

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case No. 2009-031

_____)
In the Matter of)
)
ANDREW BODNAR, 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 Andrew Bodnar, 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 09-093.

BACKGROUND INFORMATION

1. The Respondent was born on February 26, 1948. He graduated from Columbia University College of Physicians and Surgeons in 1974, and has been licensed to practice medicine in Massachusetts under license number 39536 since 1976. His license has been on inactive status since 2005.

FACTUAL ALLEGATIONS

2. On April 6, 2009, the Respondent pled guilty to one count of having knowingly made and delivered as true a writing to the Federal Trade Commission containing a statement which he knows to be false in violation of 18 U.S.C. § 1018.

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3. Upon accepting the Respondent's plea and finding him guilty on June 11, 2009, the Court ordered the Respondent to be placed on unsupervised probation for a period of two years; fined him \$5,000, and ordered him to write a book reflecting upon the experience associated with the criminal behavior so that others similarly situated may be guided in avoiding such behavior.

LEGAL BASIS FOR PROPOSED RELIEF

Pursuant to 243 CMR 1.03(5)(a)7, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has been convicted of a crime.

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 on 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,



John B. Herman, M.D.
Chair

Date: November 4, 2009

COMMONWEALTH OF MASSACHUSETTS

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In the Matter of)
ANDREW BODNAR, M.D.)
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CONSENT ORDER

Andrew Bodnar, 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 proceeding, with 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 the Board may make conclusions of law and impose a sanction in resolution of Board of Registration in Medicine docket number 09-093.

FINDINGS OF FACT

1. The Respondent was born on February 26, 1948. He graduated from Columbia University College of Physicians and Surgeons in 1974, and has been licensed to practice medicine in Massachusetts under license number 39536 since 1976. His license has been on inactive status since 2005.
2. On April 6, 2009, the Respondent pled guilty to one count of having knowingly made and delivered as true a writing to the Federal Trade Commission containing a statement which he knows to be false in violation of 18 U.S.C. § 1018.
3. Upon accepting the Respondent's plea and finding him guilty on June 11, 2009, the Court ordered the Respondent to be placed on unsupervised probation for a

period of two years; fined him \$5,000, and ordered him to write a book reflecting upon the experience associated with the criminal behavior in that case so that others similarly situated may be guided in avoiding such behavior.

CONCLUSION OF LAW

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

SANCTION

The Respondent is hereby reprimanded.

EXECUTION OF THIS CONSENT ORDER

The Complaint Counsel, Respondent and Respondent's attorney agree that the approval of this Consent Order is left to the discretion of the Board. The signatures of Complaint Counsel, the Respondent and the Respondent's 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 entire document shall be null and void; thereafter, neither the Complaint Counsel, Respondent, Respondent's attorney nor anyone else may rely on the stipulations in this proceeding. As to any matter 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 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

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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 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 in the year following the date of the imposition of this reprimand. 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.

Date: Oct. 20, 2009

Andrew J. Bodnar
Andrew Bodnar, M.D.
Respondent

Date: October 23, 2009

W. Scott Liebert
W. Scott Liebert, Esq.
Attorney for Respondent

Date: October 27, 2009

James J. Barrett, Esq.
James J. Barrett, Esq.
Complaint Counsel

So ordered by the Board of Registration in Medicine this 4th day of November 2009.

John B. Herman, M.D.
John B. Herman, M.D.
Chairman