

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-032

In the Matter of)
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)

FRANKLIN B. WADDELL, 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 Franklin B. Waddell, 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. 14-232.

Biographical Information

1. The Respondent was born on January 14, 1950. He graduated from the University of North Carolina School of Medicine in 1976. He has been licensed to practice medicine in Massachusetts under certificate number 72863 since 1990. He is certified by the American Board of Obstetrics and Gynecology. He maintains a private practice in Stoneham and is affiliated with Winchester Hospital. He is also licensed to practice medicine in New Mexico.

Factual Allegations

2. On November 14, 2010, the Respondent was arrested in Middleton, Massachusetts and charged with Operating a Motor Vehicle Under the Influence of Alcohol, in

violation of G.L. c. 90, § 24; the Respondent was arraigned the following day in the Salem District Court and entered a plea of not guilty.

3. On November 30, 2010, the Respondent admitted to sufficient facts, and was placed on probation for a period of eighteen (18) months, and was ordered to complete a course of education.

4. In Massachusetts, a license to practice medicine is issued for a defined period of time, typically two years.

5. To renew a license, physicians are required to complete and file with the Board a Massachusetts Physician Renewal Application (Renewal Application) prior to the expiration date stated on that physician's certificate of registration; the Renewal Application must be signed by the physician under penalty of perjury that the answers contained within the application are "true, correct, and complete."

2011 Massachusetts Physician Renewal Application

6. Relevant to this matter, the Respondent's certificate of registration bore an expiration date of January 14, 2011.

7. On December 20, 2010, the Respondent electronically signed and filed with the Board a Renewal Application (2011 Renewal Application).

8. Question 17 of the Respondent's 2011 Renewal Application asked the following question:

17) Criminal Charges

a) Have you been charged with any criminal offense during this time period?

b) Have any criminal offenses/charges against you been resolved during

this time period?

c) Are there any criminal charges pending against you today?

d) Are any Application of Issuance of Process pending against you?

9. The phrase “time period” in Question 17 (a) and (b) is defined in the 2011 Renewal Application as “all time from the day you signed your last license Renewal Application to the day you sign this Renewal Application.” The Respondent signed his last Renewal Application on December 13, 2008.

10. In his 2011 Renewal Application, the Respondent falsely answered “no” to Questions 17 (a) and (b).

2015 Massachusetts Physician Renewal Application

11. In 2015, the Respondent’s license bore an expiration date of January 14, 2015.

12. On December 2, 2014, the Respondent electronically signed and filed with the Board a Renewal Application (2015 Renewal Application).

13. Question 18 c) of the Respondent’s 2015 Renewal Application asked the following question:

18) Other Issues

c) Have you been the subject of an investigation by any governmental authority, including the Massachusetts Board of Registration in Medicine or any other state medical board, health care facility, group practice, employer or professional association?

14. On or about June 24, 2014, the Board notified the Respondent that it had docketed an investigative complaint against him (Docket No. 14-232); the investigation concerned his failure to accurately report his 2010 arrest in his 2011 Renewal Application.

15. Notwithstanding the Respondent's actual knowledge that he was the subject of a Board investigation, the Respondent falsely answered "no" to Question 18 c) of his 2015 Renewal Application.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, § 5, ninth par. (a) and 243 CMR 1.03(5)(a)1, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has by fraudulently procuring his certificate of registration or its renewal.

B. Pursuant to 243 CMR 1.03(5)(a)10, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician practiced medicine deceitfully, or engaged in conduct that has the capacity to deceive or defraud.

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,

Candace Lapidus Sloane, M.D.

Candace Lapidus Sloane, M.D.
Board Chair

Date: November 19, 2015