

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative Law Appeals

Docket No. RM-15-244

Board of Registration in Medicine,
Petitioner

v.

WILLIAM E. O'CONNOR, Jr., M.D.,
Respondent

STIPULATION

William E. O'Connor, Jr., M.D. (Respondent) 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 Statements of Allegations referenced above. The Respondent admits to the Findings of Fact described below and agrees that the Administrative Magistrate and the Board may make the Conclusions of Law as set forth below.

FINDINGS OF FACT

1. The Respondent was born on July 15, 1948. He graduated from the Faculté de Médecine Université de l'Etat a Liège, Belgium in 1979. He has been licensed to practice medicine in Massachusetts under certificate number 56708 since 1980. He also holds an active license to practice medicine in Rhode Island that was first issued in 1986. He is certified by the American Board of Otolaryngology. He is affiliated with Williams Medical Center in Rhode Island, Miriam Hospital in Rhode Island, and Landmark Medical Center in Rhode Island.

2. The Respondent was involved in a motor vehicle accident at approximately

midnight on September 16, 2006, in Brockton, Massachusetts; the front end of the Respondent's motor vehicle came into contact with the rear end of another vehicle.

3. Police officers arrived at the accident scene shortly after it had occurred, placed him under arrest, and charged him with Operating Under the Influence of Alcohol, in violation of G.L. c. 90, § 24.

4. The Respondent was arraigned on the charge on September 18, 2006 in the Brockton District Court; he pleaded not guilty.

5. After a trial on February 8, 2008, the Respondent was found guilty. He was placed on probation for one year, conditions of which included completion of the so-called 24D first offender program.

6. In Massachusetts, physicians are required to submit a Physician Renewal Application to the Board prior to the expiration date stated on a physician's certificate of registration, and to certify that the answers to each question are accurate.

7. Relevant to the facts in this matter, the Respondent's certificate of registration bore an expiration date of June 17, 2007.

8. On May 18, 2007, the Respondent signed and submitted to the Board a Renewal Application. Question 17 of that PRA asks the following:

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) is defined in the PRA as "all the time from the day you signed your last license Renewal Application to the day you sign this Renewal Application." The Respondent signed the previous Renewal Application on May 23, 2005.

10. In his 2007 Renewal Application, the Respondent answered "no" to Questions 17(a) and (b); his responses should have been in the affirmative.

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

The Respondent and Complaint Counsel expressly acknowledge that the Board may impose sanctions against the Respondent based upon the above Findings of Fact and Conclusions of Law. The Respondent and Complaint Counsel jointly agree to recommend to the Board that it impose the sanction set forth 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 jointly agree to recommend to the Board that the Respondent's license be reprimanded, and that he be fined Two Thousand and Five Hundred dollars (\$2,500); the fine

to be paid within sixty (60) days of the date the Board approves this Stipulation, and the Respondent shall perform 25 hours of community service.

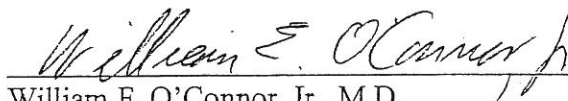
EXECUTION OF THIS STIPULATION

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 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.

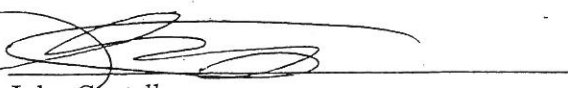
If the Board rejects any provision in this Stipulation or modifies the Sanction and said modification is rejected by the Respondent, the entire document shall be null and void and the matter will be recommitted to the Division of Administrative Law Appeals for a hearing pursuant to General Laws c. 30A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

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



William E. O'Connor, Jr., M.D.
Licensee

30 October 2015
Date



John Costello

10/30/2015
Date

Complaint Counsel