

EXHIBIT 1

FEBRUARY 6, 2013
BOARD ORDER

03 01 2013 13 51 00 05

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

BOARD OF REGISTRATION
IN MEDICINE

IN THE MATTER OF)
Michael Langan, M.D.)

ORDER

At its meeting of February 6, 2013, the Board of Registration in Medicine (hereinafter "Board") affirmed the Complaint Committee's November 7, 2012 determination that the Licensee failed to comply with Paragraphs J and Y of his Letter of Agreement. This action was pursuant to the provisions of the Letter of Agreement accepted by the Board's Complaint Committee on October 8, 2008, as amended on February 1, 2012.

→ After reviewing the evidence referenced in the January 24, 2013, December 21, 2012, December 12, 2012, November 27, 2012, and October 26, 2012 notices from the Board's Physician Health & Compliance Manager, the Board immediately suspends the Licensee's medical license. Specifically, the Board bases its decision on the following grounds:

- (1) At its September 7, 2011 meeting, the Board's Complaint Committee found the Licensee in violation of his Letter of Agreement for not having entered into an evaluation program at the request of Physician Health Services.
- (2) The Board concurred with the Complaint Committee's determination and voted to find the Licensee in violation of his Letter of Agreement on December 21, 2011, but did not suspend the Licensee's medical license at the time. Instead, the Board chose to resolve the 2011 matter by extending the Licensee's Letter of Agreement and fortifying certain provisions of the Licensee's Letter of Agreement.

- (3) Among the enhanced provisions of the Licensee's Letter of Agreement was a requirement that he attend a minimum of three (3) 12-step meetings per week for the duration of his Letter of Agreement and that he shall provide proof of said participation to Physician Health Services.
- (4) The Licensee was represented by competent counsel at the time and signed an Addendum to the Letter of Agreement, agreeing to the requirement set forth above.
- (5) At its February 1, 2012 meeting, the Board's Complaint Committee approved the Addendum to the Letter of Agreement.
- (6) On October 23, 2012, Physician Health Services informed, in writing, the Board that the Licensee was non-compliant with his Physician Health Services contract in that he repeatedly represented to them that he participated in required peer group meetings that he did not, in fact, attend.
- (7) Based on the Physician Health Services October 2012 report, the Board's Complaint Committee found the Licensee in violation of his Letter of Agreement for the second time. The Board takes seriously any failure by a licensee to comply with the provisions of his or her monitoring agreement, and this is the second time the Licensee has been found in violation of his Letter of Agreement.
- (8) Physician Health Services, at the request of the Board, supplemented its October 23, 2012 report in a January 15, 2013 letter. In this letter, Physician Health Services reported that, beginning in February 2012, the Licensee reported attending a physician support group at Bournewood Hospital. Physician Health Services further reported that, on October 19, 2012, the Licensee admitted that he only began attending the physician group meetings at Bournewood Hospital on September 5, 2012.
- (9) Among the additional documents submitted by Physician Health Services were copies of the Licensee's self-reports of attendance at meetings. These self-reports indicate that the Licensee reported attendance at a physicians group meeting at Bournewood Hospital for the following dates: February 29, 2012; April 4, 2012; April 11, 2012; April 18, 2012; April 25, 2012; May 2, 2012; May 9, 2012; May 16, 2012; May 23, 2012; May 30, 2012; June 13, 2012; June 20, 2012; and June 27, 2012.
- (10) Also included in the supplemental materials submitted by Physician Health Services was a January 15, 2013 communication to Physician Health Services that confirmed the Licensee's attendance at the Bournewood Hospital meetings for only the following dates: September 5, 2012; September 12, 2012; September 19, 2012; September 26, 2012; and October 17, 2012



- (11) On January 9, 2013, the Licensee, through his legal representative, submitted a document to the Board's Physician Health and Compliance Unit, which he claimed was the list of meetings he submitted to PHS to demonstrate his attendance at meetings. This document includes listings for a physician group meeting at Bournewood Hospital for the following dates: April 4, 2012; April 11, 2012; April 18, 2012; April 25, 2012; May 2, 2012; May 9, 2012; May 16, 2012; May 23, 2012; May 30, 2012; June 13, 2012; June 20, 2012; June 27, 2012; and October 3, 2012.
- (12) In a January 16, 2013 email from the Licensee, which was submitted to the Physician Health and Compliance Unit by the Licensee's legal representative, the Licensee states that he did not attend this group until September 5, 2012. In this email, the Licensee also states that he never informed Physician Health Services that he attended physician support group meetings at Bournewood Hospital until September 5, 2012 and that he never identified anyone named Melissa as his contact for this group meeting. These statements are contradictory to the documents referenced in items (9) and (11) above.
- (13) The Licensee has not submitted any documentation that he attended all of the required meetings, and, in fact, the documentation that he has submitted evidences that he did not.

