

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in

Medicine Adjudicatory Case No.

2024-056

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In the Matter of )  
)  
)  
MICHAEL W. MARCUS, 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 MICHAEL W. MARCUS, 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. 20-049.

Biographical Information

1. The Respondent graduated from the Albert Einstein School of Medicine at Yeshiva University in 1968. He is certified by the American Board of Psychiatry. He has been licensed to practice medicine in Massachusetts under certificate number 31948 since 1969. He has privileges at Lahey Hospital and Medical Center.

Factual Allegations

2. The Department of Public Health (DPH) maintains the prescription monitoring program database (PMP).

3. The PMP provides users, including physicians, with a 1-2 year lookback of prescription records.
4. PMP lists all Schedule II to V prescriptions, as well as gabapentin prescriptions, filled by patients at retail and Veterans Administration pharmacies in Massachusetts.
5. The purpose of the PMP is, in part, to provide a tool for physicians and others to monitor the prescribing and dispensing of all Schedule II to V, inclusive, controlled substances and certain additional drugs.
6. Physicians are required under Massachusetts law to access PMP information prior to prescribing benzodiazepines to patients.
7. From January 1, 2020 to April 13, 2021, the Respondent failed to check the PMP when he issued eleven separate benzodiazepine prescriptions to Patient A.

#### Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §5, eighth par. (b), and 243 C.M.R. 1.03(5)(a)11, 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, 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,

A handwritten signature in black ink, appearing to read 'Booker T. Bush', written over a horizontal line.

Booker T. Bush, M.D.  
Board Chair

Date: October 24, 2024