THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. **Division of Administrative Law Appeals**

 98 North Washington Street, 4th Floor

**Board of Registration in Medicine**, Boston, MA 02114

 Petitioner (617) 727-7060

 **www.state.ma.us/dala**

 v.

 Docket No. RM-14-457

**John Fattore, M.D.**,

 Respondent

**Appearance for Petitioner**:

 Tracy Morong, Esq.

 Board of Registration in Medicine

 200 Harvard Mill Square, Suite 330

 Wakefield, MA 01880

**Appearance for Respondent**:

 Douglas A. Morgan, Esq.

 Rebecca G. Capozzi, Esq.

 McCarthy, Bouley & Barry, P.C.

 47 Thorndike Street

 Cambridge, MA 02141

**Administrative Magistrate**

 James P. Rooney

**Summary of Decision**

 Doctor who took two lorezepam pills meant for a patient and who showed up for work on August 29, 2014 impaired by alcohol is subject to discipline by the Board.

**RECOMMENDED DECISION**

 On September 10, 2014, the Board of Registration in Medicine issued a Statement of Allegations ordering John Fattore, M.D. to show cause why he should not be disciplined for practicing medicine while impaired by drugs or alcohol, which conduct placed in question his competence to practice medicine. On the same day, the Board summarily suspended his license to practice medicine and referred the matter to the Division of Administrative Law Appeals.

 On July 24, 2015, by mutual agreement among the parties, Complaint Counsel filed a Stipulation of Facts and Conclusions of Law. The stipulation is signed by Dr. Fattore, his lawyer, and Complaint Counsel. The Stipulation is attached as Exhibit 1.

 Other than the Stipulation and the admissions of fact it contains, I have not taken evidence with respect to the facts of this matter. I adopt the facts as stipulated. The conclusions of law set forth in the Stipulation are warranted and I therefore adopt them as well.

 Based on the foregoing, I recommend that the Board impose such discipline on Dr. Fattore as it deems appropriate in light of the facts and conclusions of law as stipulated by the parties.

 DIVISION OF ADMINISTRATIVE LAW APPEALS

Signed by James P. Rooney

James P. Rooney

First Administrative Magistrate

Dated: August 3, 2015