

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, SS

Adjudicatory Case No. 2022-051  
(RM-22-0588)

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)  
In the Matter of )  
)  
Erkan Mutlukan, M.D. )  
\_\_\_\_\_)

Final Decision and Order

This matter came before the Board for imposition of a sanction, following the Board of Registration in Medicine's February 27, 2025 consideration of the Division of Administrative Law Appeals' (DALA) October 9, 2024 Recommended Decision on Petitioner's Motion for Partial Summary Decision, rejection of the Respondent's objections thereto, and adoption of the Findings of Fact and Conclusions of Law in the Recommended Decision. After full consideration of the Recommended Decision and Parties' Memoranda on Disposition and after hearing from the Parties, the Board adds the following:

Sanction

The record demonstrates that, after a full hearing before the Medical Practitioners Tribunal (Tribunal), the General Medical Council (GMC) of the United Kingdom "erased" the Respondent's license based on numerous incidents, over the span of nearly two years, in which the Respondent's conduct towards patients, patient family members, colleagues, and others was offensive, inappropriate, and aggressive, and left his targets intimidated, frightened, and/or concerned that they would be assaulted. The incidents included physical aggression and the use of racially derogatory language. The Board finds the racially derogatory language used to be particularly offense and hateful.

“Taken together, the incidents...warrant discipline...based on gross misconduct”<sup>1</sup> pursuant to 243 CMR 1.03(5)(a)3, engaging in misconduct in the practice of medicine, pursuant to 243 CMR 1.03(5)(a)18, violating a rule or regulation of the Board, namely, Board Policy 01-01 “Disruptive Physician Behavior” (adopted June 13, 2001), and engaging in conduct that undermines public confidence in the integrity of the medical profession, pursuant to *Raymond v. Bd. of Reg. in Med.*, 387 Mass. at 713; *Levy v. Bd of Reg. in Med.*, 378 Mass. 519 (1979).

“When determining the appropriate sanction...the Board takes into consideration the nature of the offense, whether the...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 and any mitigating or aggravating factors.” *In the Matter of Ronald S. Grusd, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2018-032 (Final Decision & Order, October 22, 2020).

The Board often has imposed a reprimand for disruptive behavior and has imposed this sanction in wide-ranging circumstances, including: i) a case where a physician, frustrated by his facility’s admitting patients he believed should be transferred to other hospitals, refused to go into the hospital when contacted by nurses. See *In the Matter of Timothy Soul-Regine, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2013-042 (Consent Order, September 11, 2013); and ii) a case where a physician engaged in disruptive behavior on four separate occasions, including one where he threatened violence, but had completed a behavioral assessment, engaged in psychotherapy, and completed a course in workplace conflict prior to the imposition of discipline. See *In the Matter of Paul Silverstein, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2007-066 (Consent Order, December 19, 2007).

In some instances, the Board has imposed indefinite suspension of a physician’s license based on disruptive behavior and allowed a petition to stay the suspension upon the physician’s entry into a Probation Agreement. See *In the Matter of Sheldon Schwartz, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2015-037 (Final Decision and Order, May 20, 2021)(Board indefinitely suspended physician for two disruptive incidents in February and May 2013, involving offensive language and uncooperative behavior in the presence of patients.); See e.g., *In the Matter of Peter J. Mulhern, M.D.*, Board of Registration in Medicine, Adjudicatory Case Nos. 2005-007 and 2005-046 (Final Decision and Order, September 5, 2007)(the Board suspended the physician’s inchoate right to renew his license and conditioned a petition to stay

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<sup>1</sup> Recommended Decision at p. 19.

on the physician's demonstrate his fitness to practice and entering a Probation Agreement, where the physician's disruptive behavior included multiple acts on multiple days and included his throwing a sandbag in anger and injuring a co-worker's foot, and threatening to punch another physician).

The Board distinguishes the pendant case from *Schwartz* and *Mulhern*, based on the duration of the wrong-doing, the number and scope of individuals impacted, and the use of particularly offensive and hateful racially derogatory language. "[C]ollectively, these incidents...are a flagrant and extreme departure from professional norms."<sup>2</sup>

The Board identifies no mitigating circumstances in the pendant matter. The Board acknowledges the Respondent's stated contributions to Ophthalmic Science but is cognizant that "[m]ere intellectual power and scientific achievement without uprightness of character may be more harmful than ignorance." *Lawrence v. Board of Registration in Medicine*, 239 Mass. 424 428-429 (1921).

The Board may conclude that revocation is the appropriate sanction in this matter, given the Respondent's "flagrant and extreme departure from professional norms," over an extended period and directed towards a broad scope of health care recipients and providers. The Board concludes that the Respondent's admission in his November 7, 2024 correspondence that he became "very disruptive recently...[and] got [himself] into the disgraceful and unprofessional conduct of foul language, sarcasm, arrogance, agitation and insults and fully disruptive behavior in phone calls to medical practices of [a Massachusetts health care facility]"<sup>3</sup> reinforces doubt as to the Respondent's impulse control and ability to be remediated.

Based on the scope and duration of the Respondent's gross misconduct, and consistent with the Board's responsibility to "promote public health and safety,"<sup>4</sup> the Board REVOKES the Respondent's license to practice medicine. The sanction is imposed for each violation of the law, and not a combination of any or all of them. Given the imposition of said sanction, it is not necessary for the Board to address the remaining allegations in the SOA. Thereby, paragraphs 8-27 of the SOA are dismissed.

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<sup>2</sup> Recommended Decision at p. 19.

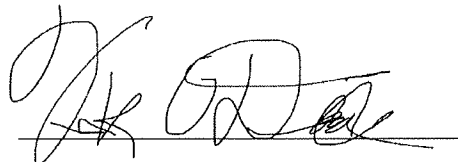
<sup>3</sup> Respondent's Objections at p. 5.

<sup>4</sup> *Levy v. Board of Registration in Medicine*, 378 Mass. 519, 524 (1979).

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 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 10, 2025

A handwritten signature in black ink, appearing to read 'Frank M. O'Donnell', written over a horizontal line.

Frank M. O'Donnell, J.D., M.P.A.

Vice Chair