

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2023-006

In the Matter of

CHRISTOPHER R. KEROACK, MD

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 Christopher R. Keroack, M.D., (Respondent) 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. 20-179.

Biographical Information

1. The Respondent is a 1996 graduate of Tufts University School of Medicine and is certified by the American Board of Internal Medicine. Since 1999, he has practiced medicine in Massachusetts under certificate number 160647. The Respondent is the president, treasurer and director of New England Center for Functional Medicine, P.C. (formerly known as Pioneer Weight and Wellness). He is affiliated with Mercy Medical Center and Baystate Medical Center.

Factual Allegations

2. The Massachusetts Prescription Awareness Tool (MassPat) is an online database that lists all Schedule II to V prescriptions as well as gabapentin prescriptions filled by patients at pharmacies.
3. On or about December 5, 2014, physicians were required to check MassPat prior to prescribing opioids listed in Schedules II and III.
4. On or about October 15, 2016, physicians were required to check MassPAT when prescribing a benzodiazepine or DPH-designated Schedule IV-VI drug for the first time.
5. From May 2019 to April 2022, the Respondent prescribed clonazepam and alprazolam to a few patients for anxiety.
6. Clonazepam and alprazolam are benzodiazepines.
7. From May 2019 to June 2022, the Respondent did not check the MassPat prior to prescribing benzodiazepines for the first time.
8. The Respondent prescribed phentermine, an appetite suppressant, as part of an overall weight reduction program that also includes dieting, exercise, and counseling.
9. The Respondent wrote prescriptions for 50 to 60% of his patients.
10. The Respondent prescribed ketamine in a topical formula as a pain reliever to his patients.
11. Both the phentermine and ketamine were compounded at Performix Specialty Pharmacy in New Hampshire.
12. The Respondent purchased the compounded medication from Performix at a wholesale price. The Respondent sold the compounded medication at a retail price to his patients. The retail price was the wholesale price plus sixty (60) percent.

13. The Respondent recommended and sold supplements in his office and estimated that 80 – 85% of his patients purchased them.

14. The Respondent charged a “standard 60% markup” on the wholesale prices of the supplements.

15. The Respondent’s website included links directly to suppliers. If the Respondent’s patients used a code provided by him to purchase products, the Respondent received a gratuity from the company.

16. According to AMA Ethical Opinion 8.063,

In-office sale of health-related products by physicians presents a financial conflict of interest, risk placing undue pressure on the patient, and threatens to erode patient trust and undermine the primary obligation of physicians to serve the interests of their patients before their own.

17. According to AMA Ethical Opinion 8.063,

Because of the risk of patient exploitation and the potential to demean the profession of medicine, physicians who choose to sell health-related products from their offices must take steps to minimize their financial conflicts of interest. The following guidelines apply:

(a) In general, physicians should limit sales to products that serve the immediate and pressing needs of their patients...

(b) Physicians may distribute other health-related products to their patients free of charge or at cost, in order to make useful products readily available to their patients. When health-related products are offered free or at cost, it helps to ensure removal of the elements of personal gain and

financial conflicts of interest that may interfere, or appear to interfere, with the physician's independent medical judgment.

18. According to AMA Ethical Opinion 8.063,

Physicians must disclose fully the nature of their financial arrangement with a manufacturer or supplier to sell health-related products. Disclosure includes informing patients of financial interests as well as about the availability of the product or other equivalent products elsewhere. Disclosure can be accomplished through face-to-face communication or by posting an easily understandable written notification in a prominent location that is accessible by all patients in the office...

19. The Respondent did not disclose his financial interest in the compounded medications or supplements that he sold to patients.

Legal Basis for Proposed Relief

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

B. Pursuant to G.L. c. 112, §5, eighth par. (b), and 243 C.M.R. 1.03(5)(a) 2, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has committed an offense against any provisions of the laws of the Commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder, to wit:

105 CMR 700.00 as it pertains to mandatory review of the MassPat system for the issuance of certain prescriptions.

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

By the Board of Registration in Medicine,



Julian N. Robinson, M.D.
Board Chair, Physician Member

Date: 1/5/2023