

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN MEDICINE

Middlesex, ss.

Adjudicatory Case No. 2020-027  
(RM-20-0230)

In the Matter of

Alex M. Barrocas, MD.

**FINAL DECISION AND ORDER**

This matter came before the Board for final disposition on the basis of the Administrative Magistrate's Order of Default Recommended Decision (hereinafter "Recommended Decision") dated July 29, 2020, which found Alex M. Barrocas, M.D. (hereinafter "Respondent") in default. After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, and Complaint Counsel's Memorandum on Disposition, the Board adopts the Recommended Decision, amending it by replacing with the following:

- 1) On page 1 in the caption and first paragraph, striking "Alejandro" and substituting "Alex M." prior to Barrocas.

The Board also adds the following:

**Findings of Fact**

In light of the Respondent's failure to respond to the Statement of Allegations (hereinafter "SOA") and to appear for a scheduled prehearing conference at the Division of Administrative Law Appeals (hereinafter "DALA"), DALA found the Respondent in default. G.L. c. 30A, § 10(2), and 801 CMR 1.01(7)(a)(1). Therefore, the allegations contained in the SOA are deemed admitted. *See In the Matter of Christopher D. Owens, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2017-031 (Final Decision and Order, April 25, 2018); *In the Matter of Paul M. Willette, M.D.*, Board of Registration in Medicine, Adjudicatory

Case No. 2017-035 (Final Decision and Order, September 13, 2018). The Board therefore makes the following findings:

Biographical Information

1. The Respondent was born in May 1973. The Respondent graduated from Rutgers New Jersey Medical School in 2000. The Respondent had been licensed to practice medicine in Massachusetts beginning on June 27, 2005 under license number 226101. His license to practice medicine in Massachusetts lapsed on May 10, 2010.

Factual Findings

2. On February 19, 2020, the State of Florida Board of Medicine (the “Florida Board”) suspended the Respondent’s license to practice medicine in that state for six months and issued a reprimand. The Respondent was also ordered to complete Continuing Medical Education credits and was assessed an administrative find in the amount of 5,000.00.

3. The Florida Board’s Final Order (the “Florida Order”) is attached hereto as Attachment A, with exhibits, and incorporated herein by reference.

4. The Florida Order establishes that the Respondent’s license to practice medicine in that state was disciplined based on his pleas entered in a criminal case. Specifically, on April 11, 2016, the Respondent entered a plea of nolo contendere or guilty to one count of battery, in violation of section 784.03, Florida Statutes, and one count of domestic battery by strangulation, in violation of section 784.041(2)(a), Florida Statutes, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. Pursuant to Section 456.072(1)(c) of the Florida Statutes (2015), the Respondent’s pleas constitute grounds for disciplinary action by the Florida Board.

5. On May 8, 2020, the Board issued a Statement of Allegations (“SOA”) against the Respondent and granted him twenty-one days to respond to same. The Respondent failed to submit an Answer.

6. On May 22, 2020, DALA issued a Notice of prehearing conference to be held on June 30, 2020 and informed the Respondent that it would be conducted by phone. The Notice was not returned to DALA as undeliverable. The Respondent received the Notice because he sent an email to the Board’s Complaint Counsel seeking to reschedule the prehearing conference. Complaint Counsel responded that he would need to notify the Magistrate. The Respondent failed to do so.

7. On July 6, 2020, the Magistrate issued an Order to Show Cause to the Respondent requiring that he explain his failure to participate in the conference or request that DALA reschedule the conference. The Respondent provided no response.

#### Conclusion of Law

Since the matter was decided on the basis of a default at DALA, the Magistrate made no determinations as to Conclusion of Law. Based upon the facts set forth in the SOA, and now admitted, the Board makes the following Conclusion of Law.<sup>1</sup>

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, the Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession, pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

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<sup>1</sup> The Board acknowledges that it cannot discipline the Respondent for a violation of 243 CMR 1.03(5)(a)(7) (conviction of a crime) because the judge declined to impose a finding of guilty on either count in the Florida case.

### Sanction

The Board has the authority to discipline a physician upon proof satisfactory that the physician has been disciplined by another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in G.L. c. 112, § 5 and 243 CMR 1.03(5).

