

(2) 1/20/2015

Michael L. Langan, MD
41 Kilsyth Road
Brookline, MA 02445
617-640-3681

Attn: Deb Stoller, Senior Board Counsel
Commonwealth of Massachusetts
Board or Registration in Medicine

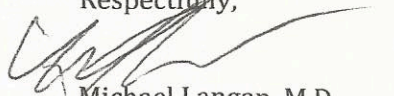
Dear Ms. Stoller,

Attached is a petition to invalidate my February 16, 2013 suspension based on 1. The fact that PHS engaged in forensic-fraud that was investigated, corrected and reported to PHS *prior* to my being reported as "non-compliant" to the Board by PHS violating M.G.L. 156 (B) Section 69 and 2. The multiple violations of the Establishment Clause of the 1st Amendment by both PHS and the Board as outlined in a letter from the Appignani Legal Center dated June 6, 2013 requesting that these violations be remedied. To date the Board has not addressed these issues.

I have attached Commonwealth of Massachusetts Supreme Judicial Court Justice Margot Botsford's decision regarding a petition for relief under writ of certiorari statute G.L. c. 249 § 4 stating these "allegations are serious" and that "plaintiff would appear entitled at least to re-petition the board to stay suspension of his medical license at this time.

Due to the serious nature of these allegations, the prima facie evidence of the fraud and the fact that the Board is well aware of the issues surrounding my case by reference to all previous pleadings, attachments and submissions I request that this re-petition be expedited and decided by the next Board meeting.

Respectfully,


Michael Langan, M.D.
Medical License #151239

1/20/2015

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

Middlesex, ss.

In the Matter of
Michael L. Langan
License # 151239

Petition to Invalidate February 16, 2013
Board Order for Medical License
Suspension

Attn: Deb Stoller, Senior Board Counsel, the Executive Director, and the
Entire Board and Staff

Now comes, Michael Langan , and requests the following:

I hereby petition the Board of Registration in Medicine (hereinafter
"Board") to invalidate the February 16, 2013 Board Order for Suspension
based on the December 21st, 2011 Board Order finding that I violated
Paragraph J of my October 8, 2008 non-disciplinary Letter of Agreement
(LOA) consenting to "abide fully by all terms" of a 5-year "Physician
Substance Abuse Monitoring" contract entered into with Physicians Health
Service, Inc. (PHS) March 18, 2008 and originally scheduled to end March
18th, 2013.

This petition for invalidation is based on prima facie evidence that Physician
Health Services Inc. engaged in unethical and criminal misconduct that was
the direct, sole, and complete cause of all subsequent adverse events from
July of 2011 until said suspension.

Attached is Commonwealth of Massachusetts Supreme Judicial Court
Justice Margot Botsford's decision regarding a petition for relief under writ
of certiorari statute G.L. c. 249 § 4 stating these "allegations are serious" and
that "plaintiff would appear entitled at least to repetition the board to stay
suspension of his medical license at this time. If he does so, and is
aggrieved by the board's response, he would be entitled to seek review of
the board's decision through an action in the nature of certiorari pursuant to
G.L. c. 249 § 4 within sixty days of that decision."

Judge Botsford's decision was based solely on the "strict sixty day timing requirement of G.L. c. 249 § 4. As the Board is aware, during those 60-days multiple inquiries/ petitions to the Board were made regarding the "denial" of my prior petition including requests for a statement of facts and reasoning, reconsideration and rehearing. These prior requests all remain unanswered by the Board.

