

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION IN MEDICINE
ADJUDICATORY CASE NO.: 2007-002

In the Matter of
Peter Orlov, M.D.

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine ("Board") has reason to believe that, in Board of Registration in Medicine docket number 05-466, Peter Orlov, M.D. ("Respondent") committed misconduct in the practice of medicine and engaged in conduct that undermines the public confidence in the integrity of the medical profession. The Board also has reason to believe that, in Board of Registration in Medicine docket number 06-036, the Respondent failed to respond to a written communication from the Board in a timely manner, failed to respond within ten days to an Order to Respond issued by the Complaint Committee and violated the rules and regulations of the Board.

BIOGRAPHICAL INFORMATION

1. The Respondent was born on July 10, 1948. He is a 1974 graduate of Albert Einstein College of Medicine at Yeshiva University. The Respondent holds an active, unrestricted Massachusetts license (certificate number 38230), which was issued in 1975. The Respondent is board-certified in psychiatry.

FACTUAL ALLEGATIONS

Docket No. 05-466 (Patient A)

2. The Respondent was treating Patient A in 2005. The Respondent was providing psychotherapy and medication to Patient A, who is a 52-year-old male.
3. In or about July 2005, Patient A called the Respondent on at least two occasions asking to reschedule an appointment. Patient A indicated that the appointment with the Respondent conflicted with Patient A's appointment with his primary care physician.
4. In or about July 2005, Patient A left one message for the Respondent indicating that he was running out of his medication and asking the Respondent to order a refill.
5. In or about July 2005, Patient A left a second message for the Respondent indicating that he had run out of medication and asking the Respondent to order a refill.
6. Patient A never received a return call or further treatment from the Respondent.
7. The Respondent did not properly terminate his physician-patient relationship with Patient A.

Docket No. 06-036

8. The Board received the Respondent's 2005 renewal application on June 15, 2005. On the application, the Respondent confirmed his home and business address. The Respondent also confirmed that his preferred mailing address was his home address.
9. On September 13, 2005, the Board sent a copy of Patient A's complaint (Docket No. 05-466) to the Respondent's home address—his preferred mailing address—and requested that he respond to the allegations within thirty (30) days.
10. The Respondent did not respond to the Board.
11. On October 26, 2005, the Board sent another copy of the complaint and a request for a response to the Respondent. The October 26, 2005 correspondence was sent to the Respondent

via certified mail, return receipt requested, and regular mail to his home address. The October 26, 2005 correspondence was also sent to the Respondent via certified mail, return receipt requested, and regular mail to his business address.

12. Someone other than the Respondent signed the return receipt for the correspondence sent to his business address on October 26, 2005.

13. The Respondent did not respond to any of the Board correspondence sent on October 26, 2005.

14. On December 7, 2005, the Complaint Committee issued a Ten-Day Order to Respond and a new complaint was docketed based on the Respondent's failure to respond to Docket No. 05-466.

15. The Board mailed the Order to Respond to the Respondent on January 6, 2006. This correspondence was sent via certified mail, return receipt requested, and regular mail to the Respondent's business address.

16. The Respondent signed the return receipt on January 13, 2006.

17. The Respondent did not respond within ten days to the Order to Respond. The Respondent's response was dated January 30, 2006. The Board received the Respondent's response on February 10, 2006.

18. The Respondent voluntarily submitted to an independent psychiatric evaluation. The recommendations of the independent evaluation included, among other things, monitoring of the Respondent's practice and monitoring of the Respondent's behavioral health.

LEGAL BASIS FOR PROPOSED RELIEF

- A. Pursuant to G.L. c.112 §5, tenth par. (h) and 243 C.M.R. 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has violated the rules and regulations of the Board.
- B. Pursuant to 243 C.M.R. 2.07(12), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has failed to respond to a written communication from the Board in a timely manner.
- C. Pursuant to 243 C.M.R. 1.03(7), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has failed to respond within ten days to an Order to Respond issued by the Complaint Committee.
- D. Pursuant to 243 C.M.R. 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has committed misconduct in the practice of medicine.
- E. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979), and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

JURISDICTION

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 C.M.R. 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 he should not be disciplined for the conduct described herein.

By the Board of Registration in Medicine,



Martin Crane, M.D.
Chairman

Dated: January 24, 2007

sent certified mail 1/24/07 KJD

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION IN MEDICINE
ADJUDICATORY CASE NO.: 2007-002

In the Matter of
Peter Orlov, M.D.

