

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2017-022

)
In the Matter of)

SPENCER B. WILKING, 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 Spencer B. Wilking 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. 14-063.

Biographical Information

1. The Respondent was born on August 24, 1948. He is a 1982 graduate of the University Of London Faculty Of Medicine. He had been licensed to practice medicine in Massachusetts since 1984 under certificate number 53519. The Respondent's license to practice medicine in Massachusetts expired on August 24, 2015 due to his failure to renew it.

2. The Respondent entered into a Voluntary Agreement Not to Practice (VANP) with the Board due to this matter. The VANP was accepted by the Vice Chair on March 13, 2014 and was ratified by the Board on April 2, 2014.

3. On February 25, 2014, The Respondent pled guilty in federal court to one count of health care fraud, 18 U.S.C. §1349.

4. The Respondent was the Medical Director for a home health care business and signed certifications stating the patients required home health services without having a face-to-face encounter with the patients, as required by law.

5. The Respondent billed Medicare for the certification and recertification of these patients.

6. On November 13, 2015, the Respondent was sentenced to serve 12 months of home detention with location monitoring equipment. He was additionally fined \$7,500, ordered to pay restitution and forfeited \$42,000 which represented the proceeds from consulting fees in connection with his guilty plea to the one count of Health Care Fraud.

CONCLUSIONS OF LAW

A. The Respondent has violated 243 CMR 1.03(5)(a)(7) in that he has been convicted of a crime.

B. 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 his medical license is hereby revoked, retroactive to March 13, 2014, the date on which the Respondent entered into a VANP.

EXECUTION 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 the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom 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,



Kathleen Meyer, Vice Chair

Date: May 25, 2017