

COMMONWEALTH OF MASSACHUSETTS

Middlesex SS

Board of Registration in Medicine
Adjudicatory Case No 2012-023

In the Matter of)
)
)

CHARLES R MORIN 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 Charles R. Morin, 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. 11-179.

Biographical Information

1 The Respondent was born on April 1, 1947. He graduated from the Brown University School of Medicine in 1976. He is certified by the American Board of Psychiatry. He has been licensed to practice medicine in Massachusetts under certificate number 80568 since 1994.

Factual Allegations

2 The Respondent was a partner of a neuropsychological practice based in Hingham, Massachusetts from 1997 to 2007.

3 From 2004 to 2007, Patient A was employed at the Respondent's practice as a psychiatric nurse practitioner.

4 In 2007, the Respondent and his partners sold the practice to Patient A, the Respondent was named the Medical Director of the new practice

5 On August 1 1989 the Board adopted guidelines for physicians who write prescriptions for controlled substances pursuant to G L c 94C, known as *Prescribing Practices Policy and Guidelines* (*Guidelines*') The *Guidelines* were amended December 12 2001, and were in effect at all times relevant to this matter

6 Pursuant to G L c 94C, and the *Guidelines*, a prescription is invalid unless it is issued for a legitimate medical purpose in the usual course of a physician's professional practice

7 In 2006 Patient A asked the Respondent to write her a prescription for Lunesta which the Respondent did

8 Between 2006 and 2010, the Respondent wrote a total of thirty (30) prescriptions for controlled substances for Patient A, some of which were authorized for several refills

9 The prescriptions written by the Respondent for Patient A included Lunesta, Lamictal Trazadone, Xanax and Oxycodone

10 Some of the thirty prescriptions were written by the Respondent based upon his own independent medical judgment but he also wrote some other prescriptions at the specific request of Patient A which the *Guidelines* cite as a factor establishing that a physician has prescribed outside of his usual course of professional practice

11 Between 2006 and 2010, the Respondent did not record a medical history of Patient A in full compliance with the *Guidelines*

12 Between 2006 and 2010 the Respondent did not maintain a medical record of Patient A in compliance with the *Guidelines*

Legal Basis for Proposed Relief

A Pursuant to G L c 112 §5 ninth par (h) and 243 CMR 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 of a rule or regulation of the Board Specifically

1 243 CMR 2 07(5) which states that a licensee who violates G L c 94C also violates a rule or regulation of the Board

2 243 CMR 2 07(13)(a) which requires a physician to maintain a medical record for each patient which is adequate to enable the licensee to provide proper diagnosis and treatment

B Pursuant to G L c 112 §5, ninth par (b) and 243 CMR 1 03(5)(a)2, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician committed an offense against a provision of the laws of the Commonwealth relating to the practice of medicine or a rule or regulation adopted thereunder More specifically

1 G L c 94C, § 19(a) which requires that physicians issue prescriptions for controlled substances for legitimate purpose and in the usual course of the physician s medical practice

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 CMR 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 the Board should not discipline the Respondent for the conduct described herein

By the Board of Registration in Medicine,



Herbert H Hodos
Vice Chair

Date July 25, 2012

SENT CERTIFIED MAIL 7/25/12 LMF

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS

Board of Registration in Medicine
Adjudicatory Case No. 2012-023

In the Matter of)
)
CHARLES R MORIN M D)
)

CONSENT ORDER

Pursuant to G L c 30A § 10, Charles R Morin, M D (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all 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 sanction set forth below in resolution of investigative Docket No. 11-179.

Findings of Fact

1 The Respondent was born on April 1, 1947. He graduated from the Brown University School of Medicine in 1976. He is certified by the American Board of Psychiatry. He has been licensed to practice medicine in Massachusetts under certificate number 80568 since 1994.

2 The Respondent was a partner of a neuropsychological practice based in Hingham Massachusetts from 1997 to 2007.

3 From 2004 to 2007 Patient A was employed at the Respondent's practice as a psychiatric nurse practitioner.

4 In 2007, the Respondent and his partners sold the practice to Patient A the Respondent was named the Medical Director of the new practice

5 On August 1 1989 the Board adopted guidelines for physicians who write prescriptions for controlled substances pursuant to G L c 94C, known as *Prescribing Practices Policy and Guidelines* (Guidelines) The *Guidelines* were amended December 12, 2001, and were in effect at all times relevant to this matter

6 Pursuant to G L c 94C and the *Guidelines*, a prescription is invalid unless it is issued for a legitimate medical purpose in the usual course of a physician s professional practice

7 In 2006 Patient A asked the Respondent to write her a prescription for Lunesta which the Respondent did

8 Between 2006 and 2010 the Respondent wrote a total of thirty (30) prescriptions for controlled substances for Patient A some of which were authorized for several refills

9 The prescriptions written by the Respondent for Patient A included Lunesta Lamictal, Trazadone Xanax and Oxycodone

10 Some of the thirty prescriptions were written by the Respondent based upon his own independent medical judgment but he also wrote some other prescriptions at the specific request of Patient A, which the *Guidelines* cite as a factor establishing that a physician has prescribed outside of his usual course of professional practice

11 Between 2006 and 2010 the Respondent did not record a medical history of Patient A in full compliance with the *Guidelines*

12 Between 2006 and 2010 the Respondent did not maintain a medical record of Patient A in compliance with the *Guidelines*

Conclusion of Law

A The Respondent has violated G L c 112 § 5, ninth par (h) and 243 CMR 1 03(5)(a)11 in that he has violated the following Board regulations

1 243 CMR 2 07(5) which states that a licensee who violates G L c 94C also violates a rule or regulation of the Board

2 243 CMR 2 07(13), which states that a licensee shall maintain a medical record for each patient which is adequate to enable the licensee to provide a proper diagnosis and treatment

B The Respondent has violated G L c 112, § 5, ninth par (b) and 243 CMR 1 03(5)(a)2 in that he violated provisions of the laws of the Commonwealth relating to the practice of medicine or rule or regulation promulgated thereunder Specifically the Respondent has violated G L c 94C, § 19(a) which requires that a valid prescription for a controlled substance shall be issued for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice G L c 94C relates to the practice of medicine

Sanction and Order

The Respondent s license is hereby reprimanded

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 the Respondent becomes associated in the year following the date of imposition of this reprimand The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive

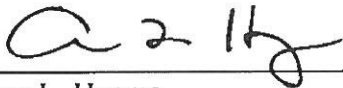
The Board expressly reserves the authority to independently notify at any time any of the entities designated above or any other affected entity of any action it has taken



Charles R. Morin, M.D.
Licensee




Date



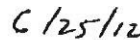
Andrew L. Hyams
Attorney for the Licensee



Date



John Costello
Complaint Counsel



Date

So ORDERED by the Board of Registration in Medicine this 25th day of July
2012



Herbert H. Hodos
Vice Chair

SENT CERTIFIED MAIL 7/25/12 LMF