





4. On March 23, 2007, Counsel for BWH submitted a Health Care Disciplinary Action Report providing that the Respondent was placed on a leave of absence from BWH Residency program for the remainder of the academic year (June 30, 2007) after it was determined that she wrote several prescriptions for her own use utilizing a colleague's name and DEA number.
5. The Respondent began to experience pain from kidney stones in late November or early December 2006 and was treated for the pain by her physician.
6. In December 2006 or January 2007, the Respondent continued to experience pain but did not return to her physician for treatment as she felt her physician would not write her a prescription for pain medication.
7. On January 14, 2007, the Respondent telephoned a prescription for Vicodin (Schedule III) listing her husband, as the patient; however, the prescription medication was for the Respondent.
8. Sometime in January 2007, the Respondent informed a physician's assistant ("PA") at BWH that the Respondent was experiencing pain due to kidney stones.
9. The Respondent asked PA to write her a prescription for Percocet (Schedule II), informing the PA that the Respondent's primary care physician was not available to write her a prescription.
10. Thereafter, the Respondent utilized PA's name and DEA number in order to write prescriptions and obtain narcotics for her own use. The Respondent wrote prescriptions for either Vicodin or Percocet herself on February 1, February 10, February 18, February 24, and March 5, 2007.
11. The names of the patients on the prescriptions written by the Respondent were

either the Respondent's or her husband's.

12. The Respondent wrote all of the prescriptions for herself.

The Respondent's husband was not aware of, nor did he receive, any of the fraudulently obtained narcotics.

13. The Respondent admitted to PA that the Respondent had utilized PA's name and DEA number in order to obtain narcotics for her own use.

#### Legal Basis for Proposed Relief

Pursuant to G.L. c.112 §5(h) and 243 CMR 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician engaged in misconduct in the practice of medicine.

Pursuant to G.L. c. 94C §33(a), in part, no person shall knowingly or intentionally use in the course of distribution of a controlled substance, a registration number which is issued to another person.

Pursuant to G.L. c. 94C §33(b), in part, no person shall utter a false prescription for a controlled substance nor knowingly or intentionally acquire or obtain possession of a controlled substance by means of forgery, fraud, or deception.

Pursuant to 243 CMR 2.07(5)(a), a physician who violates G.L. c. 94C also violates a regulation of the Board.

Pursuant to G.L. Ch. 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 a rule or regulation of the Board.

Pursuant to G.L. c. 112, § 5(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 has violated a provision of the laws of the Commonwealth relating to the practice of medicine or a rule or regulation adopted thereunder.

Pursuant to *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982) and *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician had engaged in conduct that undermines the public confidence in the integrity of the medical profession.

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 she should not be disciplined for the conduct described herein.

By the Board of  
Registration in Medicine,



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Martin Crane, M.D.  
Chairman

Dated: December 5, 2007

Sent certified mail 12/5/07 KJD



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10. Thereafter, the Respondent utilized PA's name and DEA number in order to write prescriptions and obtain narcotics for her own use. The Respondent wrote prescriptions for either Vicodin or Percocet herself on February 1, February 10, February 18, February 24, and March 5, 2007.

11. The names of the patients on the prescriptions written by the Respondent were

either the Respondent's or her husband's.

12. The Respondent wrote all of the prescriptions for herself.

The Respondent's husband was not aware of, nor did he receive, any of the fraudulently obtained narcotics.

13. The Respondent admitted to PA that the Respondent had utilized PA's name and DEA number in order to obtain narcotics for her own use.

#### Conclusions of Law

- A. The Respondent has violated G.L. c. 112, § 5(b) and 243 CMR 1.03(5)(a)(2) in that she committed an offense against the provisions of the laws of the Commonwealth relating to the practice of medicine or rule or regulation promulgated thereunder.
- B. The Respondent has violated G.L. c.94C § 33(a) and §33(b).
- C. Pursuant to 243 CMR 2.07(5), a licensee who violates G.L. c. 94C also violates a rule or regulation of the Board.
- D. The Respondent violated 243 CMR 1.03(5)(a)18, in that she has committed misconduct in the practice of medicine.
- E. The Respondent engaged in conduct which undermines the public confidence in the integrity of the medical profession as defined by *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982) and *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979).

#### Sanction

The Respondent's limited license to practice medicine is hereby suspended retroactive to March 21, 2007. The Respondent may reapply for a new limited license upon demonstrating one year of compliance with her Physician Health Services (PHS) contract. Any issuance of a new limited license to the Respondent will be contingent

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upon the Respondent entering into and complying with a Probation Agreement containing terms and conditions the Board, in its discretion, may require. This sanction is imposed for Conclusions of Law A, B, C, D and E individually and not for any combination of them.

This sanction is imposed for Docket Number 07-161.

#### Execution of this Order

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, Respondent and 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 of the parties 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 else acting on her behalf has received any promises or representations regarding the same.

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 she practices medicine; any in- or out-of-state health maintenance organization with whom she has privileges or any other kind of association; any state agency, in- or out-of-state, with which she has a provider contract; any in- or out-of-state medical

employer, whether or not she practices medicine there; the state licensing boards of all states in which she 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 she becomes associated for the duration of this suspension. The Respondent is further directed to certify to the Board within ten (10) days that she 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.

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

Date: 10/2/07

Amy Marple  
Amy Marple, M.D.  
Respondent

Date: 10/2/07

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

Date: 10/26/07

Karen Rolley  
Karen Rolley, Esquire  
Complaint Counsel

Accepted by the Board of Registration this 5th day of December, 2007.

Martin Crane  
Martin Crane, M.D.  
Chairman

sent certified mail 12/5/07 KJD