("CPEP").

CONCLUSIONS OF LAW

The Respondent has violated 243 CMR 1.03(5)(a)12 by being 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), to wit:

1. Engaging in conduct which places into question the physician's competence to practice medicine including but not limited to gross misconduct in the practice of medicine, or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions.
2. Committing a violation of any rule or regulation of the Board in violation of 243 C.M.R. 1.03(5)(a)11, to wit: Board Policy 15-05, Prescribing Practices Policy and Guidelines.

SANCTION AND ORDER

The Respondent's inchoate right to renew his license to practice medicine is hereby indefinitely suspended. Any petition to stay the indefinite suspension would be at the Board's discretion and is contingent on the following:

- a. documentation confirming the Respondent's compliance with the terms of the November 8, 2017 Consent Order;
- b. documentation as to the cause(s) of his March 18, 2018 suspension by the Rhode Island Board, the current status of that suspension, and his compliance with the conditions, if any, on any stay of that suspension;
- c. submission of the report and recommendations made by CPEP following the Respondent's evaluation, along with documentation of his compliance with those recommendations;
- d. entry into a Probation Agreement requiring practice pursuant to a Board-approved Practice Plan; and
- e. any other terms and conditions the Board deems appropriate.

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 his 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

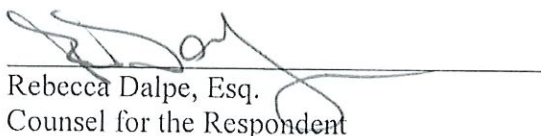
acceptance of this Consent Order.

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; the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Unit. The Respondent shall also provide this notification to any such designated entities with which he becomes associated during the pendency of the indefinite suspension. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

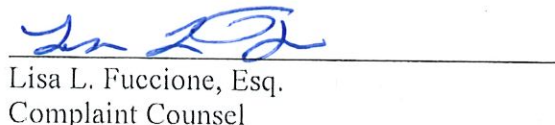


Robert L. Gordon, M.D.
Respondent

7/26/21
Date


Rebecca Dalpe, Esq.
Counsel for the Respondent

8/13/21
Date


Lisa L. Fuccione, Esq.
Complaint Counsel

8/18/21
Date

So ordered by the Board of Registration in Medicine this 21 day of October, 2021.


Julian Robinson, M.D.
Board Chair

State of Rhode Island
Department of Health
Board of Medical Licensure & Discipline



IN THE MATTER OF:
Robert Gordon M.D.
License # MD 04002
Controlled substance registration CMD 04002
Complaint # C170480

CONSENT ORDER

The Rhode Island Board of Medical Licensure and Discipline (hereinafter "Board") has reviewed and investigated the above referenced complaint pertaining to Dr. Robert Gordon (hereinafter "Respondent") through its Investigative Committee.

FINDINGS OF FACT

1. Respondent is a licensed physician in Rhode Island and was issued his license on July 24th, 1968.
2. The Board received a complaint regarding Respondent's controlled substance-prescribing. The Board learned via review of Prescription Monitoring Program (PMP) staff that respondent had not registered for the PMP and had therefore not utilized the PMP.
3. Review of Respondent's PMP as a prescriber revealed in the therapeutic class summary that since June 1, 2015 to June 1, 2016 Respondent had initiated opioids on 269 patients. Respondent did not check the PMP before prescribing any of these prescriptions.
4. Respondent has a controlled substance registration (CSR) that was supposed to be renewed when his license was renewed. Physicians renew their license before end of June on even years.

5. Respondent renewed his medical license prior to June of 2016 as required. Respondent unintentionally did not renew his CSR at the appointed time and continued to prescribe controlled substances.
6. Respondent unintentionally has violated The Rules and Regulations for Pain Management, Opioid Use and the Registration of Distributors of Controlled Substances in Rhode Island R-21-28 section 3.5 *The prescription monitoring program shall be reviewed prior to starting an opioid.* Respondent unintentionally has also violated RIGL 5.37.5.1 for prescribing controlled substances without renewing his controlled substance registration.

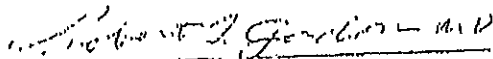
Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.

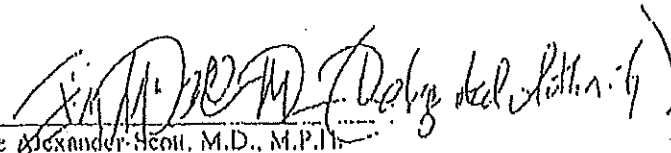
h. Any objection that this Consent Order will be reported to the National Practitioner Data Bank, Federation of State Medical Boards as well as posted on the department's public web site.

4. Respondent agrees to pay within (60) days of the ratification of this Consent Order an administrative fee to the Board with a check for \$850 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
5. Respondent hereby agrees to this reprimand on his physician license.
6. Respondent agrees to meet with RIDOH PMP outreach staff and become trained in the PMP within 30 days of ratification of this order.
7. Respondent will check the PMP before prescribing any controlled substance.
8. Respondent will send to the Board monthly summaries of his controlled substance prescribing from the PMP.
9. If any term of this Consent Order is violated, after it is signed and accepted, the Director of the Department of Health shall have the discretion to impose further disciplinary action. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request a hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request a hearing after notice to Respondent of a violation of any term of this Consent Order. The Board may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if any alleged violation is proven by a preponderance of evidence.

Signed this 12 day of Oct, 2017.


Robert Gordon, M.D.

Validated this 8th day of November 2017 by the Board of Medical Licensure and Discipline.


Nicole Alexander-Scott, M.D., M.P.H.
Director
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, Rhode Island 02908