

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-032

In the Matter of)
)
)
FRANKLIN B. WADDELL, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Franklin B. Waddell, 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. 14-232.

Findings of Fact

1. The Respondent was born on January 14, 1950. He graduated from the University of North Carolina School of Medicine in 1976. He has been licensed to practice medicine in Massachusetts under certificate number 72863 since 1990. He is certified by the American Board of Obstetrics and Gynecology. He maintains a private practice in Stoneham and is affiliated with Winchester Hospital. He is also licensed to practice medicine in New Mexico.

2. On November 14, 2010, the Respondent was arrested in Middleton, Massachusetts and charged with Operating a Motor Vehicle Under the Influence of Alcohol, in

violation of G.L. c. 90, § 24; the Respondent was arraigned the following day in the Salem District Court and entered a plea of not guilty.

3. On November 30, 2010, the Respondent admitted to sufficient facts, and was placed on probation for a period of eighteen (18) months, and was ordered to complete a course of education.

4. In Massachusetts, a license to practice medicine is issued for a defined period of time, typically two years.

5. To renew a license, physicians are required to complete and file with the Board a Massachusetts Physician Renewal Application (Renewal Application) prior to the expiration date stated on that physician's certificate of registration; the Renewal Application must be signed by the physician under penalty of perjury that the answers contained within the application are "true, correct, and complete."

2011 Massachusetts Physician Renewal Application

6. Relevant to this matter, the Respondent's certificate of registration bore an expiration date of January 14, 2011.

7. On December 20, 2010, the Respondent electronically signed and filed with the Board a Renewal Application (2011 Renewal Application).

8. Question 17 of the Respondent's 2011 Renewal Application asked the following question:

17) Criminal Charges

a) Have you been charged with any criminal offense during this time period?

b) Have any criminal offenses/charges against you been resolved during

this time period?

c) Are there any criminal charges pending against you today?

d) Are any Application of Issuance of Process pending against you?

9. The phrase “time period” in Question 17 (a) and (b) is defined in the 2011 Renewal Application as “all time from the day you signed your last license Renewal Application to the day you sign this Renewal Application.” The Respondent signed his last Renewal Application on December 13, 2008.

10. In his 2011 Renewal Application, the Respondent falsely answered “no” to Questions 17 (a) and (b).

2015 Massachusetts Physician Renewal Application

11. In 2015, the Respondent’s license bore an expiration date of January 14, 2015.

12. On December 2, 2014, the Respondent electronically signed and filed with the Board a Renewal Application (2015 Renewal Application).

13. Question 18 c) of the Respondent’s 2015 Renewal Application asked the following question:

18) Other Issues

c) Have you been the subject of an investigation by any governmental authority, including the Massachusetts Board of Registration in Medicine or any other state medical board, health care facility, group practice, employer or professional association?

14. On or about June 24, 2014, the Board notified the Respondent that it had docketed an investigative complaint against him (Docket No. 14-232); the investigation concerned his failure to accurately report his 2010 arrest in his 2011 Renewal Application.

15. Notwithstanding the Respondent's actual knowledge that he was the subject of a Board investigation, the Respondent falsely answered "no" to Question 18 c) of his 2015 Renewal Application.

Conclusion of Law

- A. The Respondent has violated G.L. c. 112, § 5, ninth par. (a) and 243 CMR 1.03(5)(a)1 by fraudulently procuring the renewal of his certificate of registration.
- B. The Respondent has violated 243 CMR 1.03(5)(a)10 by practicing medicine deceitfully, or engaging in conduct that has the capacity to deceive or defraud.

Sanction and Order

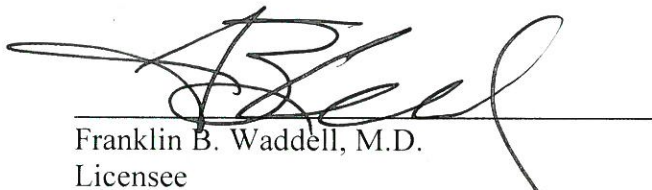
The Respondent's license is hereby reprimanded. The Respondent is also fined Two Thousand Five Hundred dollars (\$2,500). The fine is to be paid within sixty (60) days of the date the Board approves this Consent Order. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

Execution of this Consent Order

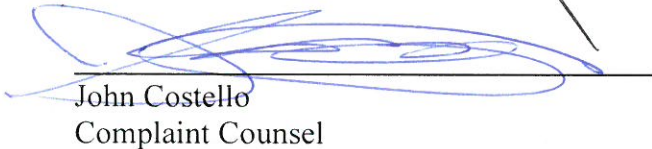
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility,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


Franklin B. Waddell, M.D.
Licensee

10/30/15
Date


John Costello
Complaint Counsel

10/30/15
Date

So ORDERED by the Board of Registration in Medicine this 19th day of November, 2015.

Candace Lapidus Sloane, MD
Candace Lapidus Sloane, M.D.
Board Chair