

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

**Board of Registration in Medicine,**  
Petitioner

v.

Docket No. RM-18-0384

**Jorge C. Zamora-Quezada, M.D.,**  
Respondent

**Appearance for Petitioner:**

Rachel N. Shute, Esq.  
Board of Registration in Medicine  
178 Albion Street, Suite 330  
Wakefield, MA 01880

**Appearance for Respondent:**

Jorge C. Zamora-Quezada, M.D., *pro se*

**Administrative Magistrate:**

Kenneth J. Forton

**SUMMARY OF RECOMMENDED DECISION**

The Board of Registration in Medicine seeks to reciprocally discipline the Respondent and additionally discipline him for failing to properly notify the Board of his legal proceedings, undermining the public trust in the profession, and for being convicted of a crime. The grounds for his discipline in Texas and Arizona are substantially similar to the grounds upon which the Board itself could have disciplined him, so reciprocal discipline is appropriate. It is undisputed that Respondent failed to disclose a civil suit against him and several criminal charges. It is also undisputed that Respondent was convicted of multiple crimes, including Health Care Fraud, which is gross misconduct and undermines public confidence in the profession. DALA recommends that the Board's motion for summary decision be allowed and that the Board take appropriate action.

## **RECOMMENDED DECISION**

The Division of Administrative Law Appeals (DALA) received this case on referral from Petitioner Massachusetts Board of Registration in Medicine (Mass. Board), which seeks recommended findings of fact and conclusions of law. On June 15, 2018, the Mass. Board issued a statement of allegations ordering Respondent Jorge C. Zamora-Quezada, M.D. to show cause why he should not be disciplined for (1) being disciplined in another jurisdiction for reasons substantially the same as those set forth at G.L. c. 112, § 5 and 243 CMR 1.03(5), (2) for conduct that places the Respondent's competence to practice medicine into question, and (3) for failing to inform the Mass. Board of information to which it was legally entitled in his license renewal applications.

On July 3, 2018, a pre-hearing conference was scheduled for July 25, 2018. On July 20, 2018, Respondent filed an unopposed motion for a continuance which was granted. In a joint status report filed on July 27, 2020, the Mass. Board requested more time to correspond with the Respondent. The request was allowed. On October 30, 2020, the Mass. Board stated its intention to eventually file a motion for summary decision with an amended statement of allegations after the Respondent was sentenced in his Texas criminal case. The Mass. Board continued to provide a series of status reports until February 9, 2024, when it filed an amended statement of allegations.<sup>1</sup>

On March 28, 2024, the Mass. Board filed its motion for summary decision and a memorandum of law. The Mass. Board submitted copies of Respondent's convictions marked as Exhibits 1, and 2; copies of his Texas and Arizona medical board discipline

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<sup>1</sup> There is no evidence that Respondent was sentenced in his criminal case. Nor does the amended statement of allegations allege that he was.

documents dated 2009 and 2010, marked as Exhibits 3 and 4; copies of his Mass. Physical Renewal Application in 2003, 2005, 2007, 2011 marked as Exhibits 5, 6, 7, and 8; copies of his Aug. 14, 2018 Texas indictment and his Jan. 15, 2020 conviction, marked as Exhibits 9 and 10; an Order from the Texas Medical Board suspending his license as a matter of law dated Oct. 7, 2020, marked as exhibit 11; and a copy of an Order of Temporary Suspension from the Mass. Board dated June 14, 2018, marked as exhibit 12. Dr. Zamora-Quezada has failed to respond to the motion for summary decision or the amended statement of allegations.<sup>2</sup> The administrative record is therefore closed.

### **FINDINGS OF FACT**

The following facts are not in dispute:

1. Dr. Jorge Zamora-Quezada graduated from the University of Guadalajara Faculty of Medicine in 1980 and was previously Board-certified in internal medicine and rheumatology. (Ex. 5.)
2. Dr. Zamora-Quezada was licensed to practice medicine in Massachusetts in 1987 under registration number 57816. (Ex. 5.)
3. Dr. Zamora-Quezada was licensed to practice medicine in Texas and Arizona, as well. (Exs. 3, 4.)
4. Sometime in 2003, Dr. Zamora-Quezada was sued in Texas for Title VII sexual harassment, hostile work environment, and retaliation. (Exs. 1, 2.)

