COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

Middlesex, ss

Adjudicatory Case
No 2013-041

In the Matter of	Partial Final Decision as to Findings of Fact and Conclusions of Law
Jason Faulhaber, M D	

This matter came before the Board on the basis of the Administrative Magistrate s Recommended Decision, dated February 8, 2015, for disposition as to Findings of Fact and Conclusions of Law only Neither Party submitted objections to the Recommended Decision The Board has determined that the Findings of Fact were based on substantial evidence

After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, the Board hereby adopts the Recommended Decision as the Partial Final Decision as to Findings of Fact and Conclusions of Law Only, amending it to

i) correct the following scrivener's errors

- on page 2, line 16, replace. Gonzales' with "Gonzalez '
- on page 10, lines 13, 19. and 22, replace Patient B with Patient 2 '
- on page 11, line 6, replace "Patient B' with "Patient 2'
- on page 11, line 16, replace "September 9, 201 ' with ' September 9, 2010"

ii) specify the Conclusions of Law

The Board concludes, as a matter of law, that, with respect to Patient A, Patient B, and Patient 2, the Respondent

- engaged in conduct that places in question his competence to practice medicine, in violation of G L c 112, § 5, ¶ 9(c) and 243 CMR 1 03(5)(a)3,
- committed misconduct in the practice of medicine, in violation of 243 CMR 1 03(5)(a)18, and
- engaged in conduct that undermines the public confidence in the integrity of the medical profession in violation of *Sugarman v Board of*

Registration in Medicine, 422 Mass 338, 343-44 (1996), *Raymond v Board of Registration in Medicine*, 387 Mass 708, 713 (1982), and *Levy v Board of Registration in Medicine*, 378 Mass 519, 528 (1979), and

iii) clarify that, with Respect to Patient 1, the Board determined that there was sufficient evidence upon which to conclude that the Respondent did not exploit Patient 1 without considering "some evidence that Patient 1 was a doctor The Board does not need to reach a determination as to whether a patient who is a physician is less apt to be susceptible to exploitation than a patient who is not a physician

After the Board hears from the Parties on the issue of sanction, as well as any individuals who qualify as victims pursuant to Mass Gen Laws c 112, § 5, it will issue a complete Final Decision and Order, including any sanction and notification requirements

Date May 21, 2015

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M D
Board Chair