

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

BOARD OF REGISTRATION  
IN MEDICINE

ADJUDICATORY NO. 2008-052

12/17/08 31 1

	)
In the Matter of	)
Renato C. Mendoza, M.D.	)
	)

**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine ("the Board") has reason to believe that Renato C. Mendoza, 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, a physician specializing in pediatrics, was born on December 12, 1948. He graduated from University of Santo Tomas Faculty of Medicine and Surgery in the Philippines in 1972 and has been licensed to practice medicine in Massachusetts under certificate number 39116 since 1976.

**FACTUAL ALLEGATIONS**

2. On March 24, 2006, a pharmacist reported receiving altered prescriptions written by the Respondent. The prescriptions, written for an adult, were for Schedule II medications and the word "pediatrician" was crossed out on the prescription.

3. As of March 24, 2006, the Respondent was not registered with the DEA to write prescriptions for Schedules II through V drugs. At that time, the Respondent held only a controlled substance license number from the Massachusetts Department of Public Health.

- 4. In April 2006, the Respondent was aware that without a valid federal DEA license, he was prohibited from writing prescriptions for Schedules II through V.
- 5. From April 2006 to July 2006, the Respondent continued to write prescriptions for Schedule II medications.
- 6. In January 2007, the DEA granted the Respondent a license to prescribe Schedules II through V.

**LEGAL BASIS FOR PROPOSED RELIEF**

Pursuant to 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 the physician has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

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 2.07(5), a licensee who violates G.L. c. 94C, also violates a rule or regulation of the Board.

Pursuant to G.L. c. 94C, §§18(c), 18(d) and 43, the Board may discipline a physician upon proof satisfactory to a majority of the Board that the physician wrote prescriptions for controlled substances contained in schedules II, III, and IV without being duly registered under state and federal law.

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: December 17, 2008

**SENT CERTIFIED MAIL**

*12/17/08 KJD*

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\_\_\_\_\_)

**CONSENT ORDER**

Renato C. Mendoza, 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 that the Board may make conclusions of law and impose a sanction in resolution of Docket No. 06-203.

**FINDINGS OF FACT**

1. The Respondent, a physician specializing in pediatrics, was born on December 12, 1948. He graduated from University of Santo Tomas Faculty of Medicine and Surgery in the Philippines in 1972 and has been licensed to practice medicine in Massachusetts under certificate number 39116 since 1976.
2. On March 24, 2006, a pharmacist reported receiving altered prescriptions written by the Respondent. The prescriptions were for Schedule II medications. The prescriptions were written for an adult and the word "pediatrician" was crossed out on the prescription.
3. As of March 24, 2006, the Respondent was not registered with the DEA to write prescriptions for Schedules II through V drugs. At that time, the Respondent held only a controlled substance license number from the Massachusetts Department of Public Health.

4. In April 2006, the Respondent was aware that without a valid federal DEA license, he was prohibited from writing prescriptions for Schedules II through V.
5. From April 2006 to July 2006, the Respondent continued to write prescriptions for Schedule II medications.
6. In January 2007, the DEA granted the Respondent a license to prescribe Schedules II through V.

**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 Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982).
- B. The Respondent has violated G.L. c. 94C §§18(c), 18(d) and 43 which prohibits physicians from writing prescriptions for controlled substances contained in schedules II, III, and IV without being duly registered under state and federal law.
- C. The Respondent has violated G.L. c. 112, § 5(h) and 243 CMR 1.03(5)(a)(11) in that he has violated a rule or regulation of the Board. Pursuant to 243 CMR 2.07(5), a licensee who violates G.L. c. 94C, also violates a rule or regulation of the Board.

**SANCTION**

The Respondent is hereby reprimanded. This sanction is imposed for Docket No. 06-203 and 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 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 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.

Renato C. Mendoza MD  
Renato C. Mendoza, M.D., Respondent

SEP 26, 2008  
Date

[Signature]  
Tracy Morong, Complaint Counsel

9/29/08  
Date

Accepted by the Board of Registration in Medicine on this 17<sup>th</sup> day of December, 2008.

John B. Herman MD  
John B. Herman, M.D.  
Chairman

**SENT CERTIFIED MAIL**  
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