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<sup>2</sup> On May 2, 2024, the Board notified DALA that the motion and exhibits that were mailed to the Respondent at his last prison address were returned as undeliverable with a stamp “not at this address.” The Board has emailed the motion and exhibits to Respondent’s criminal attorneys of record and mailed a copy to Respondent’s last residential address of record. There has been no response. Respondent has routinely failed to update DALA with his current address. Therefore, I see no reason to delay deciding the motion.

5. On June 18, 2003, Dr. Zamora-Quezada filed a License Renewal Application with the Mass. Board. (Ex. 5.)

6. On June 30, 2005, Dr. Zamora-Quezada filed another License Renewal Application with the Mass. Board. He failed to disclose his ongoing Title VII lawsuit. (Exs. 1, 2, 6.)

7. On September 29, 2005, Dr. Zamora-Quezada was found liable for four claims of Title VII sexual harassment, hostile work environment, and retaliation claims. (Ex. 2.)

8. On June 27, 2007, Dr. Zamora-Quezada filed another License Renewal Application. He failed to disclose the 2005 jury verdict or his pending appeal of the judgment in that case. (Exs. 1, 2, 7.)

9. On December 21, 2009, the United States Court of Appeals, Fifth Circuit affirmed all but one of the claims in his civil trial. (Ex. 1.)

10. On November 4, 2009, Dr. Zamora-Quezada entered an Agreed Order with the Texas Medical Board (Texas Board) in which he accepted formal discipline based on allegations that he failed to document his examinations of various patients properly and ordered clinically unnecessary, excessive tests and treatments for patients. (Ex. 3.)

11. The Texas Agreed Order outlines conduct such as ordering tests not justified by patients' presentations and complaints, prescribing medication despite documented allergies to it, and treating patients for conditions that their symptoms do not support. It also outlines a severe lack of documentation for test results and underlying symptoms. (Ex. 3.)

12. As a result of the Texas Agreed Order, Dr. Zamora-Quezada was fined \$30,000, publicly reprimanded, and required to have his practice monitored by an outside physician for two years. (Ex. 3.)

13. On June 10, 2010, Dr. Zamora-Quezada consented to an Order for Letter of Reprimand from the Arizona Medical Board (Arizona Board) based on the Texas Agreed Order. (Ex. 4.)

14. On August 5, 2011, Dr. Zamora-Quezada filed a Digital License Renewal Application with the Mass. Board. He failed to disclose the result of his civil trial, the appeal of that trial's result, and the Texas and Arizona discipline to which he had agreed. (Exs. 1, 2, 3, 4, 8.)

15. On June 18, 2018, the Mass. Board suspended Dr. Zamora-Quezada's license after determining that the public's health, safety, and welfare necessitated the suspension. (Ex. 12.)

16. On August 14, 2018, Dr. Zamora-Quezada was charged in federal court in Texas with Conspiracy to Commit Health Care Fraud (one count), Health Care Fraud (eight counts), Conspiracy to Commit Money Laundering (one count), and Conspiracy to Obstruct Justice (one count). (Ex. 9.)

17. The indictment alleges that Dr. Zamora-Quezada purposefully enriched himself by submitting false and fraudulent claims to healthcare benefit programs, falsely diagnosed vulnerable patients, and created false and fictitious medical records to attempt to conceal his fraud. (Ex. 9.)

18. On January 15, 2020, a jury rendered a verdict finding Dr. Zamora-Quezada guilty of Conspiracy to Commit Health Care Fraud (one count), Health Care

Fraud (seven counts), and Conspiracy to Obstruct Justice (one count). (Ex. 10.)

19. On October 7, 2020, the Texas Board issued an Order of Suspension by Operation of Law against Dr. Zamora-Quezada's medical license based on his federal conviction. (Ex. 11.)

### **CONCLUSION AND RECOMMENDATION**

The Board of Registration in Medicine's motion for summary decision is granted. For the reasons stated below, I conclude that the Board has proven its amended statement of allegations and recommend that the Board take appropriate action.

Summary decision is appropriate when "there is no genuine issue of fact relating to all or part of a claim" and said claim or part thereof can be decided "as a matter of law." 801 CMR 1.01(7)(h). Summary decision avoids conflict with Massachusetts and Federal Constitutional rights when it "allow[s] the agency to dispense with a hearing only when the papers or pleadings filed conclusively show on their face that the hearing can serve no useful purpose, because a hearing could not affect the decision." *Mass. Outdoor Advertising Council v. Outdoor Advertising Bd.*, 9 Mass. App. Ct. 755, 785–86 (1980).

