

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case Nos. 2016-034 & 2022-050
(RM 16-350 & RM 22-0527)

In the Matter of

ROBERT B. SHEPHERD, D.O.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Robert B. Shepherd, D.O. (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 proceedings. 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 Nos. 16-229 and 22-230.

Findings of Fact

1. The Respondent graduated from the University of New England College of Osteopathic Medicine in 1987 and has been licensed to practice medicine in Massachusetts under certificate number 73159 since 1990. He specializes in Family Medicine and works at Copley Medical Group in Shrewsbury.

Prescribing

2. The Respondent and Female E were involved in a dating relationship in 2013 and 2014.

3. During the course of his relationship with Female E the Respondent wrote her multiple prescriptions for controlled substances between [G.L. c. 4, § 7] 2013 and [G.L. c. 4, § 7(26)(c)] 2014. Specifically, the Respondent three times prescribed [G.L. c. 4, § 7(26)(c)] and one time prescribed [G.L. c. 4, § 7(26)(c)] for Female E to relieve pain related to [G.L. c. 4, § 7(26)(c)] issues and a [G.L. c. 4, § 7(26)(c)] injury.
4. The Respondent did not maintain a medical record for Female E between [G.L. c. 4, § 7] 2013 and [G.L. c. 4, § 7(26)(c)] 2014.
5. The Respondent was involved in a dating relationship with Female A from 2015 to 2016.
6. The Respondent wrote fifteen prescriptions to Female A for [G.L. c. 4, § 7(26)(c)], a controlled substance to treat her [G.L. c. 4, § 7(26)(c)] between [G.L. c. 4, § 7(26)(c)] 2015 and [G.L. c. 4, § 7] 2016.
7. On or about July 13, 2016, the Respondent admitted to Board staff he did not maintain a medical record for Female A despite prescribing controlled substances to her.
8. The Board's Prescribing Practices Policy and Guidelines (Policy) was adopted by the Board on August 1, 1989, and amended on November 17, 2010. In pertinent part, the Policy requires physicians to issue prescriptions in the "usual course" of their practice and to maintain contemporaneous medical records "that are detailed enough in nature that the physician's clinical reasoning is discernible from his or her documentation."
9. The Respondent issued prescriptions to Females E and A outside the course of his normal practice as a hospitalist and failed to maintain any documentation regarding the prescriptions he issued to them.

Failure to Properly Report Matters on License Renewal Applications

10. On April 6, 2016, the Respondent struck a passing runner with his car as he was attempting to exit his driveway and enter the roadway. The runner was not seriously injured. The Respondent was cited by police for Negligent Operation of a Motor Vehicle.

11. On July 19, 2016, the Respondent appeared before the East Brookfield District Court for arraignment on the above-mentioned charge of Negligent Operation of a Motor Vehicle.

12. At his July 2016 court appearance, the Respondent admitted there were sufficient facts to find him guilty of Negligent Operation of a Motor Vehicle. The court continued the matter without a finding (CWOFF) until January 17, 2017, at which time the matter was dismissed.

13. On May 31, 2018, the Respondent appeared before the East Brookfield District Court for arraignment on five counts of Improper Storage of a Firearm.

14. On February 18, 2020, a district court judge placed the Respondent on pre-trial probation for six months for the above-mentioned firearm charges. The court later dismissed the charges on August 17, 2020.

15. On or about December 5, 2018, the Respondent submitted a License Renewal Application (LRA) to the Board. As part of the application, he incorrectly answered in the negative Question 17(a) which asks, "Have you been charged with any criminal offense during this period?" He also incorrectly answered "No" to Question 17(b), "Have any criminal offenses/charges against you been resolved during this time period?"; Question 17(c), "Are there any criminal charges pending against you today?" and Question 17(d) "Are any Application of Issuance of Process pending against you?"

16. On or about December 2, 2020, the Respondent submitted his LRA to the Board. He again incorrectly answered "No" to Question 17(b).

Conclusions of Law

A. The Respondent violated a rule or regulation of the Board. Specifically, 243 CMR 2.07(13)(a), which requires that physicians maintain a medical record for each patient that is

complete, timely, legible, and adequate to enable a licensee or any other health care provider to provide proper diagnosis and treatment.

B. The Respondent committed an offense against a provision of the laws of the Commonwealth relating to the practice of medicine, or a rule or regulation adopted thereunder. More specifically:

1. G.L. c. 94C, § 19(a), which requires that for a prescription for a controlled substance to be valid it shall be issued for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice.

C. By not providing information on his renewal application to which the Board was entitled, the Respondent violated 243 CMR 1.03(5)(a)(16), which requires licensees to “respond to a subpoena, or furnish the Board, its investigators or representatives documents, information, or testimony to which the Board is legally entitled.”

D. The Respondent engaged in conduct which 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 further ORDERED to pay a fine in the amount of \$5,000 within 6 months of the ratification of this Consent Order. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them. 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.

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 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 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 within one year following this

reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

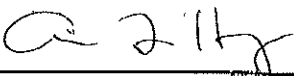
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Robert B. Shepherd, D.O.
Licensee

05/11/2024

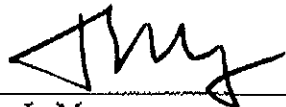
Date



Andrew L. Hyams, Esq.
Counsel for Licensee

5/29/24

Date




Tracy L. Morong
Complaint Counsel

5/30/24

Date

So ORDERED by the Board of Registration in Medicine this 30th day of May,
2024.



Booker Bush, M.D.
Board Chair