The Board may also discipline a physician for engaging in conduct that indicates a lack of good moral character and for conduct that undermines the public confidence in the medical profession. *Levy v. Board of Registration in Medicine*, 378 Mass. 519, 527, 392 N.E. 2d 1036, 1041 (1979) and *Raymond v. Board of Registration in Medicine*, 378 Mass. 709, 454 N.E.2d 391, 394, 395 (1982). “The practice of medicine, because of [its] peculiar relation to the public, require[s] that those holding licenses must have the important qualification of good character” and that “[t]he public has the right to expect the highest degree of integrity from members of the medical profession.” *See Levy*, 378 Mass at 528. The unprofessional conduct need not be related to the practice of medicine. *See Raymond*, supra at 712-713.

The Respondent’s conduct underlying the criminal charges of battery and domestic battery by strangulation of his then-wife indicates that he lacks certain essential qualities to practice medicine, namely sound judgment and a respect for human life. The Respondent’s conduct also demonstrates a lack of good moral character and undermines the public confidence in the medical profession for which the Board may impose discipline pursuant to *Levy* and *Raymond*.

Where criminal cases have not resulted in a conviction, the Board has still imposed discipline where the physician’s conduct indicates a lack of good moral character and undermines the confidence in the medical profession *See In the Matter of Ernest Osei-Tutu*,

*M.D.*, Board of Registration in Medicine Adjudicatory Case No. 2007-058 (November 14, 2007) (physician reprimanded after he admitted to sufficient facts in a domestic assault and battery case, criminal case continued without a finding and the Respondent was ordered to take a batterer's class during two-year probation); *In the Matter of H. Scott Breen, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 04-40-XX (September 2004) (physician received a reprimand for slapping a child-patient; criminal case continued without a finding); *In the Matter of Murray Dimant, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 02-40-XX (September 8, 2002) (physician received a reprimand after he admitted to sufficient facts of indecent assault and battery); and *In the Matter of Raul Laguarda, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 02-18-XX (May 8, 2002) (physician received a reprimand after admitting to sufficient facts of indecent assault and battery).

Revocation has been imposed by the Board where the physician has disregarded the Board's administrative directives. *See In the Matter of Richard Mendel, M.D.*, Adjudicatory Case No. 2020-007 (Final Decision and Order, October 8, 2020) (Board revoked physician's inchoate right to renew his medical license, after finding that he engaged in misconduct in the practice of medicine, failed to maintain medical records for each patient, and committed malpractice on more than one occasion). *See also, In the Matter of Paul M. Willette, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2017-035 (Final Decision and Order, September 13, 2018) and *In the Matter of Christopher D. Owens, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2017-031 (Final Decision and Order, April 25, 2018)

The Board's paramount responsibility is the protection of the public health, safety, and welfare. *See Levy v. Board of Registration in Medicine*, 378 Mass 519 (1979). In light of the Respondent's default, which hindered the Board's efforts in its fulfillment of this responsibility,

it is appropriate to impose a sanction in this matter. The Board hereby **REVOKES** the Respondent's inchoate right to renew his license to practice medicine. This sanction is imposed for the violation of law listed in the Conclusion of Law section.

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; the state licensing board of all states in which he 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 he becomes associated for the duration of this revocation. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

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: December 17, 2020



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George M. Abraham, M.D.  
Chair  
Board of Registration in Medicine

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-20-0257-<sup>S</sup>-MOA  
FILED DATE - FEB 19 2020  
Department of Health  
By: Quinn Morris  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2016-14683  
LICENSE NO.: ME0103335

ALEX MARCOS BARROCAS, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 7, 2020, in Lake Buena Vista, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$7,985.86.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 16<sup>th</sup> day of February, 2020.

BOARD OF MEDICINE

Claudia Kemp  
Claudia Kemp, J.D., Executive Director  
For Zachariah P. Zachariah, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by Certified Mail and U.S. Mail to ALEX MARCOS BARROCAS, M.D., 151 Crandon Boulevard, Suite #631, Key Biscayne, Florida 33149; to Bruce Lamb, Esquire, Gunster Law Firm, 401 East Jackson Street, Suite 2500, Tampa, Florida 33602; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney



General, at Ed.Tellechea@myfloridalegal.com; and Donna C. McNulty, Special Counsel, at Donna.McNulty@myfloridalegal.com this 19<sup>th</sup> day of February, 2020.