Any Petition to Stay Suspension in this matter will be contingent upon the Licensee's completion of an independent psychiatric evaluation, including behavioral health assessment, by either a Board-approved evaluator. Board approval of any evaluator must be given before beginning any evaluation. In addition, any Petition to Stay Suspension will be contingent upon the Board's approval of a worksite monitoring plan and substance use monitoring plan. Furthermore, any stay of suspension will be contingent upon continued monitoring of the Licensee's practice of medicine subject to terms and conditions deemed warranted by the Board at the time of the Petition to Stay Suspension, including, but not limited to, any recommendations made by the Board-approved evaluator.

The Licensee may request a hearing before a single designated Board member hearing officer on this matter. The purpose of the hearing is to determine, solely as a matter of fact, whether the Licensee has been in compliance with his Letter of Agreement. A request for a hearing shall be made in writing and directed to the Executive Director of the Board. The Board must receive any request by 5:00 p.m., Friday, February 22, 2013. If such a request is determined to raise an issue of fact as to whether the Licensee has been in compliance with paragraphs J and Y of his Letter of Agreement, the Board will promptly schedule a hearing at a mutually convenient time.

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2013 FEB 06

The Licensee shall provide a complete copy of this 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: the Drug Enforcement Administration, Boston Diversion Group; the Massachusetts Department of Public Health's Drug Control Program; 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; and the state licensing boards of all states in which he has any kind of license to practice medicine. The Licensee shall also provide this notification to any such designated entities with which he becomes associated in the year following the Board's issuance of this Order. The Licensee is further directed to certify to the Board within ten (10) days that he has complied with this directive.

Date: February 6, 2013

Candace Lapidus Sloane, MD
Candace Lapidus Sloane, M.D.
Chair

EXHIBIT 2

Documents identified as providing the findings of fact asserted in statements 9-12 of the February 6, 2013 Board Order statement of reasons and document omitted from the statement of reasons

A

Attendance records documenting full compliance with required meetings for more than 10 months up to the week preceding the allegations

B

Letters corroborating that meetings were attended on the dates they were reported to be in the attendance records from the contacts reported for those meetings

C

Rebuttal argument objectively disproving the premise that the meeting first attended in September has any connection to the meeting attended since February by pointing to the actual facts found in the documents referenced above.

EXHIBIT 2A

Attendance records identified as providing the findings
of fact asserted in statements (9) and (11)

Statement (9)

Pages 1 and 2

Statement (11)

Pages 2 and 3

(document attendance at the required meetings for
more than 10 months up to the week preceding the
allegation of non-compliance with meetings in full
compliance with the letter of agreement)

Michael Langen

6172774012

p.3

#1310

Date Type of Meeting Location Topic Attendee (phone # Below)

Date	Type of Meeting	Location	Topic	Attendee (phone # Below)
Mon 1/9/12	Physician Group	MMS	Family/holidays	Lisa
Wed 1/11/2012	AA	Back Bay	Arlington	Grace Ally
Friday 1/13/12	AA	All Saints	Big Book	Liz
Mon. 1/16/12	Physician	MMS	personal story	Lisa
Wed 1/18/12	AA	Back Bay	Speaker	Ally
Friday 1/19/12	AA	All Saints	Big Book	Liz
Monday 1/23/12	Physician	MMS	roundtable	Lisa
Wednesday 1/25/12	AA	Back Bay	Speaker	Ally
Friday 1/27/12	AA	All Saints	Birthdays	Liz
Monday 1/30/12	Physician	MMS	Humility	Liz
Wed. 2/1/12	AA	Back Bay	Speaker	Ally
Friday 2/3/12	AA	All Saints	Big Book	Liz
Sunday 2/5/12	AA	St Elizabeths	Roundtable	
Mon 2/6/12	Physician Group	MMS	group	Lisa
Friday 2/10/12	AA	All Saints	Big Book	Liz
Wed 2/15/12	Physician Group	MMS	roundtable	Lisa
Friday 2/17/12	AA	All Saints	Big book	Liz
Monday 2/20/12	Physician	MMS	thanks	Lisa
Wednesday 2/22/12	AA	Back Bay	Birthdays	Ally
Friday 2/25/12	AA	All Saints	Big Book	Liz
1 → Wed 2/29/12	Physician →	Bournewood	Support →	Melissa
Friday 3/2/12	AA	All Saints	Big Book	Liz
Sunday 3/4/12	AA	St Elizabeths	Roundtable	
Wednesday 3/7	AA	Back Bay	Speaker	Ally
Wednesday 3/7	Physician	MMS	Roundtable	Lisa
Friday 3/9/12	AA	All Saints	Big Book	Liz
Monday 3/12	AA	Tremont	open	
Wednesday 3/14	AA	Back Bay	Speaker	Ally
Thursday 3/15	Physician	McLean	Speaker	Melissa
Friday 3/16	AA	All Saints	Big Book	Liz
Sunday 3/18/12	AA	St Elizabeths	Roundtable	
Thursday 3/22/12	Physician	McLean	Speaker	Melissa
Friday 3/23	AA	All Saints	Big Book	Liz
Wedn. 3/28/12	AA	Back Bay	Speaker	Ally
Thursday 3/29/12	Physician	McLean	Speaker	Melissa
Friday 3/30/12	AA	All Saints	Big Book	Liz

Phone #'s

Lisa [Redacted]
 Liz [Redacted]
 Ally [Redacted]
 Melissa [Redacted]

This information has been disclosed to you from records maintained by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from further disclosure of this information unless otherwise permitted by 42 CFR Part 2. A general statement of information is not sufficient for this purpose. The Federal rules restrict any use of the information to normally investigate or prosecute any alcohol or drug abuse patient.

