

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2009-028

_____)
 In the Matter of)
)
 MICHAEL J. F. IANNESSA, M.D.)
 _____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (the 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 Michael J. F. Iannessa, M.D. (the 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: 07-650.

FACTUAL ALLEGATIONS

1. The Respondent was born on March 3, 1952. He graduated from the University of Rome Medical School, located in Italy, on June 30, 1979. He has been licensed to practice medicine in Massachusetts since 1984 under certificate number 52862. He is certified by the American Board of Obstetrics and Gynecology. The Respondent completed a fellowship in addiction medicine in February 2009. He is practicing medicine at Pembroke Hospital and Westwood Lodge; and he has hospital privileges at those facilities.

2. In August 2006, the Respondent had voluntarily agreed to stop performing certain procedures at Milton Hospital during an investigation into a series of complications and adverse events in regard to patients he had treated.

3. Caritas St. Elizabeth's Medical Center (CSEMC) filed a Health Care Facility Disciplinary Action Initial Report dated October 1, 2007, with the Board.

4. CSEMC reported that the Respondent's privileges at CSEMC had been summarily suspended on September 10, 2007, based on omissions and misstatements on the Respondent's Medical Staff Reappointment Application dated October 19, 2006 (the Application).

5. Section V, Question 2 of the Application referred to the time period since the Respondent's last appointment to the CSEMC Medical Staff, and asked:

Have you voluntarily or involuntarily had termination of medical staff membership, or voluntary or involuntary limitation, reduction, suspension or loss of clinical privileges at another hospital/healthcare facility?

6. The Respondent answered "No" to this question.

7. The Respondent appealed the disciplinary action taken against him by CSEMC. Following a hearing, which took place in November 2007, the Board of Trustees of CSEMC voted to uphold the summary suspension of the Respondent's privileges.

LEGAL BASIS FOR PROPOSED RELIEF

Pursuant to 243 CMR 1.03(5)(a)(10), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct which has the capacity to deceive or defraud.

Pursuant to G.L. c. 112, §5(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 any rule or regulation of the Board.

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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, *et seq.*

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.

Dated: September 16, 2009

By the Board of Registration in Medicine,


John B. Herman, M.D.
Chairman

SENT CERTIFIED MAIL

9/16/09 KJD

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CONSENT ORDER

Michael J. F. Iannessa, M.D. (the Respondent) and the Complaint Counsel agree that, in Docket No. 07-650, the Board of Registration in Medicine (the Board) may issue this Consent Order 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 described below and agrees the Board may make conclusions of law and impose a sanction as set forth below.

FINDINGS OF FACT

1. The Respondent was born on March 3, 1952. He graduated from the University of Rome Medical School, located in Italy, on June 30, 1979. He has been licensed to practice medicine in Massachusetts since 1984 under certificate number 52862. He is certified by the American Board of Obstetrics and Gynecology. The Respondent completed a fellowship in addiction medicine in February 2009. He is practicing medicine at Pembroke Hospital and Westwood Lodge; and he has hospital privileges at those facilities.
2. In August 2006, the Respondent had voluntarily agreed to stop performing certain procedures at Milton Hospital during an investigation into a series of complications and adverse events in regard to patients he had treated.

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5. Section V, Question 2 of the Application referred to the time period since the Respondent's last appointment to the CSEMC Medical Staff, and asked:

Have you voluntarily or involuntarily had termination of medical staff membership, or voluntary or involuntary limitation, reduction, suspension or loss of clinical privileges at another hospital/healthcare facility?

6. The Respondent answered "No" to this question.

7. The Respondent appealed the disciplinary action taken against him by CSEMC. Following a hearing, which took place in November 2007, the Board of Trustees of CSEMC voted to uphold the summary suspension of the Respondent's privileges.

CONCLUSIONS OF LAW

A. The Respondent has violated 243 CMR 1.03(5)(a)(10), in that he engaged in conduct that had the capacity to deceive or defraud by failing to disclose information on his CSEMC Medical Staff Reappointment Application that he was required to provide to CSEMC.

B. The Respondent has violated G.L. c. 112, §5(h) and CMR 1.03(5)(a)(11) in that he violated a rule or regulation of the Board.

SANCTION

The Respondent is hereby reprimanded and fined \$2,500. The fine is payable within ninety (90) 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 Docket No. 07-650.

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 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 Complaint Counsel, Respondent, Respondent's Counsel, nor anyone else may rely on these 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 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 of all states in which he has any kind of license; 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 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.

Michael J. F. Iannessa, MD
Michael J. F. Iannessa M.D.
Respondent

Aug 5, 09
Date

W. Scott Liebert
W. Scott Liebert, Esq.
Respondent's Counsel

8/6/09
Date

Alice Cole Oliff
Alice Cole Oliff, Esq.
Complaint Counsel

8/7/09
Date

Accepted by the Board of Registration in Medicine on this 16th day of September 2009.

John B. Herman, MD

John B. Herman, M.D.
Chairman

SENT CERTIFIED MAIL

9/16/2009

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