

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2024-022

In the Matter of)
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)
Antonio C. Mendes, 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 Antonio C. Mendes, 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. 21-234.

Biographical Information

1. The Respondent graduated from the University of Massachusetts Medical School in 1991. The Respondent has been licensed to practice medicine in Massachusetts under license number 80176 since 1994.

Factual Allegations

2. After a review of a sample Respondent’s records covering a period of time between March 1, 2015 – February 28, 2016, the Massachusetts Office of Medicaid informed the Board that it had suspended and terminated Respondent’s contract with MassHealth, effective as of the close of business on March 29, 2021.

Patient B

3. Patient B was a ^{G.L. c. 4, § 7(26)(c)} woman in her ^{G.L. c. 4, §} who had chief complaints of ^{G.L. c. 4, § 7(26)(c)} pain who was treated by Respondent between 2015 and 2016. Respondent had already been treating this patient regularly for chronic pain conditions during the previous 3 years.

4. Respondent's recordkeeping for his treatment of Patient B for ^{G.L. c. 4} encounters with her between March 1, 2015 – February 28, 2016, was deficient in the following ways:

- a. On some occasions, notes of patient encounters were contradicted by other parts of the note;
- b. On some occasions, history of symptoms were not adequately documented;
- c. On some occasions, the bases for diagnoses were not documented;
- d. On some occasions, physical examinations were not completely documented;
- e. On some occasions, the rationale for prescribing a medication was not reflected in the medical record;
- f. On some occasions, medication lists were not up to date; and
- g. Notes were not closed in a timely manner.

Patient C

5. Patient C was a ^{G.L. c. 4, § 7(26)(c)} woman with a history of ^{G.L. c. 4, § 7(26)(c)}, ^{G.L. c. 4, § 7(26)(c)} pain, and ^{G.L. c. 4, § 7(26)(c)} who was treated by Respondent between 2015 and 2016. Respondent had already been treating this patient regularly for chronic pain conditions during the previous three years.

6. Respondent's recordkeeping for his treatment of Patient C for ^{G.L. c. 4} encounters with

her between G.L. c. 4, § 7(26)(c) 2015 – G.L. c. 4, § 7(26)(c), 2016, was deficient in the following ways:

- a. On some occasions, notes of patient encounters were contradicted by other parts of the medical record;
- b. On some occasions, history of symptoms were not adequately documented;
- c. On some occasions, the bases for diagnoses were not documented;
- d. On some occasions, physical examinations were not completely documented;
- e. On some occasions, the rationale for prescribing medications was not reflected in the medical record;
- f. On some occasions, medication lists were not up to date; and
- g. Notes were not closed in a timely manner.

Legal Basis for Proposed Relief

- A. Pursuant to G.L. c. 112, § 5, eighth par. (h) and 243 C.M.R. 1.03(5)(a)(11), the Board may discipline a physician upon satisfactory proof to a majority of the Board that said physician has violated any rule or regulation of the Board governing the practice of medicine. More specifically, in Massachusetts, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has violated 243 C.M.R. 2.07(13) by not maintaining a medical record that is complete, timely, legible, and adequate to enable the licensee or any other health care provider to provide proper diagnosis and treatment.

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 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 Respondent's practice of medicine.

Order

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

By the Board of Registration in Medicine,

A handwritten signature in black ink, appearing to read 'Frank O'Donnell', is written over a horizontal line.

Frank O'Donnell, JD MPA
Acting Board Chair

Date: April 25, 2024