Vertical text on the right edge of the page.

#1310					
	Date	Type of Meeting	Location	Topic	Attendee (phone # Below)
2	→ Mon 4/2/12	AA		Back Bay	Birthday Melissa
	→ Wed 4/4/12	Physician	→	Bournewood	RT Melissa
	Friday 4/6/12	AA		All Saints	Big Book Lisa
	Mon 4/9/12	AA		Back Bay	Forgiveness Melissa
3	→ Wed 4/11/12	Physician		Bournewood	RT/Speaker Melissa
	Friday 4/13/12	AA		All Saints	BB study Lisa
	Monday 4/16/12	AA		Back Bay	Anger Melissa
4	→ Wednesday 4/18/12	Physician		Bournewood	Speaker Melissa
	Friday 4/20/12	AA		All Saints	Step 1 Lisa
	Monday 4/23/12	AA		Back Bay	Newcomer Melissa
5	→ Wed. 4/25/12	Physician		Bournewood	RT Melissa
	Friday 4/27/12	AA		All Saints	Big Book Lisa
	Monday 4/30/12	AA		St Elizabeth	Family None
6	→ Wed 5/2/12	Physician Group		Bournewood	groups Melissa
	Friday 5/4/12	AA		All Saints	Big Book Lisa
	Monday 5/7/12	AA		Back Bay	Dates Melissa
7	→ Wed 5/9/12	Physician		Bournewood	thanks Melissa
	Friday 5/11/12	AA		All Saints	Roll call Lisa
	Mon 5/14/12	AA		Back Bay	RT Melissa
8	→ Wed 5/16/12	Physician		Bournewood	New story Melissa
	Friday 5/18/12	AA		All Saints	symbols Lisa
	Mon 5/21/12	AA		Back Bay	guest spkr Melissa
9	→ Wed 5/23/12	Physician		Bournewood	Roundtable Melissa
	Friday 5/25/12	AA		All Saints	Group disc Lisa
	Mon 5/28/12	AA		Back Bay	Roundtable Melissa
10	→ WED 5/30/12	Physician		Bournewood	Open Melissa
	6/1-6/12	Vacation			
11	→ Wed 6/13/12	Physician		Bournewood	RT Melissa
	Fri 6/15/12	AA		All Saints	holidays Lisa
	Mon 6/18/12	AA		Back Bay	Choices Melissa
12	→ Wed 6/20/12	Physician		Bournewood	RT Melissa
	Friday 6/22/12	AA		All Saints	Group disc Lisa
	Mon 6/25/12	AA		Back bay	serenity Melissa
13	→ Wed 6/27/12	Physician		Bournewood	Open Melissa
	Friday 6/29/12	AA		All Saints	Independence Lisa

Phone #'s

Lisa [REDACTED]
 Melissa [REDACTED]

#1310

Date Type of Meeting Location Topic Attendee (phone # Below)

Date	Type of Meeting	Location	Topic	Attendee (phone # Below)
7/1-7/17	Out of town. Time off from random call schedule			
Wed 7/18/2012	AA	Back Bay	Arlington	Mel
Friday 7/20/12	AA	All Saints	Big Book	Liz
Mon. 7/23/12	HCP	Residence	stress	Mei
Wed 7/25/12	AA	Back Bay	Speaker	Ally
Friday 7/27/12	AA	All Saints	Big Book	Liz
Wed 8/1//12	HCP		roundtable	Mel
Monday 8/6/12/	AA	Back Bay	Speaker	Ally
Wednesday 8/8/12	AA	Back bay	Sins	Liz
Friday 8/10/12	AA	All saints	Humility	Liz
Mon 8/13/12	AA	Back Bay	Speaker	Ally
Wed 8/15/12	MMS	Physicians Group		
Friday 8/17/12	AA	St Elizabeths	Roundtable	
Mon 8/20/12	HCP	Residence	Workload	Mel
Friday 8/24/12	AA	All Saints	Big Book	Liz
Monday 8/27	HCP	Residence	justice	Mel
Friday 8/31/12	AA	All Saints	Big book	Liz
Monday 9/3/12	AA	Back Bay	Trust	Lisa
Wednesday 9/5/12	Medical Prof	S. Brookline	←←←←	Moynihan ← 1
Friday 9/7/12	AA	All Saints	BB	Mel
Monday 9/10/12	AA	Back Bay	Speaker	Melissa
Wed 9/12/12	Med Prof	S Brookline	←←←←	Moynihan ← 2
Friday 9/14/12	AA	All Saints		Liz
Monday 9/17/12	AA	Back Bay	Steps	Mel
Wednesday 9/19	Med Prof	S Brookline	←←←←	Moynihan ← 3
Friday 9/21	AA	All Saints		Mel
Wed 9/26	Med Prof	S Brookline	←←←←	Moynihan ← 4
Th 9/27	Physicians	Residence		Peteet
10/1/12	AA	Back Bay	Speaker	Melissa
10/3/2	Physician →	Bournewood →		Mel
10/5/12	AA	All Saints		Mel
Monday 10/8	HCP	Residence		Mel
Wed 10/10/12	Physician	Roundtable		Mel
Friday 10/12/12	All Saints			Waiter
Monday 10/15	AA	Back Bay	Birthdays	Mel