CONSENT ORDER

Peter Orlov, M.D. ("Respondent") and Complaint Counsel agree that the Board of Registration in Medicine ("Board") may issue this Consent Order, in lieu of an adjudicatory proceeding, with all the force and effect of a Final Decision within the meaning of 801 C.M.R. 1.01(11)(d). The Respondent admits to the findings of fact described below and agrees the Board may make conclusions of law and impose a sanction in resolution of Board of Registration in Medicine docket numbers 05-466 and 06-036 as set forth below.

BIOGRAPHICAL INFORMATION

1. The Respondent was born on July 10, 1948. He is a 1974 graduate of Albert Einstein College of Medicine at Yeshiva University. The Respondent holds an active, unrestricted Massachusetts license (certificate number 38230), which was issued in 1975. The Respondent is board-certified in psychiatry.

FINDINGS OF FACT

Docket No. 05-466 (Patient A)

2. The Respondent was treating Patient A in 2005. The Respondent was providing psychotherapy and medication to Patient A, who is a 52-year-old male.

3. In or about July 2005, Patient A called the Respondent on at least two occasions asking to reschedule an appointment. Patient A indicated that the appointment with the Respondent conflicted with Patient A's appointment with his primary care physician.
 4. In or about July 2005, Patient A left one message for the Respondent indicating that he was running out of his medication and asking the Respondent to order a refill.
 5. In or about July 2005, Patient A left a second message for the Respondent indicating that he had run out of medication and asking the Respondent to order a refill.
 6. Patient A never received a return call or further treatment from the Respondent.
 7. The Respondent did not properly terminate his physician-patient relationship with Patient A.
- Docket No. 06-036

8. The Board received the Respondent's 2005 renewal application on June 15, 2005. On the application, the Respondent confirmed his home and business address. The Respondent also confirmed that his preferred mailing address was his home address.
9. On September 13, 2005, the Board sent a copy of Patient A's complaint (Docket No. 05-466) to the Respondent's home address—his preferred mailing address—and requested that he respond to the allegations within thirty (30) days.
10. The Respondent did not respond to the Board.
11. On October 26, 2005, the Board sent another copy of the complaint and a request for a response to the Respondent. The October 26, 2005 correspondence was sent to the Respondent via certified mail, return receipt requested, and regular mail to his home address. The October 26, 2005 correspondence was also sent to the Respondent via certified mail, return receipt requested, and regular mail to his business address.
12. Someone other than the Respondent signed the return receipt for the correspondence sent to his business address on October 26, 2005.

13. The Respondent did not respond to any of the Board correspondence sent on October 26, 2005.
14. On December 7, 2005, the Complaint Committee issued a Ten-Day Order to Respond and a new complaint was docketed based on the Respondent's failure to respond to Docket No. 05-466.
15. The Board mailed the Order to Respond to the Respondent on January 6, 2006. This correspondence was sent via certified mail, return receipt requested, and regular mail to the Respondent's business address.
16. The Respondent signed the return receipt on January 13, 2006.
17. The Respondent did not respond within ten days to the Order to Respond. The Respondent's response was dated January 30, 2006. The Board received the Respondent's response on February 10, 2006.
18. The Respondent voluntarily submitted to an independent psychiatric evaluation. The recommendations of the independent evaluation included, among other things, monitoring of the Respondent's practice and monitoring of the Respondent's behavioral health.

CONCLUSIONS OF LAW

- A. The Respondent has violated G.L. c.112 §5, tenth par. (h) and 243 C.M.R. 1.03(5)(a)11, in that he has violated the rules and regulations of the Board.
- B. The Respondent has violated 243 C.M.R. 2.07(12), in that he failed to respond to a written communication from the Board in a timely manner.
- C. The Respondent has violated 243 C.M.R. 1.03(7), in that he failed to respond within ten days to an Order to Respond issued by the Complaint Committee.
- D. The Respondent has violated 243 C.M.R. 1.03(5)(a)18 in that he committed misconduct in the practice of medicine.

E. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession, in violation of the standards set forth in *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979), and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

SANCTION

For Docket No. 05-466, the Respondent's license to practice medicine is hereby indefinitely suspended. Said suspension shall be immediately stayed upon the Respondent's completion of a Physician Health Services (PHS) assessment and, if recommended, entry into a PHS contract. Furthermore, as a condition of any stay, the Respondent is required to enter into a Probation Agreement. Said Probation Agreement would require the Respondent to: limit the Respondent's practice of medicine to a Board-approved group setting; have a Board-approved clinical practice monitor whose duties will include, but not be limited to, reviewing the Respondent's caseload management; and comply with a PHS contract, if recommended. The Probation Agreement will also require the Respondent to continue to receive all appropriate medical care as clinically appropriate. This sanction is imposed for Conclusions of Law D and E individually, and not for a combination of them.

