

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Board of Registration
in Medicine

Adjudicatory Case No. 2008-036

In the Matter of)
Van S. Batchis, M.D.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine ("the Board") has reason to believe that Van S. Batchis, M.D., ("the Respondent") has practiced medicine in violation of law, regulations or good and accepted medical practice, as set forth herein.

BACKGROUND

1. The Respondent was born on February 25, 1941. He is a 1990 graduate of Boston University School of Medicine. He graduated from Jefferson Medical College in 1969 and has been licensed to practice medicine in Massachusetts under certificate number 36032 since 1972. He specializes in psychiatry.

FACTUAL ALLEGATIONS

- 2. On August 3, 2006, Dr. Batchis was notified of Docket No. 06-249, a substandard care complaint, via certified mail and a response was requested within thirty days.
- 3. On September 11, 2006, Dr. Batchis sent a letter to the Board, refusing to respond to the complaint without a release from the patient.
- 4. On September 11, 2006, Board staff again requested a response to the complaint via certified mail.

5. On December 6, 2006, the Complaint Committee issued a 10-Day Order to Respond and docketed No. 07-002 (Failure to Respond). The 10-Day Order to Respond was sent to Dr. Batchis via certified mail on December 7, 2006.
6. On January 26, 2007, Board staff received a call from Dr. Batchis in which confirmed that he received the notification letter in Docket No. 07-002 dated January 17, 2007. Dr. Batchis indicated he would respond to the Board's request for information as well as the two complaints.
7. On June 18, 2007, the Respondent responded to Docket 06-249 in writing.
8. In October 2007, the Respondent began an independent psychiatric evaluation with a board-approved psychiatrist. The Respondent was diagnosed with Major Depressive Disorder, in partial remission. It was recommended that the Respondent enter a Physician Health Services (PHS) contract.
9. On June 11, 2008, the Respondent entered a PHS contract and has complied with all terms.
10. On June 25, 2008, the Respondent was again assessed by the board-approved psychiatrist. The psychiatrist opined that the Respondent was impaired from his depression to a degree that would interfere with his return to work as a physician.

LEGAL BASIS FOR PROPOSED RELIEF

Pursuant to M.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.

Pursuant to 243 CMR 1.03(5)(a)(16), the Board may discipline a physician upon proof satisfactory to majority of the Board that the physician has failed to furnish the Board and its investigators or representatives with documents, information or testimony to which the Board is legally entitled.

Pursuant to 243 CMR 2.07 (12), the Board may discipline a physician upon proof satisfactory to a majority of the Board that the physician has failed to respond to certified correspondence from the Board within thirty (30) days of the Board's mailing of the written communication to him.

243 CMR 1.03 (7), the Board may discipline a physician upon proof satisfactory to a majority of the Board that the physician has failed to respond within ten days to an Order for Answering issued by the Complaint Committee.

Pursuant to G.L. c. 112, §5(d) and 243 CMR 1.03 (5)(a) 4, the Board may discipline a physician upon proof satisfactory to a majority of the Board that the physician practiced medicine while the ability to practice was impaired by mental instability.

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,

John B. Herman, M.D.

John B. Herman, M.D.
Chairman

Dated: October 22, 2008

SENT CERTIFIED MAIL
10/22/08 KJD

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY NO. 2008-036

_____)
 In the Matter of)
)
 Van S. Batchis, M.D.)
 _____)

CONSENT ORDER

Van S. Batchis, 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. 07-002.

FINDINGS OF FACT

1. The Respondent, a physician specializing in psychiatry, was born on February 25, 1941. He graduated from Jefferson Medical College in 1969 and has been licensed to practice medicine in Massachusetts under certificate number 36032 since 1972.
2. On August 3, 2006, the Respondent was notified of Docket No. 06-249, a complaint by the mother of an adult patient that alleged substandard care, via certified mail. A response was requested within thirty days. The Respondent received the notification letter on August 4, 2006.
3. On September 11, 2006, the Respondent sent a letter to the Board, refusing to respond to the complaint without a release from the patient.
4. On September 11, 2006, Board staff again requested a response to the complaint via certified mail. The Respondent received this letter on September 13, 2006.

5. On December 6, 2006, the Complaint Committee issued a 10-Day Order to Respond pursuant to 243 CMR 1.03(7) and docketed No. 07-002 (Failure to Respond).
6. The 10-Day Order to Respond was sent to the Respondent via certified mail on December 7, 2006. The Respondent received the 10-Day Order to Respond on December 12, 2006.
7. On January 26, 2007, Board staff received a call from the Respondent in which he agreed to respond to Complaint No. 06-249 by January 29, 2007.
8. On June 18, 2007, the Respondent responded to Docket 06-249 in writing.
9. In October 2007, the Respondent began an independent psychiatric evaluation with a board-approved psychiatrist. The Respondent was diagnosed with Major Depressive Disorder, in partial remission. It was recommended that the Respondent enter a Physician Health Services (PHS) contract.
10. On June 11, 2008, the Respondent entered a PHS contract and has complied with all terms.
11. On June 25, 2008, the Respondent was again assessed by the board-approved psychiatrist. The psychiatrist opined that the Respondent was impaired from his depression to a degree that would interfere with his return to work as a physician.

CONCLUSIONS OF LAW

- A. The Respondent failed to furnish the Board, its investigators or representatives, documents, information, or testimony to which the Board is legally entitled in violation of 243 CMR 1.03 (5)(a)(16).
- B. The Respondent failed to respond to certified correspondence from the Board within thirty days of the Board's mailing of the written communication in violation of 243 CMR 2.07 (12).
- C. The Respondent failed to respond an Order from the Complaint Committee in violation of 243 CMR 1.03(7).

D. The Respondent violated G.L. c. 112, §5(d) and 243 CMR 1.03 (5)(a) 4 in that he practiced Medicine while the ability to practice was impaired by mental instability.

SANCTION

The Respondent's inchoate right to renew his license to practice medicine is hereby indefinitely suspended. The Respondent may petition for a stay of suspension once he undergoes an updated psychiatric evaluation with a Board-approved psychiatrist and the Board-approved psychiatrist indicates that the Respondent is fit to practice medicine. The Respondent must also enter into a Probation Agreement the terms of which should include, but may not be limited to, compliance with a PHS contract, participation in therapy, approval of a practice plan that includes monitoring of the Respondent's practice and any further recommendations made by the Board-approved psychiatrist once the Board-approved psychiatrist has completed an updated evaluation. This sanction is imposed for Docket No. 07-002 and Conclusions of Law A, B, C, and D 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 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 Program. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this indefinite suspension. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

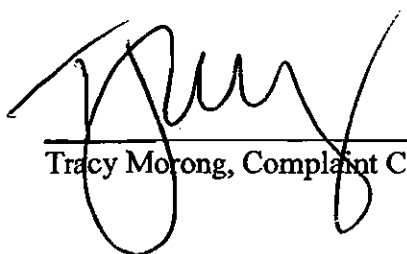
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

Van S. Batchis, M.D.
 Van S. Batchis, M.D., Respondent

9/12/08
 Date

Alan B. Rindler
 Alan B. Rindler, Respondent's Counsel

9/13/08
 Date



Tracy Morong, Complaint Counsel

9/19/08

Date

Accepted by the Board of Registration in Medicine on this 22nd day of October, 2008.



John B. Herman, M.D.
Chairman

SENT CERTIFIED MAIL
10/22/08 [initials]