

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case No. 2025-016

Docket No.

In the Matter of

ANU R. PATHAK, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Anu R. Pathak, 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. 23-370.

Findings of Fact

1. The Respondent graduated from the Dayanand Medical College, Punjab University in 1985. She has been licensed to practice medicine in Massachusetts under license number 154034 since 1999. Her practice specialty is pediatrics, and she is board-certified in pediatrics. She practices as a sole practitioner in Southbridge, Massachusetts. She has privileges at Harrington Memorial Hospital and University of Massachusetts Medical Center.

2. The Respondent is a general pediatrician, who treats patients from age zero to twenty-one. She provides a full spectrum of care, including treatment of certain common mental health disorders including ADHD, depression, and anxiety.

3. In her practice, the Respondent prescribes Schedule II medications, including stimulants such as Vyvanse, Concerta, Adderall, and Focalin.
4. The Respondent travelled out of state for vacation and was out of the office from March 17, 2023 to March 27, 2023 and from June 1, 2023 to June 9, 2023.
5. Prior to going out of state for vacation from March 17-27, 2023 and from June 1-9, 2023, the Respondent had her staff identify patients who would need refill prescriptions for Schedule II medications in her absence.
6. The Respondent had her staff prepare paper prescriptions for Schedule II medication refills for the Respondent to review and sign before she left for vacation.
7. On at least five prescriptions for Schedule II medications, the drug name, strength, dosage form, quantity prescribed, directions for use, name and address of the patient, registration numbers of the practitioner, and date of the prescription were handwritten by the Respondent's staff and then signed by the Respondent.
8. The Respondent signed prescriptions for Schedule II medication before she left for vacation and did not indicate the date she signed them. Instead, the dates on the prescriptions were intended to represent the dates on which the patients would need the prescription refills during her absence.
9. The Respondent post-dated these prescriptions for Schedule II medication, thereby not accurately reflecting the dates they were written.
10. Such prescriptions for Schedule II medication were delivered to the patient's parent in person by staff while the Respondent was away on vacation.
11. The Respondent did not indicate on the prescriptions for Schedule II medications the dates they were delivered to the patient's parent.

12. The Respondent signed such prescriptions for Schedule II medications for a total of 30 days, but signed them before the prior 30-day period lapsed and did not indicate a “Do Not Fill Before” date on the prescriptions.

Conclusions of Law

A. The Respondent violated M.G.L. c. 112, §5 and 243 C.M.R. 1.03(5)(a)2 by committing offenses against any provision of the laws of the Commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder; to wit, the Respondent violated M.G.L. c. 94C by post-dating prescriptions, failing to indicate the date prescriptions were actually written, failing to indicate the date the prescriptions were delivered to the patient’s parent, signing prescriptions for Schedule II medications for a total of 30 days before the prior 30-day period lapsed, and did not indicate a “Do Not Fill Before” date on the prescriptions.

B. The Respondent violated M.G.L. c. 112, §5 and 243 CMR 1.03(5)(b)11, by violating any rule or regulation of the Board; to wit, the Respondent violated M.G.L. c. 112, §5, 243 C.M.R. 1.03(5)(a)2, 243 C.M.R. 1.03(5)(a)10, and the Board’s Prescribing Practices Policy and Guidelines, Policy 15-05;

C. The Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession, a basis for discipline pursuant to *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 and the Respondent is hereby required to complete six (6) CMEs on proper prescribing practices within ninety (90) days. 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 and the Respondent 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 her behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that she may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order 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. If the Respondent chooses to utilize electronic mail to notify any of the aforementioned designated entities, the Respondent shall obtain written confirmation of their receipt of a complete copy of this Consent Order from those designated entities. 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. 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.

Anu Pathak
Anu R. Pathak, M.D.
Licensee

2/24/2025
Date

Ingrid S. Martin
Ingrid S. Martin, Esq.
Licensee's Counsel

2/27/2025
Date

Sheryl M. Bourbeau
Sheryl M. Bourbeau, Esq.
Complaint Counsel

3/3/2025
Date

So ORDERED by the Board of Registration in Medicine this 1st day of May,
2025.

Booker T. Bush
Booker T. Bush, M.D.
Board Chair