

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss

Adjudicatory Case No. 2019-051  
(RM-19-0518)

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In the Matter of )  
)

Fernando J. Checo, M.D. )  
\_\_\_\_\_ )

FINAL DECISION AND ORDER

This matter came before the Board for disposition on the basis of the Administrative Magistrate's Recommended Decision, dated April 5, 2021. No Objections to the Recommended Decision or Memorandum on Disposition were filed by the parties. After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, the Board adopts the Recommended Decision, amending it by adding the following:

Sanction

Pursuant to 243 CMR 1.03(5)(a)12, the Board has the authority to discipline a physician who has "been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in G.L. c. 112, sec. 5 or 243 CMR 1.03(5)." The record demonstrates that the Respondent violated G.L. c. 112, sec. 5 ninth par. (c) and 243 CMR 1.03(5)(a)3, by engaging in conduct "that places into question the Respondent's competence to practice medicine;" violated 243 CMR 1.03(5)(a)7 because he has been convicted of a crime; and engaged in conduct that places his moral character into question and undermines the public confidence in the integrity of the medical profession. Accordingly, it is proper for the Board to impose sanction. *See Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982); *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979). When the Board imposes reciprocal discipline, the Board may impose any sanction consistent with its policies and precedent and based on out-of-state facts, not the out-of-state sanction. *See In the Matter of Robert Schlossman, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 85-12-RO (Final Decision and Order, November 5, 1986) (Board noted that the fact that another state stayed its sanction did not require same outcome in Massachusetts).

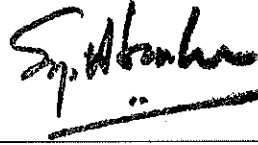
In this matter, the Respondent was disciplined for engaging in misconduct by being convicted of a crime, Driving While Intoxicated (DWI) in New York and disciplined in another jurisdiction by the licensing authority, the New York Board for Professional Medical Conduct (New York Board). Had the Respondent committed these violations in Massachusetts, the Board could discipline him for “conduct which places into question his competence to practice medicine,” 243 CMR 1.03(5)(a)3; that the Respondent “has been convicted of a crime,” 243 CMR 1.03(5)(a)7; and “proof satisfactory to a majority of the Board that the physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.” *Sugarman v. Board of Registration in Medicine*, 422, Mass. 338 (1996).

The facts of this case establish that the Respondent was disciplined by an order of the New York Board, and was convicted of DWI. The Board has imposed a reprimand on a physician who, among other things, drove while intoxicated. See *In the Matter of Colin Neagoe, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2019-019 (Consent Order April 4, 2019) (physician charged with DWI in New Hampshire, possession of marijuana, and transporting drugs in a vehicle. Physician subsequently entered PHS monitoring contract. Board reprimanded physician and required entrance into a Probation Agreement.)

Where the Respondent’s license to practice medicine has lapsed, the Respondent’s inchoate right to renew his license is hereby REPRIMANDED. The sanction is imposed for each violation of the law, and not a combination of any or all of them.

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 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 that his inchoate right to renew has been reprimanded. 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.

A handwritten signature in black ink, appearing to read "G. Abraham", written over a horizontal line.

Date: June 17, 2021

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