

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-036

)
In the Matter of)

ROBERT E. OLSON, 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 Robert E. Olson, 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. 14-227.

Biographical Information

1. The Respondent was born on April 8, 1938. He graduated from Boston University School of Medicine in 1962. He has been licensed to practice medicine in Massachusetts under certificate number 29307 since 1966. He is certified by the American Board of Internal Medicine. He is affiliated with Beth Israel Deaconess Hospital-Plymouth and with Life Care Center of Plymouth.

Factual Allegations

2. On October 16, 2005, the Respondent was arrested in Plymouth, Massachusetts and charged with Operating a Motor Vehicle Under the Influence of Alcohol, in violation of G.L. c. 90, § 24; the Respondent was arraigned the following day in the Plymouth District Court and entered a plea of not guilty.

3. On October 31, 2005, the Respondent admitted to sufficient facts, and was placed on probation for a period of twelve (12) months, and was ordered to complete a course of education.

4. The Respondent successfully completed his probationary term; the criminal matter was dismissed on October 31, 2006.

5. In Massachusetts, every license 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 certificate of registration; 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."

2007 Massachusetts Physician Renewal Application

7. Relevant to this matter, the Respondent's certificate of registration bore an expiration date of March 11, 2007.

8. On January 26, 2007, the Respondent signed and filed with the Board a Renewal Application (2007 Renewal Application).

9. Question 17 of the Respondent's 2007 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 Application of Issuance of Process pending against you?

10. The phrase “time period” in Question 17 (a) and (b) is defined in the 2007 Renewal Application as “all time from the day you signed your last license Renewal Application to the day you sign this Renewal Application.” The Respondent signed his last Renewal Application on February 25, 2005.

11. In his 2007 Renewal Application, the Respondent falsely answered “no” to Questions 17 (a) and (b).

2013 Massachusetts Physician Renewal Application

12. In 2013, the Respondent’s license bore an expiration date of April 8, 2013.

13. On April 8, 2013, the Respondent electronically signed and filed with the Board a Renewal Application (2013 Renewal Application).

14. Question 14 of the 2013 Renewal Application asks the following question:

14) Claims Made

a) New: Have you received notification of a claim, whether or not a lawsuit was filed on that claim, or has any new medical malpractice claim been made against you during this time period?

b) Pending: Are there any unresolved malpractice claims against you today, i.e., any claims that have not been resolved, settled or adjudicated during this time period?

15. On or about January 28, 2013, the Respondent received notification that he was named in a medical malpractice action that had been filed in the Plymouth Superior Court (2013

Action).

16. Notwithstanding his actual knowledge of the 2013 Action, the Respondent falsely answered “no” to Question 14 a) of the 2013 Renewal Application.

2015 Massachusetts Physician Renewal Application

17. In 2015, the Respondent’s license bore an expiration date of April 8, 2015.

18. On February 25, 2015, the Respondent electronically signed and filed with the Board a Renewal Application (2015 Renewal Application).

19. Question 14 of the 2015 Renewal Application asks the following question:

14) Claims Made

a) New: Have you received notification of a claim, whether or not a lawsuit was filed on that claim, or has any new medical malpractice claim been made against you during this time period?

b) Pending: Are there any unresolved malpractice claims against you today, i.e., any claims that have not been resolved, settled or adjudicated during this time period?

20. As of the date the Respondent signed and filed his 2015 Renewal Application, the 2013 Action had not been resolved, settled, or adjudicated.

21. In his 2015 Renewal Application, the Respondent falsely answered “no” to Question 14 b) of the 2015 Renewal Application.

22. Question 18 c) of the Respondent’s 2015 Renewal Application asked the following question:

18) Other Issues

c) Have you been the subject of an investigation by any governmental

authority, including the Massachusetts Board of Registration in Medicine or any other state medical board, health care facility, group practice, employer or professional association?

23. On August 26, 2014, the Board notified the Respondent that it had docketed an investigative complaint against him (Docket No. 14-227); the investigation concerned his failure to accurately report his 2005 arrest in his 2007 Renewal Application.

24. Notwithstanding the Respondent's actual knowledge that he was the subject of a Board investigation, the Respondent falsely answered "no" to Question 18 c) of his 2015 Renewal Application.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, § 5, ninth par. (a) and 243 CMR 1.03(5)(a)1, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has fraudulently procured his certificate of registration or its renewal.

B. Pursuant to 243 CMR 1.03(5)(a)10, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician practiced medicine deceitfully, or engaged in conduct that has the capacity to deceive or defraud.

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,



Michael Henry, M.D.
Board Member

Date: December 3, 2015