

Attorney General on his 2013 license renewal application. When a physician falsely answers a question on a licensing application, the physician deprives the Board of the opportunity to review his or her record and determine whether he or she should be license to practice medicine in Massachusetts. *In the Matter of Irina Z. Agronin, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 02-06-DALA (Final Decision and Order, August 21, 2002). A reprimand and fine are usually imposed when a physician falsely or incorrectly answers an application question. See *In the Matter of Samuel B. Wilson, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2007-023 (Consent Order, May 16, 2007)(physician reprimanded and fined \$2,500 for disclosing only one of two operating under the influence arrests on renewal application)

The Board hereby imposes a REPRIMAND and \$5,000 FINE (\$2,500 for the prescribing violation and \$2,500 for the fraudulent procurement of the medical license). The sanction is imposed for each violation of the law, and not a combination of any or all of them.

The Board, in adopting the Magistrate's Recommended Decision, has determined that there was insufficient evidence upon which to conclude that the Respondent's conduct with Patients A-E violated the Board's Disruptive Physician Policy. However, the Board cautions that the Disruptive Physician Policy does not provide a physician with an unbridled license to use demeaning or profane gestures and language with a patient in the name of "well-intended criticism." Moreover, in the future, the Board may choose to discipline such egregious behavior as misconduct in the practice of medicine. The Board advises, "[P]atients with problems of chemical dependence...retain the right to be treated with respect....The physician practicing addiction medicine will maintain a decorum that recognizes each patient's dignity."¹ "Derogatory language or actions...can cause psychological harm to those they target...can cause reluctance in members of targeted groups to seek or to trust medical care and is profoundly antithetical to the Principles of Medical Ethics."²

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

¹ See American Society of Addiction Medicine's "Public Policy Statement on Principles of Medical Ethics," adopted by the ASAM Board of Directors in October 1992.

² See American Medical Association Code of Ethics "Opinion 9.123."

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 boards 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 in the year following the date of imposition of this reprimand. 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.

Candace Lapidus Sloane, MD

DATE: November 8, 2018

Candace Lapidus Sloane, M.D.,
Board Chair