

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2024-043

In the Matter of

JENNIFER WEYLER, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Jennifer Weyler, 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. 21-414.

Findings of Fact

1. The Respondent graduated from the Medical College of Pennsylvania in 1992. She has been licensed to practice medicine in Massachusetts under certificate number 78463 since January 25, 1995. She is certified by the American Board of Family Medicine. She owns and operates Aponi Aesthetics Medical Practice in Worcester.
2. As part of her practice, the Respondent performs cosmetic procedures during which patients are conscious.

3. Prior to July 2021, the Respondent purchased benzodiazepines, codeine, and tramadol for use in her practice.
4. For some anxious patients, following a consultation, the Respondent would dispense benzodiazepines prior to procedures.
5. For some patients, following a consultation, the Respondent would dispense codeine and/or tramadol during the procedures to alleviate pain.
6. For some patients, following a consultation, the Respondent would provide a limited amount of codeine and/or tramadol for them to take at home after procedures to alleviate pain.
7. The Respondent did not consistently document in the patients' medical records when she consulted with patients and dispensed benzodiazepines, codeine, and/or tramadol for their procedure-related anxiety and/or pain.
8. The Respondent did not keep a log documenting that she dispensed benzodiazepines, codeine, and/or tramadol to multiple patients.
9. During the COVID-19 pandemic lockdown and until July 2021, she stored benzodiazepines, codeine, and tramadol at her home rather than keeping it in a locked cabinet in her street-front office in Worcester, which was not occupied during the lockdown.
10. On a single occasion, the Respondent prescribed a limited amount of opioid pills to one of her G.L. c. 4, § 7(26)(c) for a legitimate medical purpose but without documenting such in a medical record. The Respondent spoke with the G.L. c. 4, § 7(26)(c) about her medical situation and the medication before issuing the prescription but failed to check the Prescription Monitoring Program prior to issuing the prescription.

11. On a single occasion, the Respondent prescribed a limited amount of a benzodiazepine to a second **G.L. c. 4, § 7(26)(c)** for a legitimate medical purpose but without documenting such in a medical record. The Respondent spoke with the **G.L. c. 4, § 7(26)(c)** about her medical situation and the medication before issuing the prescription but failed to check the Prescription Monitoring Program prior to issuing the prescription.

Conclusion of Law

A. Pursuant to G.L. c. 112, §5, eighth par. (h) and 243 CMR 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 a rule or regulation pertaining to the practice of medicine. Specifically:

1. 243 CMR 2.07(13)(a), which requires a physician to: (a) maintain a medical record for each patient, which is adequate to enable the licensee or any other health care provider to provide proper diagnosis and treatment; and (b) maintain a patient's medical record in a manner which permits the former patient or a successor physician access to them.
2. 105 CMR 700.00 as it pertains to: (a) the mandatory review of the Prescription Monitoring Program prior to the issuance of certain controlled substances; (b). the mandatory maintenance of records and inventories for the storage of controlled substances; and (c) the safe storage of controlled substances.

Sanction and Order

The Respondent's license is hereby indefinitely suspended, immediately stayed upon entry into a five-year probation agreement. The probation agreement will include a provision requiring implementation of all recommendations contained in an Affiliated Monitors Inc. (AMI) audit dated November 13, 2023. The probation agreement will also include a requirement that the Respondent complete a follow-up audit by AMI in November of 2024 to determine whether the Respondent has implemented AMI's recommendations in the 2023 report. .

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.

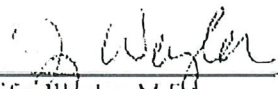
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on her behalf, has received any promises or representations regarding the same.

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 Order and 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 s/he 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 this indefinite suspension and 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.



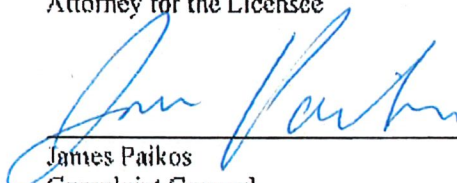
Jennifer Weyler, M.D.
Licensee

May 6, 2024
Date



Paul Cirel
Attorney for the Licensee


May 7, 2024
Date



James Paikos
Complaint Counsel

5/13/2024
Date

So ORDERED by the Board of Registration in Medicine this 15th day of August, ____
2024 ____.



Booker T. Bush, M.D.
Board Chair