COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2016-020

)

In the Matter of )

)

WILLIAM ORTIZ, 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 William Ortiz, 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 isDocket No. 14-352.

# Biographical Information

1. The Respondent was born on February 16, 1959. He graduated from New York Medical College  
    in 1996. He has been licensed to practice medicine in Massachusetts under certificate number 156739 since 1999. He is employed as a nocturnist at Saint Vincent Hospital, in Worcester, Massachusetts. He is also licensed to practice medicine in Maine.

Factual Allegations

2. On September 9, 2014, the Board of Licensure in Medicine for the State of Maine (Maine Board) disciplined the Respondent for certain conduct occurring in the State of Maine through adoption of a Consent Agreement (Maine Order), which sets forth the factual basis for the imposition of discipline and which is attached hereto as Attachment A and incorporated herein by reference.

3. The Maine Order establishes facts upon which this Board may impose discipline pursuant to G.L. c. 112, § 5 or 243 CMR 1.03(5), specifically the Respondent’s admission that “he engaged in unprofessional conduct pursuant to 32 M.R.S. § 3282-A(2)(F)” when he issued medical marijuana certificates to certain of his patients in Maine but failed to maintain proper medical records that documented his clinical reasoning and/or the patient’s underlying chronic condition, which conduct also violates Massachusetts regulations, to wit: 243 C.M.R. 2.07(13)(a), which requires a physician to:

a. maintain a medical record for each patient, which is adequate to enable the licensee to provide proper diagnosis and treatment, and

b. maintain a patient’s medical record in a manner which permits the former patient or a successor physician access to them..

4. The Respondent is certified through the State of Maine’s Medical Use of Marijuana Program to purchase and possess medical marijuana, in the State of Maine, for his own personal use; the Respondent is not so certified in any jurisdiction other than Maine.

5. During the course of the investigation of this matter, the Respondent admitted to Board staff that he applied a medical marijuana salve that he purchased in the State of Maine via his certificate, to one or more of his patients within the Commonwealth of Massachusetts.

Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)12, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, § 5 or 243 CMR 1.03(5). 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 CMR 2.07(13)(a), which requires a physician to:

a. maintain a medical record for each patient, which is adequate to enable the licensee to provide proper diagnosis and treatment;

b. maintain a patient’s medical record in a manner which permits the former patient or a successor physician access to them.

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 a majority of the Board, that said physician 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,

Signed by Candace Lapidus Sloane, M.D.

Candace Lapidus Sloane, M.D.

Board Chair

Date: May 19, 2016

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at https://www.mass.gov/board-of-registration-in-medicine-public-records.