COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2022-016

)

In the Matter of )

)

ANDREA STEWART, 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 ANDREA STEWART, 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. 20-050.

# Allegations

1. The Respondent is a 1983 graduate of the State University of New York Upstate Medical University. She has been licensed to practice medicine in Massachusetts under certificate number 57656 since 1987. She is also licensed to practice medicine in Rhode Island. The Respondent is board-certified in anesthesiology. She has privileges with Southcoast Hospital Group in Massachusetts where she practices anesthesiology.
2. On or about December 11, 2019, the Respondent was disciplined by the Rhode Island Board of Medical Licensure and Discipline (the Rhode Island Board). *See* Rhode Island Consent Order at Exhibit A and incorporated herein by reference.
3. The Rhode Island Board discipline was based on a Consent Order signed by the Respondent.
4. The Respondent was disciplined for her work at marijuana clinics in Rhode Island. She worked part-time at the clinics from October 2018 to April 2019.
5. The Rhode Island Board disciplined the Respondent for a variety of conduct including but not limited to: failing to follow regulations pertaining to the issuing of Marijuana certificates; and failing to meet minimum standards of acceptable care to patients.
6. The Respondent agreed to be disciplined by the Rhode Island Board which reprimanded her license, assessed an administrative fee of $1,862.99 for investigative cost associated with the Complaint, and required that within six months, she complete board-approved Continuing Medical Education coursework on medical marijuana (4 hours) and medical record documentation (12 hours).
7. The Respondent met all of the conditions of the Rhode Island Board.
8. In 2020, the Respondent informed the Massachusetts Board of Registration in Medicine that “she has no intention of ever issuing medical marijuana certificates in Massachusetts and Rhode Island and she only engaged in the practice for a limited period of time.” There have been no complaints made to the Massachusetts Board of Registration in Medicine other than the one which is the subject of the above mentioned investigative docket.
9. The Respondent cooperated in this investigation.

Legal Basis for Proposed Relief

1. 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:
   1. Pursuant to G.L. c. 112, §5, eighth par. (c) and 243 CMR 1.03(5)(a)3, she engaged in conduct that places into question the Respondent's competence to practice medicine.
   2. Pursuant to 935 CMR 501,00, when issuing a Marijuana certificate she failed to complete and document a full assessment of the patient’s medical history and current medical condition, explain the potential benefits and risks of Marijuana use and utilize the Massachusetts Prescription Awareness Tool prior to issuing a Marijuana certificate.

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 Woody Giessmann

~~Julian N. Robinson, M.D.~~

~~Board Chair~~

Woody, Giessmann, LADC-I, CADC, CIP, AIS

Acting Board Chair

Date: April 14, 2022

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>.