Documentary evidence that PHS was notified the July 1, 2011 report of a positive alcohol biomarker (that led to all subsequent events) was "corrected" on October 4, 2012 was not involved in the decision to deny the prior petition to stay suspension. The corrected test was the result of a complaint filed with the College of American Pathologists (CAP) alleging laboratory misconduct in which USDTL added my ID# and a "chain-of-custody" to an already positive test on July 19th 2011 (19 days after the specimen was drawn) at the behest of PHS. CAP confirmed the misconduct and mandated USDTL correct the test and they did so on October 4, 2012 as documented in the attached letter to Dr. Luis Sanchez, then Medical Director of PHS. (Massachusetts Medical License # 36781),

Dr. Sanchez concealed this information and subsequently reported "non-compliance" with obtaining phone numbers from fellow attendees at AA meetings on October 16th 2012 and this subsequently led to my suspension.

I was informed of the amended test by Amy Daniels, the Chief Investigator for CAP in December of 2012 when she called to follow up on subsequent events.. When Dr. Sanchez, was confronted with this fact he issued the attached letter stating that PHS "had just found out" about the amended test. The documentary evidence shows that Dr. Sanchez was made aware of the "corrected" test 67-days prior to his admission of it and affirms the Board's recommended and approved evaluator Patricia Recupero's assertion that the report of "noncompliance" was in "retaliation for Dr. Langan's persistence" in uncovering the truth of the forensic fraud perpetrated by PHS. Dr. Sanchez was informed of the "corrected" test, concealed this fact and *then* reported me to the Board for non-compliance which led to my suspension.

According to:

M.G.L. 156 (B) Section 69:

Whoever knowingly makes, executes or publishes any report or statement required by the law of another state or country to be made, executed, or published by a corporation, or whoever causes the same to be done, within this commonwealth, which report or statement is false in any material representation, shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than three years, or both.

As this constitutes a criminal violation I am at this time repititioning the Board to stay and invalidate the suspension immediately.

In addition to the now confirmed forensic fraud and attempts at coverup, the Board's suspension was in violation of the First Amendment Establishment Clause. This in itself should invalidate the suspension.

These violations have been elucidated by the Appignani Legal Center in a letter to the Massachusetts DPH, Board of Registration in Medicine, and PHS dated June 6, 2013 in which they request the State "remedy" the violations. This request was ignored.

The Establishment Clause violations are well settled legally and the Board violated the Establishment Clause multiple times including their refusal to allow an evaluation at a non-12 step assessment center, their mandate to attend three "12-step meetings per week" and "obtain a sponsor, and their suspension based on allegedly not doing so.

Moreover, the Board took it upon themselves to increase the thrice weekly meetings from three months (which was recommended by PHS) to two years. (this was done at the Board's own volition and is documented in E-mails between Attorney Scott Liebert and Board Attorney Tracy Ottina).

Due to the serious allegations of criminal activity perpetrated by PHS and the clear Establishment Clause violations I hereby petition the Board to invalidate the February 16, 2013 suspension, honor the original contract which would have ended in March of 2013 and address the fraud perpetrated by PHS licensees which involves forensic fraud, concealment, HIPPA violations (it is now documented that PHS perpetrated the fraud by changing a "forensic" specimen as "clinical" in violation of HIPPA—as a non-profit corporation they cannot send "clinical specimens" and the act is ultra vires. A complaint has been filed with the DHHS-OCR which is attached) and other unethical and criminal activity.

We also request that the Board correct the public record regarding the facts and that the Board address how the damage caused to the petitioner and his family (which includes civil rights and even Bill of Rights violations) be corrected.

Due to the serious nature of the allegations and the prima facie evidence supporting the allegations we request this be addressed no later than the next Board meeting if not sooner.

I incorporate herein by reference herein all previous pleadings, attachments and submissions by reference that have been submitted by me.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael Langan', with a long, sweeping horizontal stroke extending to the right.

Michael Langan, M.D. License # 151239

January 20, 2015

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
DOCKET NO. SJC-2014-0437

IN THE MATTER OF MICHAEL L. LANGAN, M.D.

