

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2024-043

In the Matter of

JENNIFER WEYLER, 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 JENNIFER WEYLER, 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. 21-414.

FACTUAL ALLEGATIONS

1. The Respondent graduated from the Medical College of Pennsylvania in 1992. She has been licensed to practice medicine in Massachusetts under certificate number 78463 since January 25, 1995. She is certified by the American Board of Family Medicine. She owns and operates Aponi Aesthetics Medical Practice in Worcester.
2. As part of her practice, the Respondent performs cosmetic procedures during which patients are conscious.
3. Prior to July 2021, the Respondent purchased benzodiazepines, codeine, and tramadol for use in her practice.

4. For some anxious patients, following a consultation, the Respondent would dispense benzodiazepines prior to procedures.
5. For some patients, following a consultation, the Respondent would dispense codeine and/or tramadol during the procedures to alleviate pain.
6. For some patients, following a consultation, the Respondent would provide a limited amount of codeine and/or tramadol for them to take at home after procedures to alleviate pain.
7. The Respondent did not consistently document in the patients' medical records when she consulted with patients and dispensed benzodiazepines, codeine, and/or tramadol for their procedure-related anxiety and/or pain.
8. The Respondent did not keep a log documenting that she dispensed benzodiazepines, codeine, and/or tramadol to multiple patients.
9. During the COVID-19 pandemic lockdown and until July 2021, she stored benzodiazepines, codeine, and tramadol at her home rather than keeping it in a locked cabinet in her street-front office in Worcester, which was not occupied during the lockdown.
10. On a single occasion, the Respondent prescribed a limited amount of opioid pills to one of her **G.L. c. 4, § 7(26)(c)** for a legitimate medical purpose but without documenting such in a medical record. The Respondent spoke with the **G.L. c. 4, § 7(26)(c)** about her medical situation and the medication before issuing the prescription but failed to check the Prescription Monitoring Program prior to issuing the prescription.
11. On a single occasion, the Respondent prescribed a limited amount of a benzodiazepine to a second **G.L. c. 4, § 7(26)(c)** for a legitimate medical purpose but without documenting such in a medical record. The Respondent spoke with the **G.L. c. 4, § 7(26)(c)**

about her medical situation and the medication before issuing the prescription but failed to check the Prescription Monitoring Program prior to issuing the prescription.

Conclusion of Law

A. Pursuant to G.L. c. 112, §5, eighth par. (h) and 243 CMR 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has violated a rule or regulation pertaining to the practice of medicine. Specifically:

1. 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 or any other health care provider 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.
2. 105 CMR 700.00 as it pertains to: (a) the mandatory review of the Prescription Monitoring Program prior to the issuance of certain controlled substances; (b). the mandatory maintenance of records and inventories for the storage of controlled substances; and (c) the safe storage of controlled substances.

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,

A handwritten signature in black ink, appearing to read 'Booker T. Bush', written over a horizontal line.

BOOKER T. BUSH, M.D.
Board Chair

Date: August 15, 2024