COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2022-016

In the Matter of

ANDREA STEWART, M.D.

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Andrea Stewart, 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. 20-050.

Findings of Fact

1. The Respondent is a 1983 graduate of the State University of New York Upstate Medical University. She has been licensed to practice medicine in Massachusetts under certificate number 57656 since 1987. She is also licensed to practice medicine in Rhode Island. The Respondent is board-certified in anesthesiology. She has privileges with Southcoast Hospital Group in Massachusetts where she practices anesthesiology.
2. On or about December 11, 2019, the Respondent was disciplined by the Rhode Island Board of Medical Licensure and Discipline (the Rhode Island Board). *See* Rhode Island Consent Order at Exhibit A and incorporated herein by reference.
3. The Rhode Island Board discipline was based on a Consent Order signed by the Respondent.
4. The Respondent was disciplined for her work at marijuana clinics in Rhode Island. She worked part-time at the clinics from October 2018 to April 2019.
5. The Rhode Island Board disciplined the Respondent for a variety of conduct including but not limited to: failing to follow regulations pertaining to the issuing of Marijuana certificates; and failing to meet minimum standards of acceptable care to patients.
6. The Respondent agreed to be disciplined by the Rhode Island Board which reprimanded her license, assessed an administrative fee of $1,862.99 for investigative cost associated with the Complaint, and required that within six months, she complete board-approved Continuing Medical Education coursework on medical marijuana (4 hours) and medical record documentation (12 hours).
7. The Respondent met all of the conditions of the Rhode Island Board.
8. In 2020, the Respondent informed the Massachusetts Board of Registration in Medicine that “she has no intention of ever issuing medical marijuana certificates in Massachusetts and Rhode Island and she only engaged in the practice for a limited period of time.” There have been no complaints made to the Massachusetts Board of Registration in Medicine other than the one which is the subject of the above mentioned investigative docket.
9. The Respondent cooperated in this investigation.

Conclusion of Law

1. The Respondent has violated 243 CMR 1.03(5)(a)12 in that she has been disciplined in another jurisdiction 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. Pursuant to G.L. c. 112, §5, eighth par. (c) and 243 CMR 1.03(5)(a)3, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that she engaged in conduct that places into question the Respondent's competence to practice medicine.
   2. Pursuant to 935 CMR 501,00, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that when issuing a Marijuana certificate she failed to complete and document a full assessment of the patient’s medical history and current medical condition, explain the potential benefits and risks of Marijuana use and utilize the Massachusetts Prescription Awareness Tool prior to issuing a Marijuana certificate.

Sanction and Order

The Respondent’s license is hereby REPRIMANDED. 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, 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 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 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. 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 Andrea Stewart, M.D. 2-10-2022

Andrea Stewart, M.D. Date

Licensee

2/8/22



Megan Grew Pimentel Date

Attorney for the Licensee

Signed James Paikos 2/24/2022

James Paikos Date

Complaint Counsel

So ORDERED by the Board of Registration in Medicine this 14 day of April, 2022.

Signed by Woody Giessmann

~~Julian N. Robinson, M.D.~~

~~Board Chair~~

Woody, Giessmann, LADC-I, CADC, CIP, AIS

Acting Board Chair

Date: April 14, 2022

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>.