



The Division of Administrative Law Appeals Magistrate concluded that the Board has jurisdiction over the Respondent and has the authority to sanction him for the criminal convictions. The Magistrate found in favor of the Board on its Motion for Summary Decision because the doctor's conviction for drug-related offenses constitutes a criminal conviction, and reasonably calls into question his ability to practice medicine, for purposes of 243 CMR 1.03(5)(a)7 and M.G.L. c. 112, §5, par. 9(g).

When determining the appropriate sanction where there has been criminal conduct, the Board takes into consideration the nature or severity of the offense, whether the criminal conduct occurred during the course of the practice of medicine or was related to the practice of medicine, the impact of the physician's misconduct, the physician's accountability for their actions, the physician's cooperation with the Board and any mitigating or aggravating circumstances. See, In the Matter of Joseph W. Dullea, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2006-024, (Final Decision and Order, April 2, 2015). (The physician's inchoate right to renew was revoked where, over several years, the Respondent wrote in excess of 300 pain medication prescriptions for his wife, which were not in the usual course of his medical practice, did not take adequate steps to address his wife's addiction to these medications, and was indicted for unlawful distribution of a controlled substance; *In the Matter of Barbara Philipp, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2009-066, (Consent Order, February 25, 2009) Physician wrote 26 prescriptions in family and friends' names, for her own personal use, including Ambien, Hydrocodone, Diazepam and Percocet. The physician asked a colleague to sign a blank prescription for a family member, which they did. The physician then wrote the prescription to herself for sixty (60) Percocet. Indefinite suspension, with the right to petition to stay the suspension after two years of successful compliance in a Probation Agreement; *Board of Registration in Medicine v. Puliafito*, Docket No 2016-012, Final Decision and Order (December 5, 2019) (Physician was disciplined by the California Medical Board for prescribing violations, consumption of illicit drugs, misleading emergency personnel responding to an overdose, purchasing alcohol for a minor and practicing medicine while impaired. Where 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

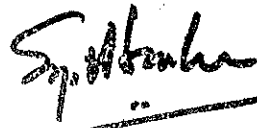
forth in GL c. 112, sec 5, or 243 CMR 1.03(5)", the Board revoked the physician's inchoate right to renew.) In the present matter, the Board finds mitigating factors in that the Respondent cooperated fully with the Board and all phases of the adjudicatory process, took full accountability for his actions, affirmatively taking steps to address his drug use, and demonstrated a commitment to his recovery in that he has ceased taking illegal opioids for the last six years.

The Board hereby INDEFINITELY SUSPENDS the Respondent's inchoate right to renew, effective as of the date of this Final Decision and Order. The Respondent would be allowed to petition for a stay of the suspension contingent upon proof of fitness to practice, 18 months of continuous sobriety and entry into a five-year Probation Agreement, with terms and conditions to include, but not be limited to, 1) entry into a Physician Health Services Substance Abuse Monitoring contract; 2) random drug and alcohol screens; 3) adherence to a Board-approved practice plan; 4) ongoing monitoring with quarterly reports to be submitted by a Board-approved work place monitor; and 5) ongoing treatment as recommended by Physician Health Services.

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 this 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: April 22, 2021

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

George Abraham, M.D.

Chair

Board of Registration in Medicine