

Adjudicator
12-10-2010 10:35:08

2023-004

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CONSENT ORDER

Findings of Fact

3. On June 30, 2021, Respondent, who was not working that day, arrived at NVMC and went to the Emergency Department (“ED”) looking for a specific patient.

4. When told the patient had been discharged, Respondent did not believe staff and searched for the patient in the waiting room and other patients’ rooms.

5. Respondent said he had never met the patient he was looking for, but he had received a message from God instructing him to come to the hospital to pray for them.

6. NVMC has a policy that doctors may not access patient medical records when they are not working.

7. On June 30, 2021, Respondent, while at the hospital in a non-working capacity, utilized NVMC’s electronic record system to access the records of Patients A & B.

8. On July 1, 2021, long after visiting hours ended, Respondent, who was not working that day, returned to the ED at NVMC without a work-related purpose.

9. Respondent told staff he was told by God to go to NVMC to pray for the patient in Room 5.

10. While there, Respondent looked through patients’ charts, which contained information such as their names, demographics, labs needed, and room numbers.

11. Staff were able to divert Respondent, getting him to leave the building.

12. Respondent waited in his car for about an hour, before reportedly receiving a message from God to go back into NVMC and pray for the patient.

13. Upon his re-entry, the nursing staff escalated the issue of his presence to the nursing supervisor.

14. Respondent, when asked to leave the floor by nursing staff, became increasingly confrontational.

15. Eventually, while still at NVMC, Respondent had a phone conversation with

NVMC's CEO, who informed Respondent that he must leave the premises.

16. After the phone conversation, Respondent agreed to leave NVMC, but stated he would return if God instructed him to do so.

17. Hospital security escorted Respondent out of the building. Respondent's hospital access badge was deactivated to prevent his access to certain areas of the hospital.

Conclusions of Law

- A. Pursuant to G.L. c. 112, § 5, eighth par. (c) and 243 C.M.R. 1.03(5)(a)(3), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct which calls into question his competence to practice medicine.
- B. Pursuant to G.L. c. 112, § 5, eighth par. (d) and 243 C.M.R. 1.03(5)(a)(4), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has practiced medicine while his ability to practice was impaired by alcohol, drugs, physical disability or mental instability.
- C. Pursuant to 243 C.M.R. 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has violated any rule or regulation of the Board, including Board Policy 01-01, Disruptive Physician Behavior (Adopted June 13, 2001).
- D. 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).

Order

The Respondent will enter into a standard Probation Agreement for a period of five years, which requires the Respondent to: 1) comply with his April 26, 2022 Physician Health Services (“PHS”) Behavioral Health Monitoring Contract; 2) extend his existing PHS Behavioral Health Monitoring Contract so that its end date coincides with the end date of his Probation Agreement; 3) submit a letter from a Board-approved psychiatrist documenting his fitness to practice and his submission to and approval by the Board of a petition to terminate his Voluntary Agreement Not to Practice; 4) seek and receive the Board’s approval of a practice plan, specifying where Respondent may practice and who will serve as Respondent’s workplace monitor and the monitor’s responsibilities, including periodic reporting to the Board; and 5) comply with any other terms and conditions that the Board deems appropriate.

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.

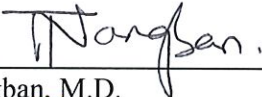
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

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 and the accompanying Probation Agreement 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 for the duration of the Probation Agreement. 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.



Neji Tangban, M.D.
Licensee

11/21/22


Date



Erik R. Bennett, Esq.
Complaint Counsel

11/25/2022

Date

So ORDERED by the Board of Registration in Medicine this 19th day of January, 2023


Julian N. Robinson, M.D.
Board Chair

*nunc pro
tunc
for
Jan 5, 2023*