COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2020-043

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In the Matter of )

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NEIL E. TOBACK, M.D. )

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**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine (Board) has determined 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 Neil E. Toback, 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. 20-099.

# Biographical Information

1. The Respondent was born on January 12, 1941. He graduated from Universite Catholique de Louvain in Belgium in 1969 and his current practice specialty is dermatology. The Respondent was licensed to practice medicine in Massachusetts under certificate number 35708 beginning on July 23, 1973 and until January 12, 2005. He is currently licensed to practice medicine in Rhode Island and was previously licensed in Maine, New York, and Pennsylvania.

Factual Allegations

1. On August 14, 2019 the Rhode Island Board of Medical Licensure and Discipline (State of Rhode Island) disciplined the Respondent when it accepted the Respondent’s Consent Order (Rhode Island Consent Order). In the Rhode Island Consent Order, the Respondent stipulated the State of Rhode Island had the authority to discipline him under R.I. Gen. Laws § 5-37-5.1(24); R.I. Gen. Laws § 5-37-2.1; and R.I. Gen. Laws § 5-37-5.1. R.I. Gen. Laws § 5-37-5.1(24) defines “unprofessional conduct” as “[v]iolating any provision or provisions…chapter [5-37 of the Rhode Island General Laws] or the rules and regulations of the [Board] or any rules and regulations promulgated by the [Director] or of any action, stipulation, or agreement of the [Board].”
2. In the Rhode Island Consent Order, the Respondent stipulated he engaged in the practice of medicine without a current license between July 1, 2018 and August 28, 2018 and failed to complete continuing medical education (CME) requirements for two renewal periods between July 1, 2014 and June 30, 2018 after asserting he had in his 2014 and 2016 license renewal applications. The Respondent stipulated said allegations, if true, would subject him to discipline.

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 G.L. c. 112, § 5 or 243 CMR 1.03(5), specifically:
2. The Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).
3. The Respondent continued to practice while his registration was lapsed, suspended, or revoked. *See* 243 CMR 1.03(5)(a)(8).
4. The Respondent fraudulently procured his certificate of registration or its renewal. *See* 243 CMR 1.03(5)(a)(1).

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 George Abraham, M.D.

George Abraham, M.D.

Board Chair

Date: October 8, 2020

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>.