Aimee Munn  
Deputy Agency Clerk

Certified Article Number  
9414 7266 9904 2140 1248 32  
SENDER'S RECORD

Alex Marcos Barrocas, M.D.  
151 Crandon Boulevard  
Suite #631  
Key Biscayne, FL 33149

Mailed Regular 3  
Certified mail AM

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH Case No. 2016-14683**

**ALEX MARCOS BARROCAS, M.D.,**

**Respondent.**

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**SETTLEMENT AGREEMENT**

Alex Marcos Barrocas, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

**STIPULATED FACTS**

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 103335.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

**STIPULATED CONCLUSIONS OF LAW**

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

**STIPULATED DISPOSITION**

1. **Reprimand** — The Board shall issue a Reprimand against Respondent's license.

2. **Fine** — The Board shall impose an administrative fine of *Five Thousand Dollars and Zero Cents (\$5,000.00)* against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bln C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order accepting this Agreement ("Final Order"). **All fines shall be paid by cashier's check or money order.** Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.**

3. **Reimbursement of Costs** – Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is *Five Thousand Nine Hundred Eighty-Five Dollars and Eighty-Six Cents (\$5,985.86)*, but shall not exceed *Seven Thousand Nine Hundred Eighty-Five Dollars and Eighty-Six Cents (\$7,985.86)*. Respondent will pay such Department costs to: Payments, Department of Health, Compliance Management Unit, Bln C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order. **All costs shall be paid by cashier's check or money order.** Any

change in the terms of payment of costs imposed by the Board must be approved in advance by the Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

4. Suspension Language -- Respondent's Florida medical license is hereby SUSPENDED for a period of six (6) months.

5. Continuing Medical Education - Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in ethics within one (1) year from the date the Final Order is filed.

**STANDARD PROVISIONS**

1. Appearance -- Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. No Force or Effect until Final Order -- It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force

and effect unless the Board enters a Final Order Incorporating the terms of this Agreement.

3. **Continuing Medical Education** – Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** – Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within ten (10) days of any changes of said addresses

5. **Future Conduct** – In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine to include, but not limited to, all statutory requirements related to practitioner

profile and licensure renewal updates. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** -- It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** -- Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. **No Preclusion Of Additional Proceedings** -- Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against

Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver Of Attorney's Fees And Costs** – Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** – Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

*[Signatures appear on the following page.]*



3. Respondent's address of record is 151 Crandon Boulevard, #631, Key Biscayne, Florida 33149-1534.

4. On or about April 11, 2016, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, in case number F14-018020, Respondent entered a plea of nolo contendere or guilty to one (1) count of battery, in violation of section 784.03, Florida Statutes and one (1) count of domestic battery by strangulation, in violation of section 784.041(2)(a), Florida Statutes.

5. The qualities essential to the practice of medicine include sound judgment and a respect for human life. The crimes of battery and domestic battery by strangulation show a warped judgment and disregard for human life.

6. Therefore, Respondent's crimes relate to his ability to practice medicine by showing that he lacks certain essential qualities to practice medicine, namely sound judgment and a respect for human life.

7. Section 456.072(1)(c), Florida Statutes (2015), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which

relates to the practice of, or the ability to practice, a licensee's profession constitutes grounds for disciplinary action by the Board of Medicine.

8. Respondent pled nolo contendere or guilty to one (1) count of battery and one (1) count of domestic battery by strangulation, crimes that relate to the practice or the ability to practice medicine.

9. Based on the foregoing, the Respondent has violated Section 456.072(1)(c), Florida Statutes (2015), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 18<sup>th</sup> day of July, 2018.

Celeste Phillip, M.D., M.P.H.  
Surgeon General and Secretary



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SEC/

PCP: December 16, 2016.

PCP Members: Georges El-Bahr, M.D.; Seela Ramesh, M.D.; Brigitte Goersch

## NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

## NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 455.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition any other discipline imposed.