

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2014-038

In the Matter of)
)
)JOHN E. FATTORE, M.D.)
)
)STIPULATION

John E. Fattore, M.D. (Respondent), the Respondent's attorney, and Complaint Counsel agree that this Stipulation shall be filed with the Administrative Magistrate for the Division of Administrative Law Appeals (DALA) as a resolution of questions of material fact and law as set forth by the Statement of Allegations in the above matter. The Respondent admits to the Stipulated Facts described below and agrees that the Administrative Magistrate and the Board may make the Conclusions of Law as set forth below.

BACKGROUND

1. The Respondent was born on February 22, 1960. He graduated from the University of Michigan Medical School in 1986 and has been licensed to practice medicine in Massachusetts under certificate number 74404 since 1991. He is certified by the American Board of Plastic Surgery. The Respondent had a private practice located in Norwood. He was previously associated with Steward Norwood Hospital, where he was the President of the Medical Staff from 2002 to 2003 and the Chief of Plastic Surgery for approximately 15 years.
2. From Spring 2013 to August 2014, the Respondent had a contractual relationship with Sono Bello Body Contour Centers (Sono Bello) in Woburn whereby he provided plastic surgery services on a routine basis.

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3. In 2012, the Board initiated an investigation into allegations involving the Respondent in an unrelated matter. The matter was referred to DALA for recommended findings of fact and necessary conclusions of law and an adjudicatory hearing took place in September 2013. The Board ultimately imposed a reprimand and fine of \$10,000. In the Matter of John E. Fattore, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2013-013 (Final Decision and Order, June 25, 2014). Additionally, the Board required the Respondent to complete several hours of Continuing Professional Development courses. As of March 16, 2015, the Respondent had fully complied with all requirements and directives set forth in the Board's Order.

STIPULATED FACTS

4. On or about July 17, 2014, while the Respondent was working at Sono Bello, the Respondent took two (2) lorazepam pills meant for a patient and put the pills in his pocket.

5. On August 29, 2014, the Respondent was impaired by alcohol while at work at Sono Bello. After performing a liposuction procedure, he was asked to leave the Sono Bello office and submit to a blood test before returning to work. The Respondent left Sono Bello and did not return.

6. On September 10, 2014, the Respondent's license to practice medicine was temporarily suspended by the Board.

7. Following the suspension of his license, the Respondent voluntarily engaged in counseling through the Physician Health Services (PHS) and ultimately entered into a substance use monitoring contract with PHS on March 25, 2015. His PHS monitoring contract includes but is not limited to the following requirements:

- a. Monthly meetings with a PHS associate director;

- b. Prohibition on alcohol and drug use;
- c. Random alcohol and drug screens;
- d. Monthly sessions with an addiction psychiatrist;
- e. Monthly sessions with a psychologist; and
- f. Support group attendance.
8. As of July 21, 2015, the Respondent has been compliant with his PHS monitoring contract.
9. In addition, from December 9, 2014, to March 3, 2015, the Respondent participated in and completed a twelve (12) week residential treatment program at Bradford Health Services in Warrior, Alabama. He was discharged with a treatment plan that was largely incorporated into his aforementioned PHS monitoring contract and he has thus been following that plan since his return home.

CONCLUSIONS OF LAW

- A. The Respondent violated G.L. c. 112, §5 ninth par. (d) and 243 CMR 1.03(5)(a)4 by practicing medicine while his/her ability to do so was impaired by alcohol.
- B. 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).

SANCTION

The Respondent, the Respondent's attorney and Complaint Counsel expressly acknowledge that the Board may impose sanctions against the Respondent based upon the above Stipulated Facts and Conclusions of Law. The Respondent, the Respondent's attorney and Complaint Counsel jointly agree to recommend to the Board that it impose the sanction set forth

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below. The parties hereto understand that the recommended sanction is not binding on the Board, and that the Board may wish to impose a different sanction on the Respondent.

At the time the Board considers this Stipulation, it will inform the parties of its inclination as to sanction. If the Board's sanction is different from the one recommended by the parties, the Respondent will be given an opportunity to either accept or reject the proposed sanction. If the Respondent rejects the proposed sanction, then the matter will continue through the adjudicatory process pursuant to General Laws chapter 30A and 801 CMR 1.00 et seq.

The parties recommend that the Respondent's license to practice medicine be indefinitely suspended. The Respondent may petition for a stay of suspension after twelve (12) consecutive months of documented sobriety and entrance into a five-year Probation Agreement. The conditions of the Probation Agreement are as follows: compliance with his Physician Health Services contract, a Board-approved practice plan, worksite monitoring, and any other conditions the Board may deem appropriate.

EXECUTION OF THIS STIPULATION

The parties agree that the approval of this Stipulation is left to the discretion of the Administrative Magistrate and the Board. As to any matter this Stipulation leaves to the discretion of the Administrative Magistrate or the Board, neither the Respondent, nor anyone else acting on his behalf has received any promises or representations regarding the same.

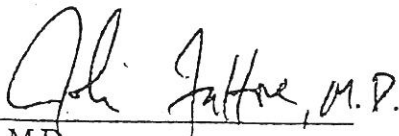
The signature of the Respondent, his attorney, and Complaint Counsel are expressly conditioned on the Administrative Magistrate and the Board accepting this Stipulation.

If the Administrative Magistrate rejects any provision contained in this Stipulation, the entire document shall be null and void and the matter will be scheduled for a hearing pursuant to

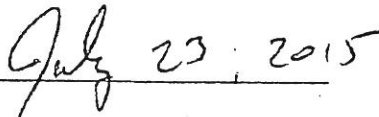
General Laws c. 30A and 801 CMR 1.00 et seq., after a reasonable time for the parties to re-negotiate the provision in light of the Magistrate's rejection.

If the Board rejects any provision in this Stipulation or modifies the Sanction and said modification is rejected by the Respondent, the entire document shall be null and void and the matter will be recommitted to the Division of Administrative Law Appeals for a hearing pursuant to General Laws c. 30A and 801 CMR 1.00 et seq., after a reasonable time for the parties to re-negotiate the provision in light of the Board's rejection.

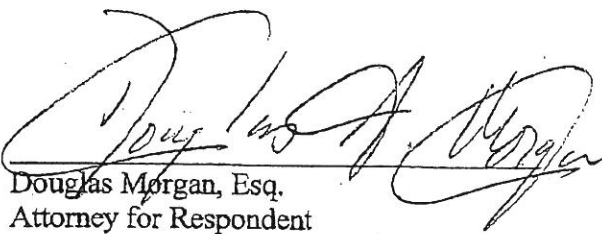
Neither of the parties nor anyone else may rely on the Stipulation in these proceedings or in any appeal there from.



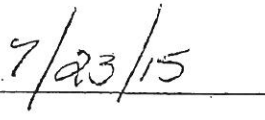
John Fattore, M.D.
Respondent



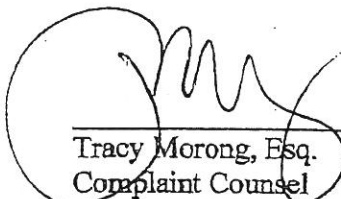
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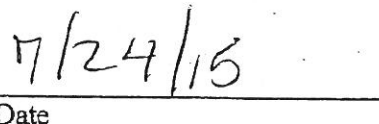
Douglas Morgan, Esq.
Attorney for Respondent



Date



Tracy Morong, Esq.
Complaint Counsel



Date