COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

 Adjudicatory Case No. 2018-045

 )

In the Matter of )

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JAMES G. BUCCI, M.D. )

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**STATEMENT OF ALLEGATIONS**

 The Board of Registration in Medicine (the “Board”) has determined that good cause exists to believe the following acts occurred and constitute a violation for which the Board may sanction a licensee. The Board therefore alleges that James G. Bucci, M.D. (“Respondent”) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this Statement of Allegations isDocket No. 16-442.

# Biographical Information

1. The Respondent was born on January 30, 1956. The Respondent graduated in 1993 from University of Rome Medical School. The Respondent is not certified by any medical specialty board and lists “internal medicine” as his practice specialty. The Respondent has been licensed to practice medicine in Massachusetts under license number 202958 since 2000.

Factual Allegations

1. On November 7, 2016, the Respondent entered into a Consent Order with the Connecticut Medical Examining Board (the “CT Board”) in order to resolve an active case that the latter had open against the Respondent (the “Settlement Agreement”) which related to the Respondent’s failure to meet the applicable standard of care with regard to his treatment of four (4) patients.
2. The Respondent failed to properly document his assessment of one (1) patient during the time period from 2005 until 2011 and/or inadequately documented his management of one (1) or more of the patients’ use of prescribed opioid medications, thereby failing to meet the applicable standard of care for that patient.
3. As to the other three (3) patients, the Respondent failed to meet the applicable standard of care for them at various times preceding May 2015 by failing to properly document his assessments of them and/or inadequately documenting his management of one (1) or more of the patients’ use of prescribed opioid medications.
4. Pursuant to said Consent Order, the CT Board placed the Respondent’s license to practice medicine in Connecticut on probation for a period of twelve (12) months.
5. As a condition of the probation referenced in ¶ 5, above, the Respondent was required to hire a supervisor who would conduct a random review of the Respondent patient charts for the patients prescribed opioid medications. The supervisor would meet with the Respondent each month for the first three (3) months of the probationary term and thereafter not less than once in the following three (3) months.

Legal Basis for Proposed Relief

The Board is authorized to discipline physicians that have been disciplined by another jurisdiction for reasons substantially the same as those set forth in Massachusetts law and regulations. *See* 243 CMR 1.03(5)(a)(12) (“having been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, § 5 or 243 C.M.R. 1.03(5).”) *See also Anusavice v. Board of Registration in Dentistry*, 451 Mass. 786, 798 (2008); *Lankheim v. Board of Registration in Nursing*, 458 Mass. 1022 (2011); *Haran v. Board of Registration in Medicine*, 398 Mass. 571 (1986); *Ramirez v. Board of Registration in Medicine*, 441 Mass. 479, 484 (2004). Whether this Board may exercise its discretion and impose reciprocal discipline depends upon whether the reciprocal state’s disciplinary action was based upon facts and law that are “substantially similar” to the bases for discipline in our state. *Id*.

In the instant matter, the Connecticut action was based upon conduct that is substantially similar to conduct which this Board may discipline. Parallel disciplinary grounds in Massachusetts include:

* G.L. c. 112, § 5, ¶ 9(c) and 243 C.M.R. 1.03(5)(a)3 (“Fell short of good and accepted medical practice”);
* 243 CMR 2.07(13)(a), which requires a physician to:

a. maintain a medical record for each patient, which is adequate to enable the licensee to provide proper diagnosis and treatment;

b. maintain a patient’s medical record in a manner which permits the former patient or a successor physician access to them;

* 243 C.M.R. 1.03(5)(a)18: Misconduct in the practice of medicine; and
* *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), which provide for discipline where, by proof satisfactory to a majority of the Board, a physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

 The Board has jurisdiction over this matter pursuant to Mass. Gen. Laws c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of Mass. Gen. Laws c. 30A and 801 CMR 1.01.

Nature of Relief Sought

 The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one (1) or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

# Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

 By the Board of Registration in Medicine,

 Signed by Candace Lapidus Sloane M.D.

 Candace Lapidus Sloane, M.D.

 Board Chair

Date: October 11, 2018

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at <https://www.mass.gov/board-of-registration-in-medicine-public-records>.