MEMORANDUM OF DECISION ON MOTION TO DISMISS

In this action, the plaintiff, Michael L. Langan, M.D., challenges an August 6, 2014, decision of the Board of Registration in Medicine (board) that denied Langan's petition both to stay suspension of his medical license and to reconsider the board's earlier order (dated December 21, 2011) concluding that the plaintiff was in violation of an agreement between the plaintiff and the board dated October 8, 2008. The plaintiff seeks relief under the certiorari statute, G. L. c. 249, § 4, or alternatively under the superintendence statute, G. L. c. 211, § 3.

The plaintiff filed this action on October 2, 2014, seventy-seven days after the board issued its decision denying his petition to stay suspension and for reconsideration. Due to the strict sixty-day timing requirement of G. L. c. 249, § 4, Langan cannot seek certiorari review of the board's August 6, 2014 decision. See, e.g., Committee for Pub. Counsel Servs. v. Lookner, 47 Mass. App. Ct. 833, 835 (1999), and cases cited. Time has passed, however, and the plaintiff would appear to be entitled at least to repetition the board to stay suspension of his medical license at this time. If he does so, and is aggrieved by the board's response, he would be entitled to seek review of the board's decision through an action in the nature of certiorari pursuant to G. L. c. 249, § 4, within sixty days of that decision. See Hoffer v. Board of Registration in Med., 461 Mass. 451, 456-458 (2012). Because this alternative remedy exists, relief is not available

under G. L. c. 211, § 3. See, e.g., MacDougall v. Commonwealth, 447 Mass. 505, 510 (2006), quoting Soja v. T.P. Sampson Co., 373 Mass. 630, 631 (1977).

The plaintiff's allegations are serious. Nonetheless, because this action was not filed within sixty days of the board's decision that he challenges, the motion to dismiss filed by DALA must be allowed.

Margot Botsford

Margot Botsford
Associate Justice

Dated: January 12, 2015



MAURA S. DOYLE
CLERK

The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT

FOR SUFFOLK COUNTY

JOHN ADAMS COURTHOUSE

ONE PEMBERTON SQUARE, SUITE 1300

BOSTON, MASSACHUSETTS 02108-1707

WWW.SJCCOUNTYCLERK.COM

January 13, 2015

CASE INFORMATION (617) 557-1100

FACSIMILE (617) 557-1117

ATTORNEY SERVICES (617) 557-1050

FACSIMILE (617) 557-1055

William J. Keefe, Esquire
801-C Tremont Street
Boston, MA 02118

RE: No. SJ-2014-0437

IN THE MATTER OF MICHAEL L. LANGAN, M.D.

NOTICE OF DOCKET ENTRY

You are hereby notified that on January 12, 2015, the following
was entered on the docket of the above referenced case:

JUDGMENT: "This matter came before the Court, Botsford, J., and in
accordance with the Memorandum of Decision of this date: It is
ORDERED and ADJUDGED that the petition filed pursuant to G.L. c. 249,
s. 4, or alternatively, under the superintendence statute, G.L. c.
211, s. 3, be, and the same hereby is, DISMISSED." (Botsford, J.)

Maura S. Doyle, Clerk

To: William J. Keefe, Esquire
Debra G. Stoller, Esquire
Jo Ann Shotwell Kaplan, Assistant Attorney General
Julia Kobick, Assistant Attorney General
Board of Registration in Medicine

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2014-437

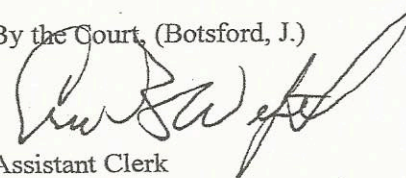
IN THE MATTER OF MICHAEL L. LANGAN, M.D.

JUDGMENT

This matter came before the Court, Botsford, J., and in accordance with the
Memorandum of Decision of this date:

It is ORDERED and ADJUDGED that the petition filed pursuant to G.L. c. 249, § 4, or
alternatively, under the superintendence statute, G.L. c. 211, § 3, be, and the same hereby is,
DISMISSED.

By the Court, (Botsford, J.)