For Docket No. 06-036, the Respondent is hereby reprimanded and fined \$5,000, payable within 30 (thirty) days of the Board's approval of this Consent Order. The Board will not renew the license of any physician who fails to pay a fine in a timely manner; this step will be taken automatically and no further notice or process will apply. This sanction is imposed for Conclusions of Law A, B, and C individually, and not for a combination of them.

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, his 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 his behalf, has received any promises or representations regarding the same.

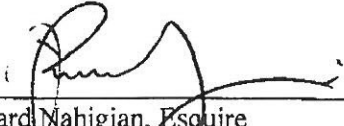
The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

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 he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards and Departments of Public Health of all states in which he has any kind of license to practice medicine; the Massachusetts Department of Public Health Drug Control Unit; and the Drug Enforcement Agency Boston Diversion Group. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of the indefinite suspension and Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

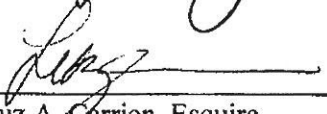
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Peter Orlov, M.D.

1-5-2007
Date


Richard Nahigian, Esquire

1/10/07
Date


Luz A. Carrion, Esquire
Complaint Counsel

1/12/07
Date

So ordered by the Board of Registration in Medicine this 24th day of January, 2007.


Martin Crane, M.D.
Chair

Sent Certified mail 1/24/07 KJD

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

**BOARD OF REGISTRATION
IN MEDICINE**

Adjudicatory Case No: 2007-002

**In the Matter of
Peter A. Orlov, M.D.**

PROBATION AGREEMENT

I. COMPLIANCE WITH AGREEMENT

The Respondent agrees that violation of this Probation Agreement ("Agreement"), including such provisions which survive this Agreement, shall constitute sufficient grounds for the immediate suspension of the Respondent's license to practice medicine, or any such lesser sanction as the Board may deem fit to impose, without prior notice to the Respondent. The Respondent hereby waives any claim or defense to any subsequent action by the Board to suspend the Respondent's license or impose such other lesser sanction, for any such violation or violations, except that the Respondent shall be entitled to defend against the assertion of a violation of this Agreement. The Respondent acknowledges and agrees that by entering into this Agreement, the Respondent is relinquishing important procedural and substantive rights.

II. PARTIES

The parties to this Agreement are the Board of Registration in Medicine (the "Board") and Peter Orlov, M.D. (the "Respondent").

III. JURISDICTION

The parties agree that the Board has the authority to enter into this Agreement, and that the Board may enforce the terms of this Agreement in accordance with applicable laws and regulations and the provisions of this Agreement.

IV. CONDITIONS OF PROBATION

During the probationary period, which shall be effective on the date the Board accepts this Agreement, the Respondent shall comply with each of the following requirements:

A. The Respondent agrees to undergo monitoring by the Board until at least January 5, 2012, five years from the date of his contract with Physician Health Services ("PHS"), and for such further period thereafter as the Board shall for reasonable cause order. At the Board's discretion, any periods during which the Respondent is not practicing medicine, during the probationary period, may extend the probationary period.

B. On January 5, 2007, the Respondent entered into a Behavioral Health Monitoring Contract, in a form acceptable to the Board, with PHS of the Massachusetts Medical Society. The Respondent agrees to abide fully by all terms of this contract. This contract includes a provision that PHS will promptly inform the Board of any lapse or violation of its terms by the Respondent, and the contract provides for any necessary waivers of privilege or confidentiality by the Respondent. PHS shall submit quarterly reports to the Board which detail the Respondent's compliance with this contract.

C. The Respondent shall be under the care of a licensed or certified health care professional who shall submit written reports, including reports on all missed sessions, to the Board or its designee as often as the Board deems necessary but in any event at least once every three months. Copies of these attendance reports shall be part of the quarterly report that PHS submits to the Board. The health care professional shall immediately notify the Board by telephone whenever, in her professional judgment, the Respondent

poses a potential danger to the health, safety and welfare of the Respondent's patients. In addition, the health care professional shall immediately notify the Board by telephone and in writing in the event that the Respondent terminates treatment, or is non-compliant with the treatment plan. In the event that the health care professional notifies the Board that the Respondent poses a danger to the health, safety or welfare of the Respondent's patients, or terminates treatment, the Board may obtain any and all information, reports and records for a period not to exceed ninety (90) days prior to the date of said notification from the health care provider concerning the Respondent. The Respondent hereby waives any privileges concerning such information, reports, records and disclosures to the Board. The health care professional shall confirm in writing, within ten (10) days of the Board's acceptance of this Agreement, her agreement and undertaking with respect to the obligations set forth in this Agreement, and shall notify the Board if the Respondent withdraws any waiver filed in connection with this Agreement. The Respondent may not terminate treatment with, or change the identity of the health care professional without prior Board approval. The Respondent has chosen Amanda Gruber, M.D., as the health care professional who shall fulfill the monitoring requirements of this paragraph.

