

EXHIBIT 1

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. RM-15-64

In the Matter of)
)
)

MOHAMAD H. OSSIANI, M.D.)
_____)

STIPULATION

Mohamad H. Ossiani, M.D. (the 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 August 23, 1968. He graduated from Georgetown University School of Medicine in 1999. He is certified in diagnostic radiology by the American Board of Radiology. He has been licensed to practice medicine in Massachusetts under certificate number 220726 since 2004. He is also licensed to practice medicine in Rhode Island and Oklahoma. He has privileges at Good Samaritan Medical Center, Marlborough Hospital, Norwood Hospital, Saint Anne's Hospital, and New England Sinai Hospital.

2. From approximately June 2006 to February 2013, the Respondent was employed by the Brigham and Women's Physician's Organization, Inc. (BWPO) and he held a medical staff appointment in the Radiology Department at Brigham and Women's Hospital (BWH).

STIPULATED FACTS

1. In approximately February 2012, the Respondent and a twenty-one year old woman (the Friend) met and entered into a social relationship.
2. In May 2012, the Respondent signed as the Friend's guarantor on a one-year lease to run from June 2012 to May 2013 for a 2 bedroom apartment to be occupied by the Friend and a roommate (the Friend's Apartment).
3. The Respondent advanced significant funds to the Friend for a security deposit, a broker's fee, and the initial monthly rent, and ultimately paid additional funds as a result of the guaranty.
4. The Friend did not repay all of the funds advanced and/or paid by the Respondent.
5. In or around June 2012, the Friend received medical treatment at BWH.
6. The Respondent did not treat the Friend in his role as a BWH radiologist.
7. The Friend's BWH medical record did not include written authorization for the Respondent to access her health information.
8. The Respondent accessed the Friend's BWH medical records on five occasions: June 18, 2012; September 2, 2012; September 12, 2012; September 14, 2012; and October 29, 2012.
9. Between June 2012 and December 2012, the Respondent prescribed the following controlled substances to the Friend: Xanax, Vicodin and Percocet.
10. The Respondent did not conduct a physical examination of the Friend prior to prescribing the above medications.
11. The Respondent did not keep or maintain any medical records documenting the above prescriptions for the Friend.

12. The Respondent's prescriptions for the Friend were not written for a legitimate medical purpose during the usual course of his professional practice.

13. In December 2012, the Respondent used his BWH electronic mail to communicate with the Friend regarding monies owed to him in connection with the Friend's Apartment.

14. The Friend now resides in California.

15. The Friend has never responded to the Petitioner's attempt to communicate with her.

CONCLUSIONS OF LAW

A. The Respondent has violated G.L. c. 112, § 5, ninth par. (h) and 243 CMR 1.03(5)(a)11 by violating a regulation(s) of the Board—to wit,

1. 243 CMR 2.07(5), a licensee who violates G.L. c. 94C, also violates a rule or regulation of the Board;

2. G.L. c. 94C, § 19(a), a prescription for controlled substances must be issued for a legitimate purpose by a practitioner acting in the usual course of his professional practice;

3. 243 CMR 2.07(13)(a) a licensee must maintain a medical record for each patient that is complete, timely, legible, and adequate to enable the licensee or any other health care provider to provide proper diagnosis and treatment.

B. The Respondent has violated 243 CMR 1.03(5)(a)18 by committing misconduct in the practice of medicine.

C. 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 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 be reprimanded and pay a fine of \$3,000.

EXECUTION OF THIS STIPULATION

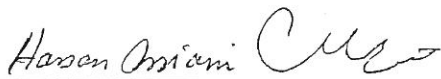
The parties agree that the approval of this Stipulation is left to the discretion of the Administrative Magistrate and the Board. As to any matter this Stipulation leaves to the discretion of the Administrative Magistrate or the Board, neither the Respondent, nor anyone else acting on his behalf has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

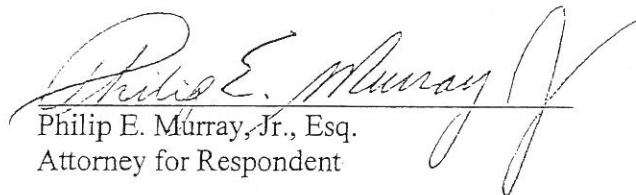
If the Administrative Magistrate rejects any provision contained in this Stipulation, the entire document shall be null and void and the matter will be scheduled for a hearing pursuant to General Laws c. 30A and 801 CMR 1.00 et seq., after a reasonable time for the parties to re-negotiate the provision 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.


Mohamad H. Ossiani, M.D.
Respondent

9/24/2015
Date


Philip E. Murray, Jr., Esq.
Attorney for Respondent

9/24/2015
Date


Tracy Morong, Esq.
Complaint Counsel

10/2/15
Date