

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss

Adjudicatory Case No. 2015-016
(RM-15-192)

)
In the Matter of)

Mara Linscott, M.D.)
_____))

FINAL DECISION AND ORDER

This matter came before the Board for disposition on the basis of the Administrative Magistrate's Recommended Decision, incorporating a Stipulation as to facts and conclusions of law, dated September 4, 2015, which is attached hereto and incorporated by reference. The parties filed neither Objections to the Recommended Decision nor Memoranda on Disposition. After full consideration of the Recommended Decision and Stipulation, the Board adopts the Recommended Decision, amending it as follows:

- On page 1, in the Summary of Recommended Decision section, line 3, strike the words "a reprimand", and substitute "discipline"
- On page 4, strike the entire section entitled "Recommended Sanction"
- On page 5, in the Conclusion and Order section, strike the word "reprimanded" and substitute "disciplined".

Sanction

The record demonstrates that the Respondent violated G.L. c. 112, sec. 5, eighth par. (h) and 243 CMR 1.03(5)(a)11 by failing to respond to a written communication from the Board within thirty days, pursuant to 243 CMR 2.07(12)(a), and by failing to respond to a Board Complaint Committee Order for Answering within ten days, pursuant to 243 CMR 1.03(7) and 243 CMR 2.07(12)(b).

The Respondent violated 243 CMR 1.03(5)(a)16 by failing to respond to a subpoena or to furnish the Board, its investigators, or representatives documents, information, or testimony to which the Board is legally entitled.

When physicians fail to respond to Board inquiries, the Board is unable to fulfill its mandate to protect the public health, safety, and welfare. Information requested from

physicians who have had complaints made against them is potentially vital in the Board's accomplishment of this mandate. See, In the Matter of Mark M. Kowalski, M.D., Adjudicatory Case No. 97-16-DALA (Final Decision and Order, April 1, 1998)(“A physician who obstructs the Board's investigation of a complaint and blatantly ignores repeated requests for a response threatens the public's health, welfare and safety, not only by denying the Board potentially important information, but also by draining the resources of the Board.”)

In addition to thwarting the Board's ability to protect the public health, safety, and welfare, physicians who fail to respond to Board requests for information risk undermining public confidence in the medical profession. See, In the Matter of Joshua P. Golden, M.D., Adjudicatory Case No. 89-10-SU (Final Decision and Order, August 1, 1990)(The Board may discipline a physician who “undermines public confidence in the integrity of the medical profession by flouting the rules and regulations of the agency which granted his license” by failing to respond to Board inquiries).

The Respondent's license to practice medicine is hereby reprimanded. This sanction is imposed for each violation of 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 she practices medicine; any in- or out-of-state health maintenance organization with whom she has privileges or any other kind of association; any state agency, in- or out-of-state, with which she has a provider contract; any in- or out-of-state medical employer, whether or not she practices medicine there; the state licensing boards of all states in which she 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 she 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 she 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: November 5, 2015

Candace Lapidus Sloane, MD

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