

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss

Adjudicatory Case No. 2014-038
(RM-14-457)

In the Matter of)
John Fattore, 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 August 3, 2015, incorporating a Stipulation by the parties, which is attached hereto and incorporated by reference. There were no Objections to the Recommended Decision. A Memorandum on Disposition was submitted by the Respondent. After full consideration of the Recommended Decision and the Respondent's Memorandum on Disposition, the Board adopts the Recommended Decision, amending it by striking, on page 4 of the Stipulation, lines 8 through 13, the paragraph that begins, "The parties recommend....." and substituting the following:

The parties recommend that the Respondent's license to practice medicine be indefinitely suspended. The Respondent may petition for a stay of suspension after eighteen (18) consecutive months of documented sobriety, including random screening, commencing on the date of entry into the Physician Health Services contract, March 25, 2015, and entrance into a five-year Probation Agreement. The conditions of the Probation Agreement are as follows: compliance with his Physician Health Services contract, a Board-approved practice plan, worksite monitoring, and any other conditions the Board may deem appropriate.

In accordance with the terms of the Stipulation, the Respondent was given an opportunity to agree to the above change. The Respondent's counsel agreed to the amendment.

The Findings of Facts, Conclusions of Law, and Sanction, contained within the Stipulation of the Parties, are consistent with Board precedent. See, *In the Matter of Jeremiah O'Regan, M.D.*, Adjudicatory Case No. 2012-003 (Consent Order, January 18, 2012); *In the Matter of William J. Morgan, M.D.*, Adjudicatory Case No. 2011-005 (Consent Order, February 16, 2011). However, the Board also wants to ensure that such physicians are rehabilitated and returned to active and meaningful lives whenever appropriate. *In the Matter of Madhugiri B. Rameseshu, M.D.*, Adjudicatory Case no. 92-1-DALA (Final Decision and Order, December 13, 1995); *In the Matter of Penelope Lankheim, M.D.*, Adjudicatory Case No. 88-2-SU (Final Decision and Order, November 20, 1991).

The Respondent's license to practice medicine is hereby indefinitely suspended. In accordance with the Stipulation as amended, the Respondent may petition the Board for a stay of suspension after eighteen (18) consecutive months of documented sobriety, including random screening, commencing on the date of entry into the Physician Health Services contract, March 25, 2015. Any stay would be conditioned upon the Respondent's entrance into a five-year Probation Agreement, which conditions would include: compliance with his Physician Health Services contract, a Board-approved practice plan, worksite monitoring, and any other conditions the Board may deem appropriate. 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 for the duration of the 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.

Date: December 3, 2015

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Chair
Board of Registration in Medicine

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