COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss Adjudicatory Case No. 2016-012

 (RM-16-131)

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In the Matter of )

 ) FINAL DECISION AND ORDER

Joseph Knight, M.D. )

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This matter came before the Board for disposition on the basis of the Administrative Magistrate’s May 8, 2019 Recommended Decision, the Respondent’s Objections to the Administrative Magistrate’s Recommended Decision (Respondent’s Objections), and the Parties’ Memoranda on Disposition. After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, and all additional submissions, the Board adopts the Recommended Decision, making the following correction: In the Magistrate’s “Summary of Recommended Decision” she writes that the Respondent “failed to comply with Massachusetts tax laws,” however, in her decision the Magistrate concludes that the Board did not meet its burden in proving this allegation. Therefore, the Board strikes that clause from the “Summary of Recommended Decision.”

The Board hereby rejects the Respondent’s Objections. In doing so, the Board notes that the Respondent’s primary argument is that he was not disciplined in the State of Oklahoma and that the Order Accepting Voluntary Submission to Jurisdiction, which he entered into with the Oklahoma State Board of Medicine (Oklahoma Board) on April 4, 2014, is not a disciplinary action. The Voluntary Submittal to Jurisdiction is a disciplinary action and thus the Respondent was disciplined by the Oklahoma Board. In regard to the Respondent’s Objection that he did not fraudulently procure or renew his Massachusetts medical license, as set forth below, the Board need only show that the Respondent knowingly made a false statement and that statement was susceptible of actual knowledge. *See* *Fisch v. Board of Registration in Medicine*, 437 Mass. 128, 139 (2002)(citations omitted).

Sanction

As a function of this Board’s obligation to protect the public health, safety, and welfare, it is proper for the Board to discipline the Respondent. *See Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979). 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, §5 or 243 CMR 1.03(5).” The Board may impose discipline based on another state’s disciplinary action, without re-litigating the underlying facts. *See In the Matter of Randolph Ramirez*, M.D. 441 Mass. 479 (2004). 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).

The Board’s regulations include, as a basis for discipline, “[m]isconduct in the practice.” 243 CMR 1.03(5)(a)(18). In addition, the record reflects that the Respondent fraudulently procured his initial full license, as well as fraudulently renewed it in 2012 and 2014. The Board’s regulations allow for the Board to impose discipline on a physician for “[f]raudulent procurement of his or her certificate or registration or renewal.” 243 CMR 1.03(5(a)(1). 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 licensed 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). The Board need not prove fraudulent intent; the Board need only show that the Respondent knowingly made a false statement and that statement was susceptible of actual knowledge. *See* *Fisch v. Board of Registration in Medicine*, 437 Mass. 128, 139 (2002)(citations omitted).

The record also reflects that the Respondent practiced medicine while impaired, which is a basis for sanction, pursuant to 243 CMR 1.03(5)(a)(4). *See Also In the Matter of Alexander Kim, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2018-048 (Consent Order, October 25, 2018). Specifically, on September 5, 2012, the Respondent was removed from work at Harvard Street Neighborhood Health when his colleagues observed him to be unwell

Moreover, the record also reflects that the Respondent violated 243 CMR 1.03(5)(11) (“[v]iolation of any rule or regulation of the board”). Specifically, the record reflects that the Respondent violated 243 CMR 2.07(8) and 243 CMR 2.04(12(b), in that he failed to report in writing to the Board changes in registration information that occur during the licensing term within 30 days of the date that the change occurred; the Respondent failed to timely notify the Board of the Drug Enforcement Administration’s action taken against him, the temporary suspension of his Illinois medical license, and the Oklahoma Board’s disciplinary action. The Board has also imposed discipline on physicians who failed to disclose information on their applications. *See* *In the Matter of Peter Gherardi, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2008-030 (Consent Order, August 20, 2008) (physician reprimanded and fined $5,000 for failing to disclose an arrest on his limited license application and his initial full license application, and for failing to disclose a subsequent arrest on a renewal application).

Taking into consideration all of the above, the Board hereby REVOKES the Respondent’s inchoate right to renew his medical license. This sanction is imposed for each violation separately and not for a combination 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; and the state licensing boards of all states in which he has any kind of license. The Respondent shall also provide this notification to any such designated entities with which he becomes associated during 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 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 (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c.112, §64.

Date: November 7, 2019 Signed by Candace Lapidus Sloane, M.D.

 **Candace Lapidus Sloane, M.D.**

 Board Chair

 Board of Registration in Medicine