

MIDDLESEX, SS

Adjudicatory Case 2021-013
(RM-21-0129)

In the Matter of

Ata-Ollah Mehrtash, M.D.

Final Decision & Order

This matter came before the Board for final disposition on the basis of the Administrative Magistrate's Recommended Decision dated September 7, 2021. After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, Respondent's Response to the Recommended Decision, and the parties respective Memoranda on Disposition, the Board ADOPTS the Recommended Decision, amending it to add:

Sanction

The Board maintains the authority to discipline a physician upon proof satisfactory that the physician has been disciplined by 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 and 243 CMR 1.03(5). In this case, on July 16, 2015, the Respondent entered into a Stipulated Settlement and Disciplinary Order with the Medical Board of California ("California Board"), which resulted in the revocation of the Respondent's license for three years, stayed for the same time period while he was placed on probation. The Respondent admitted that the California Board could establish a prima facie case with respect to the charges and allegations contained in its Accusation, namely that the Respondent committed gross negligence in the care and treatment of a patient through

his failure to perform an initial examination under anesthesia that would have permitted him to discern the extent of the patient's medical problem, his perforation of the patient's uterus during a procedure, failure to properly follow up on his suspicions that perforation had occurred, and his failure to initiate prophylactic antibiotics after the procedure. The patient died three days after the procedure, from cardiac arrest secondary to severe sepsis. Furthermore, the California Board imposed discipline based on the Respondent's sloppily dictated pre-operative history two months after her admission and his preparation of a post-operative note and a discharge summary that were inaccurate. On March 14, 2018, the California Board revoked the Respondent's license following an adjudicatory hearing at which the administrative law judge found that the Respondent was unable to comply with the terms of his probation and based on his conclusion that clear and convincing evidence demonstrated that the Respondent posed a genuine risk to the community. That decision became effective on April 13, 2018.

On or about May 27, 2016, the Respondent consented to discipline by the New York State Board for Professional Medical Conduct ("New York Board"), whereby he entered into a consent agreement, based on the California Board's 2015 action. Thereafter, he entered into a June 6, 2016 Consent Order with the New York Board, which adopted the consent agreement and suspended the Respondent's license for 36 months. The suspension was stayed for an equal period of time, during which the Respondent was required to pay a fine and comply with the conditions set forth him by the California Board.

The Board may impose reciprocal discipline for conduct that was charged in the Statement of Allegations. In this case, the Administrative Magistrate determined that the Respondent did not commit malpractice, and he did not demonstrate a lack of good moral

character or character that undermines public confidence in the integrity of the medical profession. As such, the Respondent is found to have:

- Engaged in conduct that places into question his competence to practice medicine, including practicing with gross incompetence or negligence, pursuant to 243 CMR 1.03(5)(a)(3);
- Failed to (a) maintain a medical record for each patient, which is adequate to enable the physician to provide proper diagnosis and treatment; and (b) maintain a patient's medical record in a manner which permits the former patient or a successor physician access to them, pursuant to G.L. c. 112, §5, eighth par. (h) and 243 CMR 1.03(5)(a)11; and
- Committed misconduct in the practice of medicine, pursuant to 243 CMR 1.03(a)(18).

The Board's paramount responsibility is the protection of the public health, safety and welfare. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979). The Board has imposed license revocation for physicians who have committed gross negligence in the care of patients and have been found to lack the skills necessary to engage in the safe practice of medicine. See In the Matter of Cynthia J. Provow, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2013-049 (Final Decision and Order, January 6, 2017).

As a function of its obligations to protect the public health, welfare and safety, it is proper for the Board to exercise its authority to discipline the Respondent. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979). Pursuant to 243 CMR 1.03(15), the Board maintains the authority to impose discipline against a physician whose license has been revoked

by operation of law. Therefore, the Board REVOKES the Respondent's inchoate right to renew his license to practice medicine in the Commonwealth.

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 to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for 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 notify independently, at any time, any of the entities designated above, or any other affected entity, of any action 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: November 18, 2021

Julian Robinson, M.D.
Chair