COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2016-020

)

In the Matter of )

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WILLIAM ORTIZ, M.D. )

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**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, William Ortiz, 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. 14-352.

Findings of Fact

1. The Respondent was born on February 16, 1959. He graduated from New York Medical College  
    in 1996. He has been licensed to practice medicine in Massachusetts under certificate number 156739 since 1999. He is employed as a nocturnist at Saint Vincent Hospital, in Worcester, Massachusetts. He is also licensed to practice medicine in Maine.

2. On September 9, 2014, the Board of Licensure in Medicine for the State of Maine (Maine Board) disciplined the Respondent for certain conduct occurring in the State of Maine through adoption of a Consent Agreement (Maine Order), which sets forth the factual basis for the imposition of discipline and which is attached hereto as Attachment A and incorporated herein by reference.

3. The Maine Order establishes facts upon which this Board may impose discipline pursuant to G.L. c. 112, § 5 or 243 CMR 1.03(5), specifically the Respondent’s admission that “he engaged in unprofessional conduct pursuant to 32 M.R.S. § 3282-A(2)(F)” when he issued medical marijuana certificates to certain of his patients in Maine but failed to maintain proper medical records that documented his clinical reasoning and/or the patient’s underlying chronic condition, which conduct also violates Massachusetts regulations, to wit: 243 C.M.R. 2.07(13)(a), which requires a physician to:

a. maintain a medical record for each patient, which is adequate to enable the licensee to provide proper diagnosis and treatment, and

b. maintain a patient’s medical record in a manner which permits the former patient or a successor physician access to them..

4. The Respondent is certified through the State of Maine’s Medical Use of Marijuana Program to purchase and possess medical marijuana, in the State of Maine, for his own personal use; the Respondent is not so certified in any jurisdiction other than Maine.

5. During the course of the investigation of this matter, the Respondent admitted to Board staff that he applied a medical marijuana salve that he purchased in the State of Maine via his certificate, to one or more of his patients within the Commonwealth of Massachusetts.

Conclusions of Law

A. 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. 243 CMR 2.07(13)(a), which requires a physician to:

a. maintain a medical record for each patient, which is adequate to enable the licensee to provide proper diagnosis and treatment;

b. maintain a patient’s medical record in a manner which permits the former patient or a successor physician access to them.

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 license is hereby reprimanded. The Respondent is also ORDERED to pay a fine in the amount of $2,500. Said fine is payable within 60 days of the date on which this Consent Order is approved by the Board. The Board will not renew the license of any physician who fails to pay a fine in a timely manner; this step will be taken automatically and no further notice or process will apply. 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

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 the Respondent becomes associated in the year following the date of imposition of this reprimand and fine. 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 William Ortiz, M.D. 4-10-16

William Ortiz, M.D. Date

Licensee

Signed by John Costello 4/19/16

John Costello Date

Complaint Counsel

So ORDERED by the Board of Registration in Medicine this 19th day of May , 2016.

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.