

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss

Adjudicatory Case No. 2021-019
(RM-21-0174)

)
In the Matter of)

Roosbeh Badii, M.D.)
_____)

FINAL DECISION AND ORDER

Procedural History

The Board of Registration in Medicine initiated this proceeding by issuing a Statement of Allegations (SOA) on April 22, 2021. The matter was referred to the Division of Administrative Law Appeals (DALA) on that date. On June 7, 2021, the Respondent filed an Answer contesting the charges in the SOA.

On April 19, 2024 the Magistrate granted the Board's unopposed Motion to Dismiss Allegations 2 through 25, as well as the Board's unopposed Motion for Partial Summary Judgment. The Magistrate issued a Recommended Decision on June 21, 2024, confirming that the Board had established facts sufficient to impose discipline upon the Respondent. Neither party filed objections to the Recommended Decision. A Memorandum on Disposition was filed by the Board on September 10, 2024.

After its review of the Recommended Decision, the Board hereby adopts the Recommended Decision, which is attached hereto and incorporated by reference.

Discussion and Sanction

As the Magistrate granted the Board's Motion for Partial Summary Decision, the following allegations were accepted as the findings of fact in the Recommended Decision:

26¹. On April 20, 2020, the Maryland State Board of Physicians (Maryland Board) disciplined the Respondent as a result of its two investigations of him.

27. In or around February 2018, the Maryland Board opened an investigation of the Respondent's telemedicine prescribing practices (telemedicine investigation).

28. As part of its telemedicine investigation, the Maryland Board issued a subpoena for the Respondent to provide the complete medical records of ten telemedicine patients and a subpoena for the Respondent to appear for an interview.

¹ Allegations 1 – 25 were dismissed by the Magistrate allowing the Board's unopposed Motion to Dismiss.

29. The Respondent provided the medical records for only one patient and did not appear for an interview.
30. During the course of [the] telemedicine investigation, the Respondent filed a complaint against another physician, which the Maryland Board investigated and then closed, without discipline.
31. As a result of the Respondent's complaint, on August 27, 2018, the Maryland Board opened another investigation of the Respondent, this one "based upon information alleging that [he] may have mental health issues that could impact [his] ability to practice medicine safely."
32. The Maryland Board subpoenaed the Respondent's own treatment records and sent him to an independent board-certified forensic psychiatrist to assess his mental competency.
33. The psychiatrist reviewed all of the Respondent's evaluations and treatment records, records from the Respondent's divorce proceedings, and relevant portions of the Board's investigative file and concluded that the Respondent was unable to practice medicine safely due to his anger, irritability, impulsivity, poor insight, and poor judgment.
34. After the completion of an administrative hearing, the Maryland Board issued a Final Decision and Order finding that the Respondent failed to cooperate with the Maryland Board investigation, in violation of Maryland Code Annotated, Health Occ. (Maryland Health Occ.) sec. 14-404(a)(33), and Respondent was professionally, physically, or mentally incompetent in violation of Maryland Health Occ. sec 14-404(a)(4).
35. The Maryland Board's Final Decision and Order is incorporated herein by reference.
36. The Maryland Board's Final Decision and Order establishes facts upon which the Board may impose discipline pursuant to G.L. c. 112, sec. 5 or 243 CMR 1.03(5), specifically the Respondent:
- a. failed to cooperate with the Maryland Board investigation, including failing to provide subpoenaed patient medical records for nine of ten patients and failing to appear for an interview;
 - b. was professionally, physically, or mentally incompetent.
37. On February 16, 2021, the Connecticut Medical Examining Board (Connecticut Board) issued a Consent Order with the Respondent based on allegations that the Respondent "had certain mental health conditions that, if not appropriately managed, do and/or may, affect his practice as a physician and surgeon." The Connecticut Board Consent Order also alleged that the Maryland Board disciplined him for failing to cooperate with its investigation and for being "professionally, physically, or mentally incompetent."
38. The Connecticut Board's Consent Order is incorporated herein by reference.

39. The Connecticut Board's Consent Order establishes facts upon which the Board may impose discipline pursuant to G.L. c. 112, sec. 5 or 243 CMR 1.03(5).