D. The Respondent shall file, within thirty (30) days of the execution of this Probation Agreement, written releases and authorizations sufficiently broad in scope to allow the Board to obtain any and all medical and laboratory reports, treating physicians' reports and records concerning the Respondent's treatment during the probationary period.

E. All agreements whereby third parties are to provide written reports, releases, records or any other information to the Board under this Probation Agreement shall be submitted to the Board for approval within thirty (30) days after the Probation Agreement is approved by the Board. All such releases and agreements must, in addition to waiving any relevant state law privileges or immunities, provide the Board with access to all material covered by 42 CFR, Part 2, and the Criminal Offender Records Information (CORI) Act, so-called, M.G.L. c. 6, ss. 167-178; all such releases and agreements must

provide that the released party shall notify the Board if any waiver is withdrawn. In the event that any such releases or waivers are not sufficient to obtain access to any information which the Board in its discretion considers relevant, the Respondent agrees to obtain personally such information and furnish it to the Board, to the extent permitted by law.

F. In the event that the Respondent seeks licensure to practice medicine in another state, the Respondent shall notify the Board of such fact and shall disclose to the licensing authority in such state his status with this Board. The Respondent shall submit to the Board copies of all correspondence and application materials submitted to another state's licensing authority.

G. In the event the Respondent should leave Massachusetts to reside or practice out of the state, the Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside Massachusetts will not apply to the reduction of any period of the Respondent's probationary licensure, unless the Respondent enters into a monitoring agreement, approved by the Board, in the new location.

H. The Respondent shall appear before the Board or a committee of its members at such times as the Board may request, upon reasonable advance notice, commensurate with the gravity or urgency of the need for such meeting as determined by the Board or such committee.

I. The Respondent shall notify and provide, within ten (10) days, notification of the Board's acceptance of this Agreement, a complete copy of this Agreement with all exhibits and attachments 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 he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with

which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration, Boston Diversion Group, and 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 Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he 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.

J. The Respondent may engage in the practice of medicine under conditions that the Board may impose. The Respondent may practice only at Psychological Care Associates, 22 Mill Street, Arlington, Massachusetts 02476 with Michael Jacques, Ph.D. as his monitor. The Respondent shall not practice at any other location prior to petitioning for and receiving Board approval of a practice plan. Any such practice plan must limit the Respondent to practice in a group setting.

K. Until the Board, upon petition of the Respondent, orders otherwise, Dr. Jacques, shall submit quarterly evaluations of the Respondent directly to the Board. Dr. Jacques' monitoring shall include, but not be limited to, clinical practice supervision meetings with the Respondent at least twice monthly.

L. The Respondent, and not the Board, shall be responsible for the payment of any fee or charge occasioned by the Respondent's compliance with this Probation Agreement.

M. Respondent may request that the Board modify any of the conditions set forth above. The Board may, in its discretion, grant such modification. Except for requests for modifications related to the Respondent's employment, the Respondent may make such a request not more than once in any one-year period, nor any sooner than one year from the date of this Probation Agreement.

V. TERMINATION OF PROBATION

A. If the Respondent complies with his obligations as set forth above, the Board, at the expiration of the five-year period, shall, upon petition by the Respondent, terminate the Respondent's probationary period and probation with the Board, unless the Respondent's probation is extended in accordance with paragraph IV(A).

B. If the Respondent fails to comply with his obligations as set forth above, the Respondent's license to practice medicine may be immediately suspended, as agreed in Section I.

1/9/2007
Date

1/16/07
Date

[Signature]
Respondent

[Signature]
Attorney for the Respondent

Accepted this 24th day of January 2007, by the Board of Registration in Medicine.

[Signature]
Martin Crane M.D., Chairman
Board of Registration in Medicine

sent certified mail 1/24/07 KJD

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, SS

Adjudicatory Case
No. 2007-002

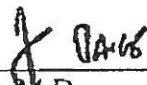
In the Matter of)
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Peter A. Orlov, M.D.)
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ORDER

At its April 4, 2012 meeting, the Board of Registration in Medicine (hereinafter "Board") considered the Respondent's Petition to Terminate Probation Agreement (hereinafter "Petition"). The Board hereby APPROVES the Petition and terminates the Respondent's probation.

Date: April 4, 2012



Peter Paige, M.D.

Chair

Board of Registration in Medicine

SENT CERTIFIED MAIL 4/4/12 jmf