The Mass. Board may discipline a physician because of discipline imposed by another state's licensing authority, provided that the reasons for that discipline are "substantially the same" as those that would subject the physician to discipline in Massachusetts. 243 CMR 1.03(5)(a)(12). When there is no significant difference between another state's reasons for discipline and the grounds for discipline cognizable in Massachusetts, the doctrine of collateral estoppel prevents physicians from relitigating the underlying facts or questions decided against them in the foreign jurisdiction. *Haran v. Bd. of Registration in Med.*, 398 Mass. 571, 575 (1986); *Matter of Meyers*, RM-12-

568, Final Decision, (BORIM May 22, 2013). In cases of reciprocal discipline, therefore, the issue is whether another licensing authority has disciplined the physician for reasons substantially similar to those provided under Massachusetts law, not whether the other licensing authority's findings are correct. *Bd. of Registration in Med. v. Merchia*, RM-18-0020, Recommended Decision, at \*5 (DALA Aug. 8, 2019) ("The matter before the Division of Administrative Law Appeals is . . . not the underlying facts upon which the other jurisdiction disciplined the licensee, but rather the other Board's decision to discipline and whether the grounds for the discipline are substantially similar to any detailed in G.L. c. 112, § 5 or 243 CMR 1.03(5)."). Additionally, the Mass. Board is entitled to rely on the out-of-state document that sets forth the basis for discipline and the sanction even if it is a settlement agreement without an admission of culpability.

*Ramirez v. Bd. of Registration in Med.*, 441 Mass. 479, 483 (2004).

The Mass. Board may revoke, suspend, or cancel the certificate of registration of a physician upon proof satisfactory to the Mass. Board that the physician ". . . is guilty of conduct which places into question the physician's competence to practice medicine, including but not limited to gross misconduct in the practice of medicine." G.L. c. 112, § 5. It may discipline a physician upon proof that said physician lacks good moral character and/or has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *Levy v. Bd. of Registration in Med.*, 378 Mass. 519 (1979). Additionally, proof that a physician has been convicted of a crime is grounds for revocation. 243 CMR 1.03(5)(a)(7).

The parties do not dispute that the Texas Board disciplined Dr. Zamora-Quezada in 2009 over allegations that he failed to document his examinations of patients properly

and ordered clinically unnecessary, excessive patient tests and treatments. In Texas, proper documentation requires “an adequate medical record for each patient that is complete, contemporaneous and legible.” 22 Tex. Admin. Code § 165.1. Failure to practice medicine in an acceptable professional manner in Texas encompasses “Failure to use proper due diligence in one’s professional practice.” 22 Tex. Admin. Code § 190.8(1)(C). By ordering these clinically unnecessary, excessive patient tests and treatments, Dr. Zamora-Quezada was also found to have failed to use the proper due diligence required.

The Mass. Board can similarly discipline physicians for “[c]onduct which places into question the physicians’ competence to practice medicine,” such as ordering clinically unnecessary, excessive patient tests and treatments. 243 CMR 1.03(5)(a)(3). In Massachusetts, a physician may be disciplined for violation of any rule or regulation of the Mass. Board, including failure to “maintain a medical record for each patient that is complete, timely, legible, and adequate to enable the licensee or any other health care provider to provide proper diagnosis and treatment.” 243 CMR 2.07(13)(a); *see also* 243 CMR 1.03(5)(a)(11). This includes failing to maintain an adequate record by failing to document patient examinations properly. I therefore conclude that the reasons that Dr. Zamora-Quezada was disciplined in Texas in 2009 are substantially the same as those that would subject him to discipline in Massachusetts.

Soon afterward, the Arizona Board reprimanded Dr. Zamora-Quezada on June 10, 2010 for violating Arizona’s professional conduct statute. The statute defines unprofessional conduct as “failing or refusing to maintain adequate records on a patient . . .” Ariz. Rev. Stat. § 32-1401(27)(e). Additionally, it includes “committing any conduct



or practice that is or might be harmful or dangerous to the health of the patient or the public.” Ariz. Rev. Stat. § 32-1401(27)(r). This is substantially similar to Massachusetts disciplinary action for “conduct which places into question the physician’s competence to practice medicine.” 243 CMR 1.03(5)(a)(3). I therefore conclude that the reasons Dr. Zamora-Quezada was disciplined in Arizona in 2010 are substantially the same as those that would subject him to discipline in Massachusetts.

