

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2021-007

In the Matter of

CHRISTOPHER A. PICHAY, D.O.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Christopher A. Pichay, D.O. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have 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 specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of Investigatory Docket No. 17-281

Findings of Fact

1. The Respondent is a 2001 graduate of the University of New England, College of Osteopathic Medicine and has been licensed to practice medicine in Massachusetts since July 26, 2006, under certificate number 229762. Dr. Pichay is certified by the American Board of Medical Specialists in Family Medicine. He works at Circle of Life Family Medicine in Norwell and is affiliated with South Shore Hospital with no admitting privileges.

Patient B

2. The Respondent treated Patient B at Circle of Life Family Medicine for Bartonella.

3. Patient B's lab results from Circle of Life Family Medicine were negative for Lyme disease, but a letter from the Respondent noted that the Lyme testing was inconclusive and that he prescribed antibiotics for one month.

4. The medical records of Patient B reveal that Dr. Pichay failed to memorialize the rationale for prescribing antibiotics. If Dr. Pichay's treatment was based on other factors than the test results, or if the test results were considered along with other clinical factors, the medical record did not reflect any additional basis for diagnosis.

5. Without such an explanation, it is unclear from the face of the medical records why Dr. Pichay treated Patient B with antibiotics.

6. The Respondent failed to maintain a medical record for Patient B that is adequate to enable the licensee or any other health care provider to provide proper diagnosis and treatment, which is below the standard of care.

Patient C

7. Patient C saw the Respondent due to her history of Lyme infection, for which she received treatment in 2014.

8. Patient C's results letter from the Respondent's office notes infection with Lyme, Bartonella, and Tularemia.

9. Patient C's lab results were borderline positive for Bartonella, and Tularemia, and an IgG Lyme test with three positive bands.

10. When Patient C returned to see the Respondent, he noted that Patient C was positive for Bartonella, Tularemia, and Lyme, and prescribed antibiotics.

11. The medical records of Patient C reveal that Dr. Pichay failed to memorialize the rationale for prescribing antibiotics for each one of the diagnosed illnesses specified in paragraph 10 above. If Dr. Pichay's treatment was based on other factors which either include or exclude the laboratory results for patient C, the medical record did not reflect any clarification for diagnosis nor did they clarify the interpretation of the tests.

12. The Respondent failed to maintain a medical record for Patient C that is adequate to enable the licensee or any other health care provider to provide proper diagnosis and treatment, which is below the standard of care.

Conclusion of Law

The Respondent violated G.L. c. 112, § 5, eighth par. (h) and 243 CMR 1.03(5)(a)11 by violating a rule or regulation of the Board. Specifically, the Respondent failed to maintain complete medical records in violation of 243 CMR 2.07 (13) (a).

Sanction and Order

The Respondent's license is hereby REPRIMANDED. The Respondent is further ORDERED to successfully complete a medical education course on diagnosis and treatment of infectious disease in primary care practice identified as the American College of Physicians Medical Knowledge Self-Assessment Program (MKSAP) module on infectious diseases, as well as medical record keeping course identified as the CPEP course (Improving Patient Safety Through Effective Record Keeping) and provide proof of successful completion within 6

months of the ratification of this Consent Order. This sanction is imposed for the violation of law listed in the Conclusion section.

Execution of this Consent Order

Complaint Counsel and the Respondent 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 counsels 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.

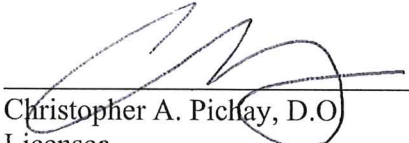
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

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 the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement

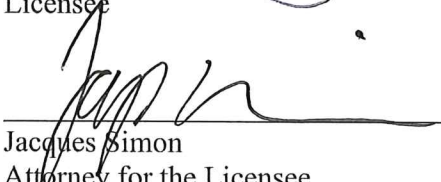
Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent 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.



Christopher A. Pichay, D.O.
Licensee

9/20/23
Date



Jacques Simon
Attorney for the Licensee

09/26/23
Date

D Griffin (LRF)

Darina Griffin
Complaint Counsel

11/2/23
Date

So ORDERED by the Board of Registration in Medicine this 2nd day of November, 2023.



Julian N. Robinson, M.D.
Board Chair