

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.

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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

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7. The Respondent did not properly terminate his physician-patient relationship with Patient A.

Docket No. 06-036

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- 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.