Phone #'s

Lisa [redacted]
 Ally [redacted]
 Melissa [redacted]
 Walter 10/14/12
 Liz (will call you)

EXHIBIT 2B

Letters corroborating that meetings were attended on the dates they were reported to be from the contacts listed for those meetings

Omitted Document

A

Statement (10)

B

(the omitted document from Melissa corroborates attendance at a meeting attended since February that is reported as "Bournewood" with a contact named "Melissa" and the document referenced in statement (10) from A.J. Moynihan corroborates attendance at a meeting first attended in September that is reported as "S. Brookline" with a contact named "Moynihan)

Exhibit 2B(A)

December 28. 2012

To whom this may concern:

In March of 2012 I was approached by a newcomer in my 12-step support group for a service. This would entail giving my number to verify that this particular member was attending meetings. He explained his situation and I agreed to do it. I made it a point to remember he was at my regular meetings and also started going with him to meetings that were downtown. I was then contacted by Dr. Gary Chinman on three separate occasions, May and September. (I think it was May, not sure) and then in early October. Dr. Chinman had explained to me that our exchanges would only entail me providing my first name and if I had seen Michael in meetings. Our first two phone calls went well. I confirmed that I was Melissa and that I had seen Michael at meetings twice that week as well as to go back and verify prior dates. The final phone call in October was an attack. Dr. Chinman asked my name which I had expectedly confirmed. He then began his assault. Dr. Chinman asked me several questions such as my profession in which I choose to omit to stay anonymous. Also, the doctor started to ask me where the meetings were, times, what professionals where in these meetings, duration, who held the groups and many more questions I had felt to be abrading. Dr. Chinman would raise his voice at times and repeat questions several times as if my answer did not suffice. He wanted me to say

that the group was only for nurses and that is not the case at all. It is closed group but open to anybody in the field of healthcare. I felt as though I had answered to the best of my abilities while maintaining my confidentiality as well as those whom attend my AA meetings. Michael asked me to look over the meetings from the lists that he gave to Dr. Chinman and I confirm that he was at these meetings that I already confirmed he was at from March until now regardless of what Dr. Chinman says. From this experience with Dr. Chinman, I will no longer be providing this service for other members regardless of who is questioning there where about. If anybody wants to talk to me in person please provide Michael with a time and a number and I will call you.

Sincerely,

Melissa

Exhibit 2B(B)

Andy Moynihan Ph.D.

Fax

To: Gary Chinman, M.D.	From: Andy Moynihan, Ph.D.			
Fax: 781-893-5321	Pages: 2 (including cover)			
Phone:	Date: 1-15-13			
Re: Michael L. Langan, M.D.	cc:			
<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> For Review	<input type="checkbox"/> Please Comment	<input type="checkbox"/> Please Reply	<input type="checkbox"/> Please Recycle

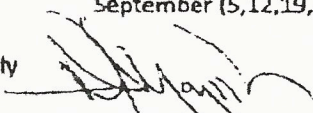
This information has been disclosed to you from a source subject to Federal confidentiality rules (42 CFR part 2). The Federal rules prohibit further disclosure of this information unless further disclosure is expressly authorized by the individual, the Secretary or his or her designee, or otherwise permitted by 42 CFR part 2. Any further disclosure of this information or other information is not sufficient for this purpose. This information may be used in the information to be used in the preparation of a report on the subject of this information.

Dr. Chinman,

Please pardon my delay in getting this too you, as I have been quite ill the last couple of weeks. In any event the following dates represent the SARP meetings that Dr. Michael Langan M.D. was in attendance.

September (5,12,19,26), 2012 October 17, 2012

Sincerely



A.J. Moynihan Ph.D.

This information has been disclosed pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a) unless otherwise indicated. The federal rules prohibit the disclosure of information unless further disclosure is expressly authorized by the Privacy Act or otherwise permitted by 42 CFR Part 2. A release of information for the purpose of medical or other information is not sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

EXHIBIT 3

Exhibit 3A

January 9, 2013 email providing documentation of attendance at the required meetings for > 6 months up to 1 week preceding the allegation of non-compliance. These attendance records meet the criteria for compliance with the letter of agreement in themselves and clearly and legibly report the meeting and contact as "S. Brookline" and "Moynihan" on the dates in September listed in statement (10) and "Bournewood" and "Moynihan" on the dates listed in statements (9) and (11). These attendance records are dismissed as a "claimed" "list" in statement (11).

Exhibit 3B

January 15, 2013 email acknowledging the "letter from Melissa" corroborating attendance at meeting reported as "Bournewood" and that to date no evidence supporting non-compliance at meetings has been provided (88-days after the initial allegation).

