

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

Board of Registration in Medicine

Adjudicatory Case No.2007-058

In the Matter of
Ernest Osei-Tutu, M.D.

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine ("the Board") has reason to believe that Ernest Osei-Tutu, M.D., ("the Respondent") has: 1) engaged in conduct that undermines the public confidence in the integrity of the medical profession, in violation of the standards set forth in Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982); 2) violated 243 CMR 1.03(5)(a)(8) in that he continued to practice medicine while his registration was lapsed and revoked by operation of law; and 3) violated G.L. c. 112, §5(h) and 243 CMR 1.03(5)(a)11 in that he violated: 243 CMR 2.06(1)(a) (failure to file a renewal application in a timely manner).

BACKGROUND

1. The Respondent was born on June 30, 1953. He is board-certified in internal medicine and graduated from Jefferson Medical College of Thomas Jefferson University in 1984. He was licensed to practice medicine in Massachusetts under License #76657 from 1992 to 2005.

FACTUAL ALLEGATIONS

Docket No. 04-232

2. On November 17, 2001, the Respondent admitted in the Marlborough District Court that there were sufficient facts to find that he had committed assault and battery towards his former domestic partner. The case was continued without a guilty finding and the Respondent was placed on two years probation, the terms of which included an order to stay away from his former domestic partner and to attend a batterers' program. The case was dismissed on November 17, 2003.

3. The Respondent reported the criminal matter on his 2003 Physician Renewal Application.

Docket No. 06-638

4. On June 30, 2005 the Respondent's license lapsed and was revoked by operation of law for failure to timely renew.

5. Between July 1 and July 3, 2005, the Respondent treated 15 individuals at Cape Cod Hospital.

LEGAL BASIS FOR PROPOSED RELIEF

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, in violation of the standards set forth in 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 violated 243 CMR 1.03(5)(a)(8) in that he continued to practice medicine while his registration was lapsed and revoked by operation of law.

The Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has violated G.L. c. 112, §5(h) and 243 CMR 1.03(5)(a)11 in that he violated: 243 CMR 2.06(1)(a) (failure to file a renewal application in a timely manner).

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: November 14, 2007

sent certified mail 11/14/07 KJD

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY NO. 2007-058

In the Matter of)
 Ernest Osei-Tutu, M.D.)
 _____)

CONSENT ORDER

Ernest Osei-Tutu, 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 Nos. 04-232 and 06-638.

FINDINGS OF FACT

1. The Respondent was born on June 30, 1953. He is board-certified in internal medicine and graduated from Jefferson Medical College of Thomas Jefferson University in 1984. He was licensed to practice medicine in Massachusetts under License #76657 from 1992 to 2005.

Docket No. 04-232

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2. On November 17, 2001, the Respondent admitted in the Marlborough District Court that there were sufficient facts to find that he had committed assault and battery towards his former domestic partner. The case was continued without a guilty finding and the Respondent was placed on two years probation, the terms of which included an order to stay away from his former domestic partner and to attend a batterers' program. The case was dismissed on November 17, 2003.

3. The Respondent reported the criminal matter on his 2003 Physician Renewal Application.

Docket No. 06-638

4. On June 30, 2005 the Respondent's license lapsed and was revoked by operation of law for failure to timely renew.

5. Between July 1 and July 3, 2005, the Respondent treated 15 individuals at Cape Cod Hospital

CONCLUSIONS 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).

B. The Respondent has violated 243 CMR 1.03(5)(a)(8) in that he continued to practice medicine while his registration was lapsed and revoked by operation of law.

C. The Respondent has violated G.L. c. 112, §5(h) and 243 CMR 1.03(5)(a)11 in that he violated: 243 CMR 2.06(1)(a) (failure to file a renewal application in a timely manner).

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SANCTION

The Respondent is hereby reprimanded. The Respondent is also required to submit a License Renewal Application accurately reflecting the current status of his out-of-state licenses. This sanction is imposed for Docket Nos. 04-232 and 06-638. This sanction is imposed for Conclusions of Law A, B, and C individually and not for any combination of them.

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 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

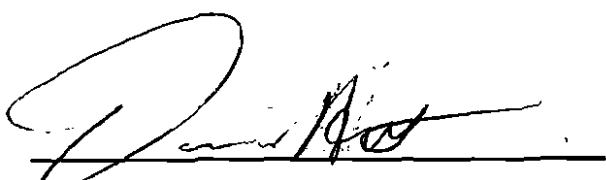
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medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer,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

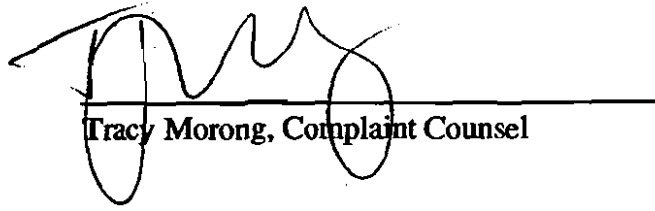
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Ernest Osei-Tutu, M.D., Respondent

October 1, 2007
Date



David Hilton, Respondent's Counsel

10/1/07
Date


Tracy Morong, Complaint Counsel

10/10/07
Date

Accepted by the Board of Registration in Medicine on this 14th day of November, 2007.


Martin Crane, M.D.
Chairman

sent + certified mail 11/14/07 KSD