

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2024-026

In the Matter of

MARK P. HATTON, M.D.

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Mark P. Hatton, 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. 23-002.

**Findings of Fact**

1. The Respondent graduated from the University of Massachusetts Medical School on June 7, 1998. The Respondent was first licensed to practice medicine in Massachusetts under certificate number 214062 in April 2002. He is board certified in ophthalmology. His license to practice medicine in Massachusetts expired on July 2, 2023.
2. On Thursday, November 10, 2022, the Respondent was arrested for Operating Under the Influence of Liquor.

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3. On Monday, November 14, 2022, the Respondent admitted that there were sufficient facts to find him guilty of Operating Under the Influence of Liquor. He received a Continuance Without a Finding, was placed on probation for one year, lost his license for 45 days, and entered into a driver's alcohol program.

4. On January 7, 2023, police found the Respondent's car, unoccupied, unlocked, with the driver's side window down approximately one mile from his house. The car contained alcohol bottles.

5. On January 20, 2023, the Respondent signed a Voluntary Agreement not to Practice (VANP).

#### Conclusion of Law

A. The Respondent has violated G.L. c. 112, § 5, eighth par. (g) in that he has been convicted of a criminal offense which reasonably calls into question his ability to practice medicine.

B. 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).

#### Sanction and Order

The Respondent's Inchoate right to renew is hereby indefinitely suspended. The Respondent's may petition to stay the suspension at such time that he can provide documentation of the following:

- Documenting consistent sobriety and compliance with a Physicians Health Services (PHS) Substance Use Monitoring Contract, effective April 28, 2023, for at least twelve months;

- Entering a five-year Board Probation Agreement with standard terms, including required:
  - Compliance with a PHS Substance Use Contract;
  - Urine toxicology screens;
  - Practice pursuant to a Board-approved practice plan and with a Board-approved workplace monitor;
  - Participation in individual and group therapy to address substance use issues; and
  - Compliance with any additional terms that the Board may require.

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 and the Respondent 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.

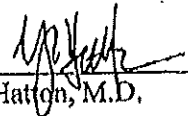
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

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 and Probation Agreement with all exhibits and attachments within ten (10) days by certified mail, return receipt

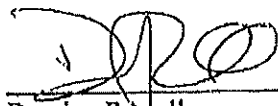
requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which s/he practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent 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 indefinite suspension and subsequent Probation Agreement. 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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Mark P. Hatton, M.D.  
Licensee

Date

1/19/24

  
\_\_\_\_\_  
Damien Powell  
Attorney for the Licensee

Date

1/19/24

  
\_\_\_\_\_  
James Palkos  
Complaint Counsel

Date

2/5/2024

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So ORDERED by the Board of Registration in Medicine this 23<sup>rd</sup> day of May,  
2024.



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Booker T. Bush, M.D.  
Board Chair

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