Exhibit 3A

Harvey, Robert (MED)

From: Jacob Hafter [jhafter@hafterlaw.com]
Sent: Wednesday, January 09, 2013 2:53 PM
To: Harvey, Robert (MED)
Subject: Fwd: meetings
Attachments: Meetings.pdf; ATT00001.htm

See below

Jacob Hafter, Esq.

7201 West Lake Mead Blvd, Suite 210
Las Vegas, Nevada 89128
702-405-6700 Telephone
702-685-4184 Facsimile

jhafter@hafterlaw.com

Visit us online at www.hafterlaw.com

Sent from a mobile device. Your patience with any typos is appreciated. Thank you.

This electronic transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender that is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510 and 2521 and may be legally privileged. This message (and any associated files) is intended only for the use of the individual or entity to which it is addressed and may contain information that is confidential, subject to copyright or constitutes a trade secret. If you are not the intended recipient, you are hereby notified that any dissemination, duplication or distribution of all, or any part of this message, or any file associated with this message, is strictly prohibited. If you have received this communication in error, please notify the Law Office of Jacob Hafter, P.C. immediately by telephone (above number) and destroy the original message.

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

Begin forwarded message:

From: "Michael Langan" <mlangan1@mc.com>
To: "Jacob Hafter" <jhafter@hafterlaw.com>
Cc: "Langan Michael L.,M.D." <MLANGAN@PARTNERS.ORG>
Subject: meetings

Here is the > 6 months prior to them reporting me as noncompliant. Any gaps are due to approved time off/vacation, etc.

#1310

Date	Type of Meeting	Location	Topic	Attendee (phone # Below)
Mon 4/2/12	AA	Back Bay	Birthday	Melissa
Wed 4/4/12	Physician	Bournewood	RT	Melissa
Friday 4/6/12	AA	All Saints	Big Book	Lisa
Mon 4/9/12	AA	Back Bay	Forgiveness	Melissa
Wed 4/11/12	Physician	Bournewood	RT/Speaker	Melissa
Friday 4/13/12	AA	All Saints	BB study	Lisa
Monday 4/16/12	AA	Back Bay	Anger	Melissa
Wednesday 4/18/12	Physician	Bournewood	Speaker	Melissa
Friday 4/20/12	AA	All Saints	Step 1	Lisa
Monday 4/23/12	AA	Back Bay	Newcomer	Melissa
Wed. 4/25/12	Physician	Bournewood	RT	Melissa
Friday 4/27/12	AA	All Saints	Big Book	Lisa
Monday 4/30/12	AA	St Elizabeth	Family	None
Wed 5/2/12	Physician Group	Bournewood	groups	Melissa
Friday 5/4/12	AA	All Saints	Big Book	Lisa
Monday 5/7/12	AA	Back Bay	Dates	Melissa
Wed 5/9/12	Physician	Bournewood	thanks	Melissa
Friday 5/11/12	AA	All Saints	Roll call	Lisa
Mon 5/14/12	AA	Back Bay	RT	Melissa
Wed 5/16/12	Physician	Bournewood	New story	Melissa
Friday 5/18/12	AA	All Saints	symbols	Lisa
Mon 5/21/12	AA	Back Bay	guest spkr	Melissa
Wed 5/23/12	Physician	Bournewood	Roundtable	Melissa
Friday 5/25/12	AA	All Saints	Group disc	Lisa
Mon 5/28/12	AA	Back Bay	Roundtable	Melissa
WED 5/30/12	Physician	Bournewood	Open	Melissa
6/1-6/12	Vacation			
Wed 6/13/12	Physician	Bournewood	RT	Melissa
Fri 6/15/12	AA	All Saints	holidays	Lisa
Mon 6/18/12	AA	Back Bay	Choices	Melissa
Wed 6/20/12	Physician	Bournewood	RT	Melissa
Friday 6/22/12	AA	All Saints	Group disc	Lisa
Mon 6/25/12	AA	Back bay	serenity	Melissa
Wed 6/27/12	Physician	Bournewood	Open	Melissa
Friday 6/29/12	AA	All Saints	Independence	Lisa

