

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2016-045

In the Matter of)
)
)

Jonathan J. Silverman, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Jonathan J. Silverman (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. 12-412.

Findings of Fact

1. The Respondent was born on August 23, 1962. He graduated from the State University of New York, Downstate Medical Center in 2002. He has been licensed to practice medicine in Massachusetts since 2009 under certificate number 238611. He is Board-certified in Emergency Medicine. The Respondent is currently employed at Lawrence General Hospital in Lawrence, Massachusetts.
2. On August 24, 2012, the Board's Data Repository Unit (DRU) received a Health Care Facility Disciplinary Action Initial Report (HCFD-1) from Good Samaritan Medical

Center (GSMC) reporting the Respondent's termination of employment and resignation of hospital privileges following an investigation of improper prescribing practices for one patient, Patient A.

3. Around September 2010, Patient A asked the Respondent to write him a prescription for a sleep aid. The Respondent wrote Patient A a prescription for clonazepam, a long acting benzodiazepine
4. The Respondent did not examine Patient A, but he was aware of Patient A's symptoms. The Respondent was also aware that Patient A had ulcerative colitis.
5. Patient A told the Respondent that he occasionally went to Norwood Hospital for treatment with Remicade, a last ditch treatment for ulcerative colitis. The Respondent never checked with Norwood Hospital to verify Patient A's claim.
6. One or two weeks after the initial prescription, the Respondent prescribed Lorazepam for Patient A.
7. In October 2010, the Respondent gave Patient A a prescription for 40 to 60 Percocet 5/325mg tablets to help with pain caused by urological stent surgery.
8. After roughly 7 months, the Respondent increased the dosage of the prescription to 60 tablets of Percocet 10/325mg.
9. The Respondent did not maintain a record of the medications he prescribed for Patient A, as required by Board regulation 243 CMR 2.07(13).
10. In October 2011, the Respondent told Patient A to come into the Emergency Room at GSMC and the Respondent would order a scan and hopefully have Patient A admitted. Patient A would then be followed by a hospitalist with a Gastrointestinal (GI) consult.

11. After Patient A was admitted, he began filing numerous complaints with the patient advocate, against the GI physician. The patient advocate never returned Patient A's calls.
12. The Respondent continued to prescribe to Patient A regularly until he left GSMC.
13. GSMC learned about the prescriptions the Respondent wrote for Patient A resulting in the Respondent's termination and resignation.
14. The Respondent never thought that he was doing anything improper because the prescriptions were written for a legitimate medical purpose.
15. The Respondent had never read the Board's regulations or prescribing guidelines prior to or during his prescribing for Patient A.
16. On various dates between July 2012 and August 2014, the Respondent completed fifteen Continuing Medical Education courses in prescribing.

Conclusions of Law

- A. The Respondent has violated 243 CMR 1.03(5)(a)11 by violating a rule or regulation of the Board to wit: 243 CMR 2.07(5) which states that "a licensee who violates G.L. c. 94C or any regulation promulgated thereunder also violates a rule or regulation of the Board" and;
 1. Respondent acknowledges his violation of Board regulation 243 CMR 2.07(13), by not maintaining a record of his prescriptions for Patient A.
- 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).

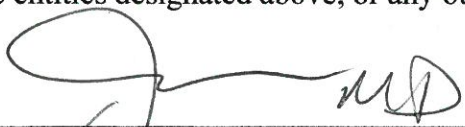
Sanction and Order

The Respondent's license is hereby ADMONISHED.

Execution of this Consent Order

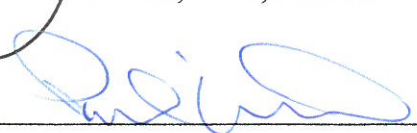
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, 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 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.



Jonathan J. Silverman, M.D., Licensee

9/29/16
Date



Paul Cirel, Esq., Attorney for Licensee

10/4/16
Date

Gloria Brooks

Gloria Brooks, Complaint Counsel

Date

10/13/16

So ORDERED by the Board of Registration in Medicine this 20th day of October,
2016.

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, Board Chair

SENT CERTIFIED MAIL 10/21/16 ms