

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

File No: C07-306

In the matter of:

Douglas M. Katz, MD
License #: MD 07760

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) the State of Massachusetts, Board of Registration in Medicine notified the Board of Medical Licensure and Discipline that the Respondent had been subject to disciplinary action in the State of Massachusetts. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of §5-37-5.1 of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Facts

The Respondent, Douglas M. Katz, MD. was disciplined by the Commonwealth of Massachusetts, Board of Registration in Medicine, for engaging in conduct that undermines the public confidence in the integrity of the medical profession, failing to furnish the Board information to which the Board is legally entitled, and engaging in conduct that has the capacity to deceive or defraud.

The Respondent, emailed Patient A and referred to her as "wild child" and inquired whether she was back from a trip, left a voicemail message on her cell phone, emailed

Patient A stating that he was thinking about her and still waiting for an email or a call. The emails were flirtatious and designed to obtain personal contact beyond the boundaries of the doctor/patient relationship concurrent with existing doctor/patient relationship.

The Massachusetts order dated April 18, 2007 is incorporated and attached herewith pursuant to R.I.G.L. 5-37-5.1 (21).

Parties agree as follows:

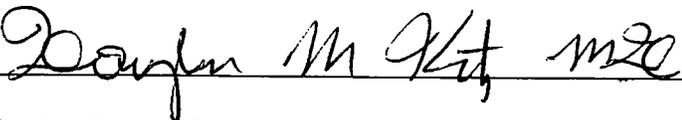
The Respondent is a physician with an allopathic license No. MD 7760. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

Respondent hereby acknowledges and waives:

1. The right to appear personally or by counsel or both before the Board;
 2. The right to produce witnesses and evidence in his behalf at a hearing;
 3. The right to cross-examine witnesses;
 4. The right to have subpoenas issued by the Board;
 5. The right to further procedural steps except for specifically contained herein;
- Any and all rights of appeal of this Consent Order;
6. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
 7. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

8. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
9. Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
10. Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
11. Respondent shall be subject to the same restrictions and limitations as imposed by Massachusetts.
12. Respondent accepts a finding of unprofessional conduct in violation of § 5-37-5.1
Respondent accepts a sanction of Reprimand.
13. Respondent agrees to pay an administrative fee of five hundred (\$500.00) dollars within 60 days of ratification of this Order.

Signed this 21st day of May, 2007.



Douglas M, Katz, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held on June 13th, 2007.



David Gifford, MD, MPH
RI Director of Health

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY NO. 2007-018

_____)
In the Matter of)
Douglas M. Katz, M.D.)
_____)

CONSENT ORDER

Douglas M. Katz, 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. 06-256.

FINDINGS OF FACT

1. The Respondent was born on April 25, 1961. He is board-certified in internal medicine and graduated from School of Medicine, State University of New York in 1987. He has been licensed to practice medicine in Massachusetts under certificate #70570 since 1989. The Respondent worked at Sona Med Spa (Sona) from August 2004 until March 2006. He is affiliated with the Lahey Clinic and Union Hospital.
2. Patient A, a 24 year-old female nursing student, saw the Respondent for tattoo removal treatment at Sona from December 2005 to March 2006.
3. At an office visit, Respondent and Patient A discussed the potential for Patient A to obtain a nursing proctorship at the Lahey Clinic. Respondent and Patient A also discussed

planned vacation to South Beach, Florida. During the vacation discussion, a reference was made to Patient A as a "wild child." Also at that visit, the Respondent gave Patient A his cellular telephone number written on his business card. Patient A did not offer her telephone number to the Respondent. Patient A's telephone number was in her medical record.

4. After that office visit, the Respondent telephoned Patient A, and invited her to visit him while he worked at the Lahey Clinic.
5. Shortly after that office visit, Patient A visited the Respondent at the Lahey Clinic.
6. On December 22, 2005, the Respondent sent an email to Patient A. The subject line of the email referred to a tattoo that Patient A was having removed. In the email, the Respondent thanked Patient A for stopping by to see him with her "way awesome hair to brighten my day" at the Lahey Clinic. The Respondent also wrote that he hoped Patient A's "wild child side" enjoyed her vacation.
7. On February 5, 2006, the Respondent emailed Patient A. The Respondent referred to Patient A as a "wild child" and inquired whether she was back from a trip.
8. On February 11, 2006, Patient A received a voicemail message on her cell phone from the Respondent.
9. On February 28, 2006, the Respondent emailed Patient A stating that he was thinking about her and still waiting for an email or a call.
10. The emails written by the Respondent to Patient A were flirtatious and designed to encourage personal contact beyond the boundaries of the doctor/patient relationship concurrent with an existing doctor/patient relationship.
11. The Respondent initially denied contacting Patient A by telephone in February 2006, but later admitted leaving any voicemail messages for Patient A.

12. When requested, the Respondent provided the Board with a copy of his cellular telephone bill. The bill lists a call made to Patient A on February 11, 2006.

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 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 failed to furnish the Board information to which the Board is legally entitled in violation of 243 CMR 1.03 (5)(a)16.

C. The Respondent has engaged in conduct that has the capacity to deceive or defraud in violation of 243 CMR 1.03 (5)(a)10.

SANCTION

The Respondent is hereby reprimanded. This sanction is imposed for Docket No. 06-256. 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 reject:

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 and Departments of Public Health of all states in which he has any kind of license to practice medicine; Department of Public Health Drug Control Program; and the Drug Enforcement Administration Boston Diversion Group. 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.

Douglas M. Katz, M.D.
Douglas M. Katz, M.D., Respondent

February 22 2007
Date

[Signature]
Paul Circl, Respondent's Counsel

2/27/07
Date

[Signature]
Tracy Morong, Complaint Counsel

3/2/07
Date

Accepted by the Board of Registration in Medicine on this 18th day of April 2007.

[Signature]
Martin Crane, M.D.
Chairman

sent certified mail 4/18/07 KJD