Conclusions of Law

The legal basis for discipline arises from the following violations:

A. Pursuant to 243 CMR 1.03(5)(a)12, the Respondent was disciplined in another jurisdiction by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, §5 or 243 CMR 1.03(5). More specifically, those reasons include:

- i) Practicing medicine while his ability to do so was impaired by alcohol, drugs, physical disability or mental instability, in violation of M.G.L. c. 112, sec 5, eighth par. (d), and 243 CMR 1.03(5)(a)4; and
- ii) Failing to respond to a subpoena, or to furnish the [out-of-state] Board, its investigators or representatives, documents or information to which that Board was legally entitled. 243 CMR 1.03(5)(a)16.

As to the issue of practicing medicine while impaired, the Board considers this a serious matter where the health and safety of patients is in question. See, In the Matter of Stephanie H. Taylor, M.D., Board of Registration in Medicine, Docket No. 00-28-XX (Consent Order, July 12, 2000). In that matter, the Vermont Board of Medical Practice ("the Vermont Board") summarily suspended the Respondent's license to practice medicine in that state. The basis for the Vermont Board's action was that "there is substantial likelihood that the continued exercise of [practice] would cause injury or damage to the health or safety of patients." The physician entered into a Consent Order with the Vermont Board where she admitted that she had practiced medicine while impaired and that such impairment had directly affected her professional judgment. The Consent Order carried the sanction of an indefinite suspension. She was allowed to petition for reinstatement of her license after one year, and any reinstatement of her Vermont license would be subject to terms and conditions of monitoring, including, but not limited to, participation in an authorized recovery and monitoring program, regular psychotherapy, and a prohibition from practicing psychiatry. In a Consent Order in Massachusetts based on reciprocal discipline, her Lapsed License Renewal Application was allowed to be filed, subject to a finding that her license would then be indefinitely suspended, subject to a stay upon entering a Probation Agreement to include monitoring, a substance use PHS contract, and continued therapy and treatment, among other conditions. In the Matter of Van Batchis, M.D., Board of Registration in Medicine, Adjudicatory No. 2008-036 (Consent Order, October 22, 2008) the physician's license was indefinitely suspended after he practiced while impaired and failed, on multiple occasions, to provide the Board information to which it was entitled. The Consent Order

allowed Dr. Batchis to petition for a stay of the suspension upon: 1) submission of proof of fitness to practice medicine including a Board-approved psychiatric evaluation; and 2) entry into a five-year probation agreement that would require compliance with a PHS contract, participation in therapy, approval of a practice plan that included a monitoring of the Respondent's practice and any further recommendations made by the Board-approved psychiatric evaluator.

Regarding the issue of failing to provide the Board with information to which it is legally entitled, the Board has often disciplined this behavior with a reprimand and fine or admonishment and fine. See, *In the Matter of Theresa Hadlock, M.D.*, Board of Registration in Medicine, Docket No. 2024-023, (Consent Order, April 10, 2024) (Physician falsified results of Covid-19 PCR tests, and, when investigated by her employer, failed to report the investigation on her renewal application. She was reprimanded and fined \$10,000.); *In the Matter of Dale Weldon, M.D.*, Board of Registration in Medicine, Docket No. 2024-003, (Consent Order, January 25, 2024) (Physician repeatedly failed to respond to two patient complaints forwarded by the Board and repeatedly failed to respond to Board's 10-day Notice. She was admonished and fined \$3,000.); and *In the Matter of William O'Connor, M.D.*, Board of Registration in Medicine, Case No. 2015-20, (Final Decision and Order, January 21, 2016) (Physician falsely answered questions on renewal application. He was reprimanded, fined \$2,500 and ordered to perform 25 hours of community service.).

Based on the foregoing, the Board hereby INDEFINITELY SUSPENDS the Respondent's inchoate right to renew his license to practice medicine, effective as of the date of this Final Decision and Order. Any request to stay that suspension would be subject to:

- 1) submission of proof of fitness to practice medicine including Board-approved psychiatric and medical evaluations, and clinical skills assessment;
- 2) entry into a five-year probation agreement that would require compliance with a PHS contract, and include the recommendations of all Board-approved evaluators, compliance with any out-of-state orders or probation agreements, continued participation in therapy, and a practice plan that includes a monitoring of the Respondent's practice; and
- 3) compliance with any further recommendations made by the Board.

The Respondent shall provide a complete copy of this Final Decision and 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 he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; and the state licensing

boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this indefinite suspension. The Respondent is further directed to certify to the Board within ten (10) days that he 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. The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c. 112, § 64.

Date: November 7, 2024

A handwritten signature in black ink, appearing to read 'Booker Bush', is written over a horizontal line.

Booker Bush, M.D.

Chair

Board of Registration in Medicine