

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2022-032

In the Matter of )

ROBERT M. SHINER, M.D. )

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Robert M. Shiner, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree 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 the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 20-110.

**Findings of Fact**

1. The Respondent graduated the Robert Wood Medical School in New Jersey in June 1994 and completed a family practice residency at Malden Hospital in 1997. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 82084 since October 25, 1995.

2. The Respondent is registered with the Drug Enforcement Agency (DEA) and the Commonwealth of Massachusetts Office of Professional Licensure and Department of Public Health as a practitioner authorized to both handle and dispense Scheduled II-V controlled substances.

3. The Respondent has practiced as a family physician at Manet Community Health Center (“Manet”) since August 1999 and served as Manet’s Chief Quality Officer from 2017 to 2019 and Director of Manet’s Medication Assistance Treatment (MMAT) from 2016 to 2019.

4. Between July 2014 and September 2019 the Respondent issued twenty-nine (29) prescriptions for cough medicine with Codeine, Schedule V controlled substances, to a friend outside his usual practice and without regular in office physical examinations, ordering any tests, or adequate medical record documentation supporting the prescriptions.

a. The first two (2) prescriptions on July 1, 2014 and April 3, 2015 were for 10-100 mg/5mL Iphen-C NR with two refills each.

b. The remaining twenty-seven (27) prescriptions from July 27, 2015 through September 20, 2019 were for 6.25 mg Promethazine with 10 mg Codeine; two with two refills, six with one refill, and the others without refill.

5. Beginning in April 2014 to November 2019 the Respondent entered twenty-two (22) prescription orders for his friend into the Manet medical record system without an accompanying encounter note or any other indication of a formal office visit with his friend until November 11, 2019.

6. On November 7, 2019 the Drug Enforcement Agency (DEA) Boston Divisional Office initiated an investigation into Respondent’s prescribing after a pharmacist contacted the DEA with a concern regarding the Respondent’s prescriptions.

7. On February 24, 2021, the Respondent entered into a three-year Memorandum of Agreement with the DEA.

### Conclusions of Law

A. The Respondent committed an offense against the laws of the Commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder. *See* G.L. c. 112 § 5, ninth par. (b) and 243 CMR 1.03(5)(a)(2), to wit: M.G.L. c. 94C §19(a)

B. The Respondent violated a rule or regulation of the Board governing the practice of medicine. *See* G.L. 112 § 5, ninth par. (h) and 243 CMR 1.03(5)(a)(11), to wit: 243 CMR 2.07(13)(a) and Prescribing Practices Policy and Guidelines, Board of Registration in Medicine adopted August 1, 1989, amended November 17, 2010

C. The Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See* Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982); Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979)

### Sanction and Order

The Respondent's license is hereby Admonished.

### Execution of this Consent Order

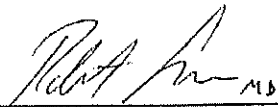
Complaint Counsel, the Respondent, and the Respondent's counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order. If 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.

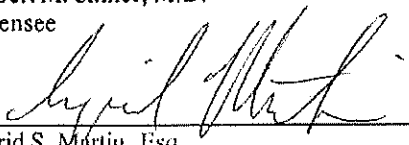
The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order 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 during the pendency of the suspension or the subsequent Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

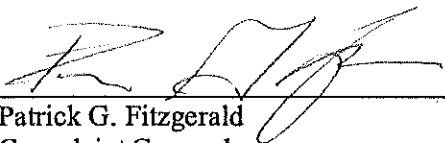
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

  
Robert M. Shiner, M.D.  
Licensee

4/12/2022  
Date


  
Ingrid S. Martin, Esq.  
Attorney for the Licensee

4/12/2022  
Date

  
Patrick G. Fitzgerald  
Complaint Counsel

4/12/2022  
Date

So ORDERED by the Board of Registration in Medicine this 8<sup>th</sup> day of September  
2022

  
Julian N. Robinson, M.D.  
Board Chair