

4. The Respondent failed to keep and maintain medical records for Patient A regarding the prescriptions.

LEGAL BASIS FOR PROPOSED RELIEF

A. 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 the physician has committed an offense against the provisions of the laws of the Commonwealth relating to the practice of medicine. 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.

B. Pursuant to 243 C.M.R. 1.03(5) (a) 11, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that the physician has violated a rule or regulation of the Board, to wit:

1. 243 C.M.R. 2.07(5); and
2. 243 C.M.R. 2.07(13)(a).

C. Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), 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 of this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This proceeding will be conducted according to the provisions of G.L. c. 30A and 801 C.M.R. 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, in addition to or instead of revocation or suspension, order one or more of the following: admonishment, reprimand, censure, fine, the performance of uncompensated public service, a course of education or training, or other limitation 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.

Date: July 15, 2009

John B. Herman, M.D.
Chairman

SENT CERTIFIED MAIL

7/15/09 KSD

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY NO. 2009-022

In the Matter of)
)
George C. Mitchell, M.D.)
_____)

CONSENT ORDER

George C. Mitchell, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (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. 08-335.

FINDINGS OF FACT

1. George C. Mitchell, M.D. was born on March 1, 1951. He has been licensed to practice in Massachusetts since July 3, 1975 under license number 38174. Dr. Mitchell is board-certified in Emergency Medicine and specializes in family medicine.
2. On March 28, 2008, the Respondent wrote prescriptions for Oxycodone and Cyclobenzaprine for the use of Patient A.
3. The Respondent intentionally wrote the prescriptions intended for the use of Patient A in the name of Patient B.

4. The Respondent failed to keep and maintain medical records for Patient A regarding the prescriptions.

CONCLUSIONS OF LAW

A. The Respondent has violated G.L. c. 112 §5(b) and 243 CMR 1.03 (5)(a)(2) in that he has committed an offense against the laws of the Commonwealth relating to the practice of medicine. 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.

B. The Respondent has violated 1.03 (5)(a)11 in that he has violated a rule or regulation of the Board, to wit:

1. 243 CMR 2.07(5), a licensee who violates M.G.L. c. 94C also violates a rule or regulation of the Board; and

2. 243 CMR 2.07(13)(a) in that he failed to keep and maintain medical records regarding his treatment of Patient A.

C. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession 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).

SANCTION

The Respondent is hereby reprimanded. This sanction is imposed for Docket No. 08-335. This sanction is imposed for Conclusions of Law A, B, and C.

EXECUTION OF THIS CONSENT ORDER

Complaint Counsel, the Respondent and the Respondent's counsel 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 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.

George C. Mitchell
George C. Mitchell, M.D., Respondent

6/30/09
Date

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

7/02/2009
Date

Tracy Morong
Tracy Morong, Complaint Counsel

7/2/09
Date

Accepted by the Board of Registration in Medicine on this 15 day of July, 2009.

John B. Herman, M.D.

John B. Herman, M.D.
Chairman

SENT CERTIFIED MAIL
7/15/09 RSP