Phone #'s

Lisa

Melissa

#1310

Date	Type of Meeting	Location	Topic	Attendee (phone # Below)
7/1-7/17	Out of town. Time off from random call schedule			
Wed 7/18/2012	AA	Back Bay	Arlington	Mel
Friday 7/20/12	AA	All Saints	Big Book	Liz
Mon. 7/23/12	HCP	Residence	stress	Mel
Wed 7/25/12	AA	Back Bay	Speaker	Ally
Friday 7/27/12	AA	All Saints	Big Book	Liz
Wed 8/1/12	HCP	roundtable		Mel
Monday 8/6/12/	AA	Back Bay	Speaker	Ally
Wednesday 8/8/12	AA	Back bay	Sins	Liz
Friday 8/10/12	AA	All saints	Humility	Liz
Mon 8/13/12	AA	Back Bay	Speaker	Ally
Wed 8/15/12	MMS	Physicians Group		
Friday 8/17/12	AA	St Elizabeths	Roundtable	
Mon 8/20/12	HCP	Residence	Workload	Mel
Friday 8/24/12	AA	All Saints	Big Book	Liz
Monday 8/27	HCP	Residence	justice	Mel
Friday 8/31/12	AA	All Saints	Big book	Liz
Monday 9/3/12	AA	Back Bay	Trust	Lisa
Wednesday 9/5/12	Medical Prof	S. Brookline		Moynihan ←
Friday 9/7/12	AA	All Saints	BB	Mel
Monday 9/10/12	AA	Back Bay	Speaker	Melissa
Wed 9/12/12	Med Prof	S Brookline		Moynihan ←
Friday 9/14/12	AA	All Saints		Liz
Monday 9/17/12	AA	Back Bay	Steps	Mel
Wednesday 9/19	Med Prof	S Brookline		Moynihan ←
Friday 9/21	AA	All Saints		Mel
Wed 9/26	Med Prof	S Brookline		Moynihan ←
Th 9/27	Physicians	Residence		Peteet
10/1/12	AA	Back Bay	Speaker	Melissa
10/3/2	Physician	Bournewood		Mel
10/5/12	AA	All Saints		Mel
Monday 10/8	HCP	Residence		Mel
Wed 10/10/12	Physician	Roundtable		Mel
Friday 10/12/12	All Saints			Walter
Monday 10/15	AA	Back Bay	Birthdays	Mel

Phone #'s

Lisa

Ally

Melissa

Walter 10/14/12

Liz (will call you)

Exhibit 3B

From: Jacob Hafter [mailto:jhafter@hafterlaw.com]
Sent: Tuesday, January 15, 2013 3:25 PM
To: Harvey, Robert (MED)
Cc: Michael Langan (mllangan1@me.com<mailto:mllangan1@me.com>)
Subject: RE: EMERGENCY PETITION TO ALLOW DR. LANGAN TO PRACTICE
In preparing for what we need to provide, can you advise if PHS has provided anything? We still do not have any idea about the basis for their allegations besides the one vague line in the letter to the Board. It is very hard to determine what more we need to prove without understanding the allegations or basis therefore being made.

Despite providing sworn testimony from Dr. Langan, letters and contact information from others at the meetings, letters from mentors and supervisors and the like, we still were not able to overcome the burden placed by that one line in the PHS report - understanding more of what is required would be beneficial (if not, proper, in light of Dr. Langan's constitutional due process rights).

Thank you

From: Harvey, Robert E (MED) [mailto:robert.e.harvey@state.ma.us]
Sent: Tuesday, January 15, 2013 12:05 PM
To: Jacob Hafter
Subject: RE: EMERGENCY PETITION TO ALLOW DR. LANGAN TO PRACTICE

Mr. Hafter,

I apologize for the delay in getting back to you, but after consulting with my supervisors I have been advised that the Board does not hear from individuals telephonically. If you have any questions or concern, you should speak to Debra Stoller, Senior Board Counsel, who is responsible for issues of Board procedure and scheduling. She can be reached at 781-876-8254.

Robert E. Harvey, J.D.
Physician Health & Compliance Manager
Board of Registration in Medicine
200 Harvard Mill Square
Suite 330
Wakefield, MA 01880
(781) 876-8259
(781) 876-8380 (fax)

→ From: Harvey, Robert E (MED) [mailto:robert.e.harvey@state.ma.us]
Sent: Tuesday, January 15, 2013 12:40 PM
To: Jacob Hafter
Subject: RE: EMERGENCY PETITION TO ALLOW DR. LANGAN TO PRACTICE

I have not received any further documentation from PHS as of this time, but have heard that something is forthcoming. As soon as I receive it, I will forward it to you.

As for any further submissions from you, the underlying issue remains Dr. Langan's attendance at the required peer group meetings. On that issue, we have the list he submitted to PHS, which you forwarded to me, as well as the letter from Melissa, ← which you submitted just prior to the last meeting, as well as his emails to NA and AA about documenting his attendance.

I don't specifically recall what other documentation that Dr. Langan alluded to during the Board meeting, other than a reference to emails to his former counsel. Any documentation in his possession that pertains to the issue of attendance would be relevant.

Robert E. Harvey, J.D.
Physician Health & Compliance Manager
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(781) 876-8380 (fax)

When writing or responding, please remember that the Secretary of State's Office has determined that e-mail is a public record.

EXHIBIT 4

Timeline and Motive

December 29, 2011 letter from attorney Liebert to Board counsel Stoller reserving right to petition the Board for Reconsideration of the Order resulting in the letter of agreement when additional evidence establishes the July 1st bleed test reported positive was invalid

October 4, 2012 revised lab report invalidating test

October 23, 2012 report of non-compliance with required meetings from Sanchez to Harvey

October 26, 2012 report of non-compliance with letter of agreement from Harvey to attorney Liebert initiating board proceedings.

November 5, 2012 expert opinion from MGH Chief of Toxicology James Flood stating the July 1st positive blood test was a “purposeful and intentional act” and that anything based on the test should be “reversed, rectified and remediated” and provided to Harvey that same day.

