

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No.: 2018-014

_____)
 In the Matter of)
)
 RAKESH DHAR, M.D.)
 _____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Rakesh Dhar, 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 order to show cause is Docket No. 16-263.

Biographical Information

1. The Respondent graduated from Kempegowda Institute of Medical Sciences, Bangalore in 1992. He has been licensed to practice medicine in Massachusetts under certificate number 226685 since 2005. He is certified by the American Board of Physical Medicine and Rehabilitation. He is currently working at Merck, Inc. where he performs research and the Wellesley Neurology Group where he conducts disability reviews.

Factual Allegations

2. The Respondent treated Patient A for chronic pain issues from October of 2015 through June of 2016.

3. Patient A's girlfriend, KM, accompanied Patient A to several of his appointments with the Respondent.

4. At no time did the Respondent have a bona fide physician-patient relationship with KM.

5. On May 17, 2016, Patient A revoked his authorization allowing the Respondent to discuss his care with KM.

6. The Respondent continued to communicate with KM in person, via telephone and text messaging after May 17, 2016.

7. On June 2, 2016, the Respondent issued a prescription for Cyclobenzaprine for KM without conducting a physical examination of her.

8. The Respondent did not document the prescription he issued for Cyclobenzaprine in a medical record.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §5, eighth par. (b) and 243 CMR 1.03(5)(a)2, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician committed an offense against a provision of the laws of the Commonwealth relating to the practice of medicine, or a rule or regulation adopted thereunder. More specifically:

1. G.L. c. 94C, §19(a).

B. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to the majority of the Board that said physician has engaged in conduct that undermines the public's confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. 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 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,

Date: April 25, 2018

Candace Lapidus Sloane, MD
Candace Lapidus Sloane, M.D.
Board Chair