

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2017-022

)
In the Matter of)

)
SPENCER V. WILKING, M.D.)
_____)

CONSENT ORDER

Spencer V. Wilking, 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 14-063.

FINDINGS OF FACT

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 14, 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

Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent 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 he becomes associated for the duration of this revocation. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

Spencer Wilking MD
Spencer Wilking, M.D.
Respondent

March 27, 2017
Date

[Signature]
Paul Cirel, Esquire
Counsel for the Respondent

3/27/2017
Date

[Signature]
Gloria Brooks, Esquire
Complaint Counsel

4/4/17
Date

So ordered by the Board of Registration in Medicine this 25 day of May, 2017.

[Signature]
Kathleen Meyer, Vice Chair

SENT CERTIFIED MAIL 5/30/17 [initials]³