COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2019-050

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In the Matter of )

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Robert L. Gordon, M.D. )

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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 Montpellier 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.

1. 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**.

1. 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:

* 1. The Respondent failed to register for Rhode Island’s Prescription Monitoring Program (“PMP”);
  2. The Respondent neglected to renew his controlled substance registration (“CSR”) prior to June 2016 as required; and
  3. The Respondent prescribed opioids to 269 new patients from June 1, 2015 to June 1, 2016 without first checking the PMP.

1. Following the execution of the November 8, 2017 Consent Order the Respondent

continued to prescribe controlled substances for patients without checking the PMP.

1. 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.

Signed by Robert L. Gordon, M.D. 7/26/2021

Robert L. Gordon, M.D. Date

Respondent

Signed by Rebecca Dalpe 8/13/21\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rebecca Dalpe, Esq. Date

Counsel for the Respondent

Signed by Lisa L. Fuccione 8/18/21

Lisa L. Fuccione, Esq. Date

Complaint Counsel

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

Signed by Julian Robinson, M.D.

Julian Robinson, 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>.