

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2016-035

In the Matter of)
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MERVYN H. WOOLF, 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 Mervyn H. Woolf, 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. 14-242.

Biographical Information

1. The Respondent was born on October 8, 1952. He graduated from the University of Witwatersrand Medical School in 1984. He is certified by the American Board of Anesthesiology. He has been licensed to practice medicine in Massachusetts under certificate number 78465 since 1993. He is also licensed to practice medicine in Rhode Island.

Factual Allegations

2. On August 11, 2006, the Respondent was arrested by the Tisbury Police Department and charged with Operating a Motor Vehicle Under the Influence of Alcohol.

3. On March 15, 2007, a judge in the Edgartown District Court (Court) found sufficient facts to warrant a finding of guilt but continued the matter without making such a finding.

4. The Court placed the Respondent on probation for a period of twelve (12) months, which was ultimately terminated without incident on March 12, 2008.

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

6. 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 license; 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."

7. On September 3, 2008, the Respondent signed and filed with the Board a Renewal Application (2008 Renewal Application); the Respondent's prior Renewal Application was signed on August 1, 2006.

8. Question 17 of the Respondent's 2008 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 Applications of Issuance of Process pending against you?

9. The phrase “time period” for purposes of Question 17 is defined in the 2008 Renewal Application as “all time from the day you signed your last license Renewal Application to the day you sign this Renewal Application.”

10. In his 2008 Renewal Application, the Respondent should have answered “yes” to Questions 17 (a) and (b).

Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)16, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has failed to respond to a subpoena or to furnish the Board, its investigators or representatives, documents, information or testimony to which the Board is legally entitled.

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,



Kathleen Sullivan Meyer, Esq.
Board Vice Chair

Date: August 4, 2016

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2016-035

In the Matter of)
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MERVYN H. WOOLF, M.D.)
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CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Mervyn H. Woolf, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 14-242.

Findings of Fact

1. The Respondent was born on October 8, 1952. He graduated from the University of Witwatersrand Medical School in 1984. He is certified by the American Board of Anesthesiology. He has been licensed to practice medicine in Massachusetts under certificate number 78465 since 1993. He is also licensed to practice medicine in Rhode Island.
2. On August 11, 2006, the Respondent was arrested by the Tisbury Police Department and charged with Operating a Motor Vehicle Under the Influence of Alcohol.

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9. The phrase “time period” for purposes of Question 17 is defined in the 2008 Renewal Application as “all time from the day you signed your last license Renewal Application to the day you sign this Renewal Application.”

10. In his 2008 Renewal Application, the Respondent should have answered “yes” to Questions 17 (a) and (b).

Conclusion of Law

A. The Respondent has violated 243 CMR 1.03(5)(a)16 by failing to furnish the Board, its investigators or representatives, information to which the Board is legally entitled.

Sanction and Order


The Respondent’s license is hereby reprimanded.

Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date

of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

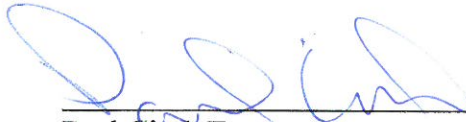
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Mervyn H. Woolf, M.D.
Licensee

6/29/16

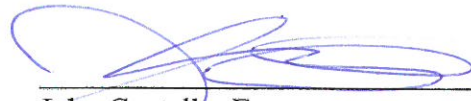
Date



Paul Cirel, Esq.
Attorney for the Licensee

6/24/16

Date



John Costello, Esq.
Complaint Counsel

7/6/16

Date

So ORDERED by the Board of Registration in Medicine this 4th day of August,
20 16.



Kathleen Sullivan Meyer
Board Vice Chair