

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No.2017-010

In the Matter of)
)
)

KRISTIN L. HOWARD, M.D.)
_____)

CONSENT ORDER

Kristin L. Howard, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with all of 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 sanctions set forth below in resolution of investigative Docket Number 12-512.

FINDINGS OF FACT

1. The Respondent was born on January 26, 1956. She graduated from Boston University School of Medicine in 1992. She has been licensed to practice medicine in Massachusetts under certificate number 150162 since 1996. She is board-certified in Emergency Medicine.

2. Candace Lapidus Sloane, M.D. (Board Chair) accepted the Respondent's Voluntary Agreement Not to Practice (VANP) on November 14, 2012. The Board ratified the VANP on November 20, 2012.

3. On November 13, 2012, the Respondent appeared before the Dedham District Court for arraignment on charges of Operating Under the Influence of Liquor (OUI) and Causing

Serious Bodily Injury, OUI Drugs and Causing Serious Bodily Injury, Operating to Endanger, two counts of Leaving the Scene of an Accident after Property Damage, Possession of a Class C Controlled Substance, and Possession of a Class E Controlled Substance.

4. On September 13, 2013, the Respondent resolved her criminal matter by pleading guilty to OUI and Causing Serious Bodily Injury and one count of Leaving the Scene of an Accident after Property Damage.

5. The court accepted the Respondent's guilty plea and ordered that the Respondent be placed on probation for three years.

6. The Respondent admitted to sufficient facts for a finding of guilty on the additional charges for Possession of a Class C Controlled Substance and Possession of a Class E Controlled Substance.

7. The court accepted the Respondent's admission and continued the charges without a finding (CWOFF) for three years pending the Respondent's compliance with the terms of her probation.

8. In November of 2012, the Respondent entered into a Physician Health Services (PHS) Substance Use Monitoring Contract which required abstinence from substances of abuse.

9. In a letter dated November 25, 2013, the Director of PHS stated that the Respondent had been compliant with her PHS contract since she entered into it on November 11, 2012.

CONCLUSIONS OF LAW

The Respondent has 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 AND ORDER

The Respondent's inchoate right to renew her medical license is hereby indefinitely suspended. The suspension is retroactive to November 11, 2012. The suspension may be stayed upon 18 consecutive months of documented sobriety, measured from August 15, 2013, and entrance into a five-year Probation Agreement. The conditions of the Probation Agreement are as follows: compliance with her Physician Health Services contract, a Board-approved practice plan, worksite monitoring, and any other conditions the Board may deem appropriate.

EXECUTION OF THIS CONSENT ORDER

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of the Respondent, her attorney, and Complaint Counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the stipulations contained herein shall be null and void; thereafter neither of the parties nor anyone else may rely on these stipulations in this proceeding. As to any matter that this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone acting on her behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that she may have resulting from the Board's acceptance 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 she practices medicine; any in- or out-of-state health maintenance organization with whom she has privileges or any other kind of association; any state agency, in- or out-of-state, with which she has a provider contract; any

in- or out-of-state medical employer, whether or not she practices medicine there; the state licensing boards of all states in which she 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 she becomes associated for the duration of this suspension and probation. The Respondent is further directed to certify to the Board within ten (10) days that she 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.

Kristin L. Howard, M.D.
Kristin L. Howard, M.D.
Respondent

6/30/16
Date

Katherine Hatch
Katherine Hatch, Esquire
Counsel for the Respondent

6/30/16
Date

Stephen C. Hoctor
Stephen C. Hoctor, Esquire
Complaint Counsel

7/6/16
Date

So ordered by the Board of Registration in Medicine this 23rd day of March, 2017.

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

SENT CERTIFIED MAIL 3/29/17 mg