

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-010

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In the Matter of)

THOMAS R. MAYO, 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 Thomas R. Mayo, M.D. (Respondent) has practiced medicine in violation of law, regulation, and/or good and accepted medical practice, as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 16-234.

FINDINGS OF FACT

1. The Respondent was born in June of 1976. He graduated from Tufts University School of Medicine in 2010 and specializes in Anesthesiology. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 259001 since 2014.
2. On May 10, 2016, the Respondent worked an overnight shift in the Anesthesiology Department at Beth Israel Deaconess Medical Center (hereinafter "BIDMC").
3. At approximately 3:00 or 4:00 a.m. on May 11, 2016, while the Respondent was still on duty, he obtained and self-administered a quantity of the medication propofol.
4. At some point between 7:00 and 8:00 a.m., the Respondent was scheduled to participate in a kidney transplant surgery.

5. When the Respondent did not appear for the procedure members of the surgical team attempted to reach him by contacting him on his personal pager.
6. The Respondent, who was asleep in the on-call room, did not hear his pager ringing.
7. A short time later, a member of the surgical team went to the on-call room and knocked on the door but received no answer.
8. The Respondent eventually heard the knocking and woke up.
9. The Respondent then proceeded to the operating room where he participated in the kidney transplant surgery which was completed without incident.
10. At some point later on the morning of May 11, 2016, the Respondent met with his supervisors and admitted to diverting and self-administering quantities of propofol which he obtained during his shifts in the Anesthesiology Department at BIDMC.
11. BIDMC leadership immediately placed the Respondent on leave from his position at BIDMC.
12. On May 22, 2016, the Respondent entered in-patient treatment for substance abuse issues.
13. On July 10, 2016, the Respondent was discharged after successfully completing his inpatient program.
14. On July 11, 2016, the Respondent entered into a Voluntary Agreement not to Practice Medicine (VANP) which was ratified by the Board on July 14, 2016.
15. From July 13 2016 through July 27, 2016 the Respondent participated in a partial hospital program focused on substance abuse issues.
16. On August 8, 2016, the Respondent entered into a contract with Physician Health Services (PHS), which requires strict testing requirements, monitoring, and support groups.
17. The Respondent has not consumed drugs or alcohol since August 8, 2016.
18. The Respondent has been compliant with his PHS contract.

Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)4, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that he engaged in the practice of medicine while his ability do so was impaired by drugs or alcohol.

B. Pursuant to 243 CMR 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that he committed misconduct in the practice of medicine.

C. Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), and Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said 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 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: February 22, 2018

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

SENT CERTIFIED MAIL 2/23/18 *MS*