

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY NO. 2007-062

In the Matter of _____
Michael Minev, M.D. _____

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine ("the Board") has reason to believe that Michael Minev, M.D., ("the Respondent") engaged in conduct that undermines the public confidence in the integrity of the medical profession.

BACKGROUND

1. The Respondent was born on June 11, 1975 and graduated from Faculty of Health Sciences, Ben Gurion University of Negev, Israel in 2005. He was granted a Limited License to Practice Medicine in Massachusetts in July 2006 under certificate number 228713.
2. In 2006, the Respondent entered the Internal Medicine Residency Program at Mt. Auburn Hospital ("Mt. Auburn").

BACKGROUND

3. In January 2007, while on night float coverage at the Hospital, the Respondent reviewed the electronic medical record of a patient for whom he was not providing medical care, from whom he did not have consent, and for no legitimate medical purpose.
4. Mt. Auburn required the Respondent to take an administrative leave, repeat a HIPAA training and apologize to the patient.
5. The director of Mt. Auburn's Internal Medicine residency program reported to the Board that the Respondent successfully completed remediation at Mt. Auburn, has learned from this

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experience, and has demonstrated exemplary attitudes and behavior. The director also emphasized that this event occurred early in the Respondent's training.

LEGAL BASIS FOR PROPOSED RELIEF

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 has 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 he should not be disciplined for the conduct described herein.

By the Board of
Registration in Medicine,



Martin Crane, M.D.
Chairman

Dated: December 5, 2007

Sent via certified mail 12/5/07 KTD

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY NO. 2007-062

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In the Matter of)
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Michael Minev, M.D.)
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CONSENT ORDER

Michael Minev, M.D. (the Respondent) and the Complaint Counsel agree that 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 in resolution of Docket No. 07-304.

FINDINGS OF FACT

1. The Respondent was born on June 11, 1975 and graduated from Faculty of Health Sciences, Ben Gurion University of Negev, Israel in 2005. He was granted a Limited License to Practice Medicine in Massachusetts in July 2006 under certificate number 228713.
2. In 2006, the Respondent entered the Internal Medicine Residency Program at Mt. Auburn Hospital ("Mt. Auburn").
3. In January 2007, while on night float coverage at the Hospital, the Respondent reviewed the electronic medical record of a patient for whom he was not providing medical care, from whom he did not have consent, and for no legitimate medical purpose.
4. Mt. Auburn required the Respondent to take an administrative leave, repeat a HIPAA training and apologize to the patient.

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5. The director of Mt. Auburn's Internal Medicine residency program reported to the Board that the Respondent successfully completed remediation at Mt. Auburn, has learned from this experience, and has demonstrated exemplary attitudes and behavior. The director also emphasized that this event occurred early in the Respondent's training.

CONCLUSION OF LAW

A. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession in violation of the standards set forth in 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 is hereby reprimanded. This sanction is imposed for Docket No. 07-304. This sanction is imposed for Conclusion of Law A.

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 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 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

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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 to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Unit. The Respondent shall also provide this notification to any such designated entities with which he becomes associated within one year of the imposition of the 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 Minev, M.D.
Michael Minev, M.D., Respondent

10/28/07
Date

Alan Einhorn
Alan Einhorn, Respondent's Counsel

10/31/07
Date

Tracy Morong
Tracy Morong, Complaint Counsel

11/1/07
Date

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

Martin Crane
Martin Crane, M.D.
Chairman

Sent certified mail 12/5/07 KJD