November 8, 2012 letter from reporting that the Board’s Complaint Committee found violation of the letter of agreement requiring attendance at support group meetings. No notice of any specific allegations with no notice of the specific allegations (i.e. what meetings and when?).

December 5, 2012 Harvey provided with all of the evidence of forensic fraud to date confirming the July 1, 2011 test not just invalid but fabricated.

December 11, 2012 Sanchez reports to Harvey that the invalid test was reported the day before (67-days after it was)

December 12, 2012 Harvey provided with October 4, 2012 lab report invalidating July 1, 2011 test contradicting December 11, 2012 letter.

W. SCOTT LIEBERT

THE CHATHAM CENTER
29 CRAFTS STREET, SUITE 500
NEWTON, MASSACHUSETTS 02460

W. SCOTT LIEBERT
SUSAN M. BERG
ELIZABETH CADDICK (OF COUNSEL)

PHONE: (617) 630-9098
FAX: (617) 964-1307

December 29, 2011

By Fax: 781-876-8380

Debra Stoller, Esq.
Senior Board Counsel
Board of Registration in Medicine
200 Harvard Mill Square, Suite 330
Wakefield, MA 01880

Re: In the Matter of Michael Langan, M.D.

Dear Attorney Stoller:

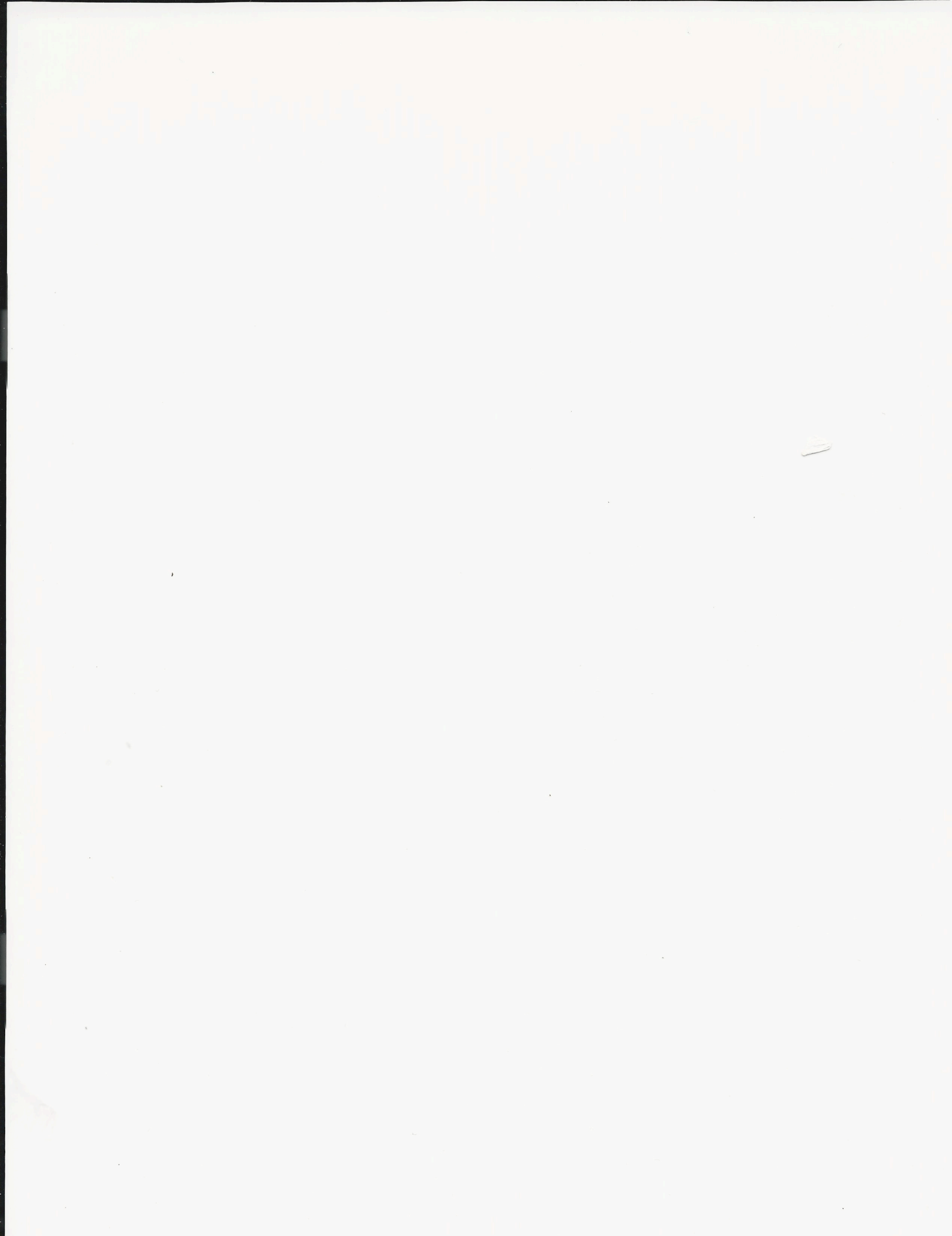
I am writing in response to your December 22nd letter forwarding the Board's December 21st Order in this matter, to confirm that Dr. Langan agrees to the extension and modification of his current Letter of Agreement.