Assistant Clerk

Dated: January 12, 2015



MAURA S. DOYLE
CLERK

The Commonwealth of Massachusetts

SUPREME JUDICIAL COURT

FOR SUFFOLK COUNTY

JOHN ADAMS COURTHOUSE

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January 13, 2015

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Boston, MA 02118

RE: NO. SJ-2014-0437

IN THE MATTER OF MICHAEL L. LANGAN, M.D.

NOTICE OF DOCKET ENTRY

You are hereby notified that on January 12, 2015, the following
was entered on the docket of the above referenced case:

Memorandum of Decision on Motion to Dismiss: "...The plaintiff's
allegations are serious. Nonetheless, because this action was not
filed within sixty days of the board's decision that he challenges,
the motion to dismiss filed by DALA must be allowed." (Botsford, J.)

Maura S. Doyle, Clerk

To: William J. Keefe, Esquire
Debra G. Stoller, Esquire
Jo Ann Shotwell Kaplan, Assistant Attorney General
Julia Kobick, Assistant Attorney General
Board of Registration in Medicine



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

Commonwealth of Massachusetts Board of Registration in Medicine

Division of Law and Policy
200 Harvard Mill Square, Suite 330
Wakefield, Massachusetts 01880
Telephone: (781) 876-8200
Fax: (781) 876-8380

STANSEL M. RILEY, JR., MD.
EXECUTIVE DIRECTOR

November 8, 2012

W. Scott Liebert, Esq.
37 Walnut St., Suite 200
Wellesley, MA 02481

Robert Harvey, Esq.
Board of Registration in Medicine
200 Harvard Mill Sq., Suite 330
Wakefield, MA 01880

Re: Michael Langan, M.D.

Dear Counsel,

Please be advised that on November 7, 2012, the Complaint Committee determined that Dr. Langan was in violation of his Letter of Agreement ("LOA"), as amended on February 1, 2012. The Complaint Committee based its decision on the following:

- Dr. Langan's LOA, as amended, includes the following provisions:

(J) Licensee entered into a Substance Use Monitoring Contract with PHS effective March 18, 2008. Licensee agrees to abide fully by all terms of such contract, which includes a provision that PHS will promptly inform the Committee of any lapse or violation of its terms by Licensee and provides for any necessary waivers of privilege or confidentiality by Licensee. The Licensee shall follow all PHS recommendations within seven (7) days and understands that, should he decline to do so (which includes an attempt to negotiate and/or dispute PHS' recommendation), his license may be immediately suspended. PHS shall submit quarterly reports to the Committee that shall summarize in detail the Licensee's compliance with the PHS contract.

Y) Licensee shall participate in a minimum of three (3) 12-step meetings per week for the duration of his Letter of Agreement and shall submit proof of said participation to PHS in a form agreeable to PHS. Licensee shall develop an active 12-step sponsor relationship with someone who is not a healthcare professional. The Licensee shall have weekly communications with the sponsor, which shall be verified by PHS in a manner agreeable to PHS.

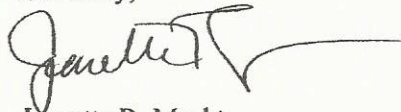
- On October 19, 2012, Physician Health Services reported that Dr. Langan was not compliant with his monitoring contract in that he was repeatedly

representing that he participated in required peer support group meetings when, in fact, he had not attended.

Failure to attend these peer group meetings and failure to abide by his PHS contract are violations of Paragraphs J and Y of Dr. Langan's Letter of Agreement, as amended.

As a result of their determination, the Complaint Committee has referred this matter to the full Board of Registration in Medicine for consideration of sanction. A scheduling letter will follow under separate cover.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanette R. Macht", followed by a long horizontal flourish.

Jeanette R. Macht
Deputy General Counsel

Lab Test Report

Client ID: 1310 Client Name: Langan, Michael L.