The Texas Board reprimanded Dr. Zamora-Quezada again on October 7, 2020, suspending his medical license by operation of law because Dr. Zamora-Quezada was convicted of an offense that “directly relates to the duties and responsibilities of the licensed occupation” and/or being convicted of a felony. He was convicted of Conspiracy to Commit Health Care Fraud, Health Care Fraud, and Conspiracy to Obstruct Justice. Tex. Occ. Code § 53.021(a); Tex. Occ. Code § 164.057(a)(1)(a). This is substantially similar to the grounds on which the Mass. Board is allowed to discipline a physician for “being convicted of a crime.” 243 CMR 1.03(5)(a)(7). I, therefore, conclude that the reasons for Dr. Zamora-Quezada’s discipline in Texas in 2020 are substantially the same as those that would subject him to discipline in Massachusetts.

Dr. Zamora-Quezada’s conduct described in the Texas Board’s 2009 discipline order also amounts to practicing medicine deceitfully or engaging in conduct that has the capacity to deceive or defraud, which the Mass. Board rightfully views as grounds for discipline. *See* 243 CMR 1.03(5)(a)(10); G.L. c. 112, § 61(5). The Mass. Board has additional regulations against physicians who lack good moral character and/or engage in conduct that undermines the public confidence in the integrity of the medical profession. *Levy*, 378 Mass. 519 (1979). Dr. Zamora-Quezada’s conviction for Conspiracy to

Commit Health Care Fraud (one count), Health Care Fraud (seven counts), and Conspiracy to Obstruct Justice (one count) is conduct that amounts to practicing medicine deceitfully. It undermines the public confidence in the integrity of the profession and it shows Dr. Zamora lacks good moral character.

Finally, a complaint may be filed against, and the Mass. Board may discipline, a physician who fraudulently procured his certificate of registration or its renewal, or who fails to furnish the Mass. Board, its investigators or representatives, documents, information, or testimony to which the Mass. Board is legally entitled. 243 CMR 1.03(5)(a)(16); 243 CMR 1.03(5)(a)(1). The Mass. Board has previously disciplined physicians who have failed to disclose probation periods, criminal charges, and other disciplinary action taken against them. *In the Matter of Joseph V. Thakuria M.D.*, Final Decision & Order, Adjudicatory Case No. 2018-046 (BORIM 2022) (failure to report hospital probation and other criminal charges is a disciplinable offense); *In the Matter of Mark M. Kowalski, M.D.*, RM-97-942, Recommended Decision (DALA April 1, 1998) (Board disciplined licensee who failed to disclose disciplinary action on two renewal application).

Dr. Zamora-Quezada's failure to disclose information to the Mass. Board is grounds for discipline. It is unclear from the record when Dr. Zamora-Quezada's civil suit began, so I cannot determine if he should have disclosed that fact in his 2003 license renewal application. However, for his license renewals in 2005, 2007, and 2011, it is clear he failed to disclose important legal information to the Mass. Board. On his 2005 license renewal, he indicated that no lawsuits had been filed against him, nor had any been resolved since 2003, when he last renewed, despite his being involved in a civil

sexual harassment lawsuit dating back to sometime in 2003. On his 2007 license renewal, Dr. Zamora-Quezada once again indicated that no lawsuits had been filed against him, nor had any been resolved, since 2005 when he last renewed his license, despite having a civil jury verdict against him for sexual harassment during that period. On his 2011 license renewal, he once again indicated that no lawsuits had been filed against him, nor had any been resolved, nor had he faced discipline from any other medical board since his 2007 renewal. Meanwhile, since his 2007 renewal, Dr. Zamora-Quezada had largely lost his appeal in the sexual harassment civil trial, and he was disciplined by the Texas Board in 2009 and by the Arizona Board in 2010. Dr. Zamora-Quezada was required to disclose all of these facts to the Mass. Board on his license renewal application.

Based on the foregoing, I conclude that there is no genuine issue of fact relating to the Board's Statement of Allegations and, for the reasons stated above, the Board is entitled to prevail as a matter of law. I therefore recommend that the Board's motion for summary decision be allowed as to Dr. Zamora-Quezada's conduct. The Board should take appropriate action.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

*/s/ Kenneth J. Forton*

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Kenneth J. Forton  
Administrative Magistrate

DATED: **MAY 22 2024**