

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-019

In the Matter of)
)
)
FARROKH KHAJAVI-NOORI, M.D.)
_____)

CONSENT ORDER

Farrokh Khajavi-Noori, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with all of 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 sanctions set forth below in resolution of investigative Docket Number 14-153.

FINDINGS OF FACT

1. The Respondent was born on January 26, 1940. He graduated from Tehran University Faculty of Medicine in Tehran, Iran in 1965. He is certified by the American Board of Psychiatry and Neurology in psychiatry. He is a sole practitioner with an office in Stoneham. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 34309 since 1972.
2. The Respondent met with Patient A, a 23-year-old female, on April 4, 2014.
3. Patient A told the Respondent she came to see him because she suffered from anxiety and depression, and she wanted a proper diagnosis from a clinician who could handle her medication instead of her primary care physician.

4. Patient A told the Respondent about the medications she was taking and he proceeded to tell Patient A about the side effects of her medications. Patient A found the Respondent was insensitive in his explanation of the intimacy related side effects of the medications and the Respondent asked questions which Patient A found personally intrusive.

5. The Respondent also told Patient A that a compact disk (CD) was available for purchase at the front desk. The educational CD is the recording of the Respondent's voice which contains relaxation queues and cognitive behavioral techniques which are designed to make people relax. Patient A declined the offer.

6. Pursuant to the AMA Code of Medical Ethics, Opinion 8.063 (sale of health-related products from physician's office), the sale of health-related products from a physician's office is unethical.

CONCLUSIONS OF LAW

A. The Respondent has violated 243 CMR 1.03(5) (a) 18 by committing misconduct in the practice of medicine.

B. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession pursuant to Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996).

SANCTION AND ORDER

The Respondent is hereby admonished and ordered to complete five additional continuing professional development credits in communication with patients, to be approved in advance by the Board and completed within six months of the approval of this Consent Order. This sanction is imposed for Conclusions of Law A and B individually and not for any combination of them.

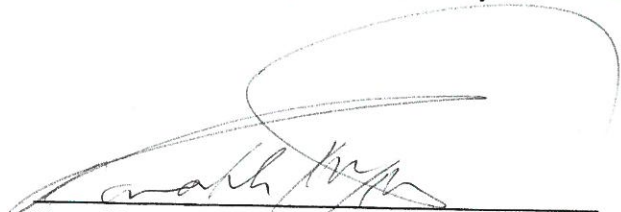
EXECUTION OF THIS CONSENT ORDER

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of the Respondent, his attorney, and Complaint 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 stipulations contained herein 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 that this Consent Order leaves 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 Program. The Respondent shall also provide this notification to any such designated entities with which he becomes associated in the year following the date of imposition of this admonishment and order. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

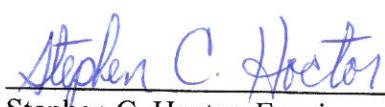
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Farrokh Khajavi-Noori, M.D.
Respondent

03/11/2015
Date


William J. Dailey, Esquire
Counsel for the Respondent

3/18/2015
Date


Stephen C. Hctor, Esquire
Complaint Counsel

3/23/15
Date

So ordered by the Board of Registration in Medicine this 4th day of June, 2015


Kathleen Sullivan Meyer
Board Vice Chair

SENT CERTIFIED MAIL 6/5/15 (ms)