Period Covered: Start Date: 04/01/2011 End Date: 06/30/2011 Associate Director: Chinman, Gary

Lab Frequency:

Collection Center/Test Monitor Frequency Start Date End Date
Quest Diagnostics - Brookline #1 Weekly 1 Times 8/9/2008

Schedule	Call Date	Collection Date	Test Status	Test Result	Creathine	Specific Gravity	Category
	04/05/2011	04/05/2011	On Time	Negative	195.8		
	04/06/2011	04/06/2011	On Time	Positive Rx	259.3		
	04/14/2011	04/14/2011	On Time	Positive Rx	204.8		
	04/20/2011	04/20/2011	On Time	Negative	42.3		
	04/27/2011	04/27/2011	On Time	Negative	75.2		
	05/03/2011	05/03/2011	On Time	Positive Rx	59.5		
	05/09/2011	05/09/2011	On Time	Positive Rx	> 350		
	05/17/2011	05/17/2011	On Time	Negative	23.5		
	05/27/2011	05/27/2011	On Time	Positive Rx	218.8		
	06/02/2011	06/02/2011	On Time	Positive Rx	185.2		
	06/08/2011	06/08/2011	On Time	Negative	34.6		
	06/17/2011	06/17/2011	On Time	Positive Rx	122.2		
	06/20/2011	06/20/2011	On Time	Positive	279.8		
	06/30/2011	06/30/2011	On Time	Negative	236.6		

Negative

CONFIDENTIAL & PROPRIETARY

- 3) 07-JUL-2011 12:03 PM ALVES, JENETTA I : INCOMING
Reason: QB - TIQ CALL BACK
PER PROCESSING/SPEC WAS NOT SENT/QUESTIO
NING SENDING TO PHILADELPHIA VS THE ADDR
ESS PROVIDED ON THE REQ TO DES PLAINS, I
L.
- 4) 07-JUL-2011 12:04 PM ALVES, JENETTA O : OUTGOING
Reason: TIQ - TEST IN QUESTION
LEFT DETAILED VCML FOR MARY HOWARD TO
C/B TO CONFIRM WHERE THE SPEC SHOULD GO
SO IT CAN BE FEDEX OVERNIGHT TODAY.
- 5) 07-JUL-2011 5:12 PM LAWSON, CEDRIC RT : REFERRAL TESTING
Reason: FUP - FOLLOW UP
SAMPLE SENT. FEDEX TRACKING NUMBER
860570635421

End of Call Log.

BILLING FOR ACCESSION #WC461430R

PATIENT NAME	PHS PARTICIPANT, 1310		Bill Type	1
1) Accession	WC461430R	Age	Sex	D.O.B.
2) Bill To Mnemonic	C	4) Referring Physician	HOWARD, MARY	
3) UPIN		4.2) Non-Physician Name		
4.1) NPP				
5) Insured/Responsible Party Name				
6) Street Address	8) State	9) Zip Code		
7) City	11) Social Sec. #	HMO Mem. No.		
10) Attention	15) Medicaid #	17) Group #		
12) Patient Phone #	19) Contract #			
13) Prepaid Amount \$				
14) Medicare #				
16) Member/Insured ID #	22) Written			
18) Service #				
20) Relationship				
21) Diagnosis Code				
23) Employer Name/Employer #				
24) Insurance Co. Name	27) State	28) Zip Code		
25) Insurance Address				
26) City	31) Separator ID	Imaged?	YES : 1	
29) Office/Pat ID#				
30) Microfilm #				
32) PANS Signature				
33) Physician Signature				
34) 2nd Bill-To				
35) 2nd INS#				
36) 2nd GRP#				

- END OF BILLING -

BILLING AUDIT: WC461430R

BILLING AUDIT: WC461430R

□

Follow up
visit !!

Non clinical
A Army

This is
Monitor

secretary
AT
PHS !!

Regard
info
for
clinical
sample

From
obvious