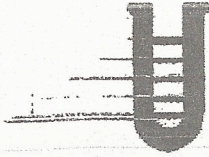
While confirming his agreement to the terms set out in the Board's Order, Dr. Langan reserves his right to petition the Board for Reconsideration of the Order when he obtains additional evidence which establishes that the July 1, 2011 blood test reported to the Board as a positive test result was in fact an invalid test.

Sincerely,

W. Scott Liebert

cc: Tracy Ottina, Esq.





UNITED STATES DRUG TESTING LABORATORIES
1700 S. MOUNT PROSPECT ROAD
DES PLAINES, ILLINOIS 60018-1804
847-375-0770 fax 847-375-0775

Report To Luis Sanchez MD
Physicians Health Services
860 Winter Street
Waltham, MA 02451

Cust ID PHSWMA
Client Physicians Health Services
Location
Collector

Sample Information

Chain of Custody 1310
Name NA
Lab Sample ID 877649
Donor ID 461430

Test Reason Not given
Type Blood
Collected 7/1/2011 00:00
Received 7/8/2011 10:46
Reported 10/4/2012 12:50

Tests Requested

Test	Result	Quantitation	Screen Limit	Confirm
PEth-BLD Phosphatidyl Ethanol (Blood)	POSITIVE			
PHOSPHATIDYL ETHANOL	POSITIVE		20 ng/mL	
Phosphatidyl Ethanol (LCMSMS)	POSITIVE	365.4 ng/mL		20.0 ng/mL

Sample Comments

REVISED REPORT PER CLIENTS REQUEST

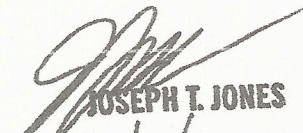
CORRECTED DONOR ID FROM 46143 TO 1310

CORRECTED COLLECTION DATE TO 07/01/2011

APPENDED REPORT: EXTERNAL CHAIN OF CUSTODY PROTOCOL WAS NOT FOLLOWED PER STANDARD PROTOCOL

Certification

Data approved by Joseph Jones on 10/4/2012


JOSEPH T. JONES
10/4/12

PHYSICIAN HEALTH SERVICES, INC.

A Massachusetts Medical Society corporation
www.physicianhealth.org

LUIS T. SANCHEZ, MD
Director

860 Winter Street
Waltham, MA 02451-1414
(781) 434-7404 • (800) 322-2303
Fax (781) 893-5321

October 23, 2012

Robert Harvey, Esq.
Physician Health & Compliance
Board of Registration in Medicine
200 Harvard Mill Square, Suite 330
Wakefield, MA 01880

RE: Michael Langan, M.D.

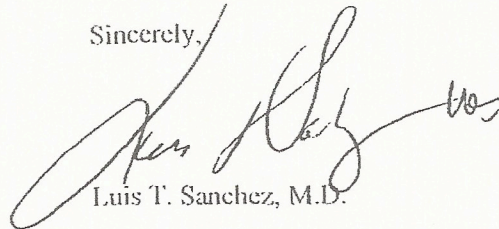
Dear Attorney Harvey:

This letter is to provide you with written documentation of a prior verbal report made on October 19, 2012 that Michael Langan, M.D. was non compliant with his Physician Health Services (PHS) monitoring contract in that he repeatedly represented to PHS that he participated in required peer support group meetings that he did not, in fact, attend.

PHS has recommended that Dr. Langan participate in an evaluation at a facility skilled in working with health care professionals. Upon completion of this assessment, PHS will consider how and whether ongoing PHS monitoring will proceed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

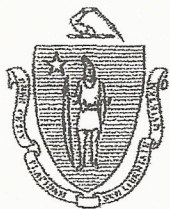


Luis T. Sanchez, M.D.

/mh

cc: Michael Langan, M.D.
Gary Chinman, M.D.

This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other



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

October 26, 2012

W. Scott Liebert, Esq.
Law Office of W. Scott Liebert
37 Walnut Street, Suite 200
Wellesley, Massachusetts 02481

Re: Michael Langan, M.D., Compliance with Letter of Agreement

Dear Mr. Liebert,

Pursuant to your client's October 8, 2008 Letter of Agreement, as modified on February 1, 2012, Dr. Langan must comply with his Physician Health Services ("PHS") contract, including all requirements that PHS may make during the term of the LOA.

On October 19, 2012, PHS orally reported that Dr. Langan was not compliant with his contract because he had repeatedly represented that he had been participating in required peer support group meetings when, in fact, he had not attended. On October 23, 2012, PHS confirmed this report in a written letter, a copy of which is enclosed.

In light of this report, the Complaint Committee will be considering your client's compliance with his Letter of Agreement at its November 7, 2012 meeting.

Sincerely,

Robert E. Harvey, J.D.
Physician Health and Compliance Manager



MASSACHUSETTS
GENERAL HOSPITAL



HARVARD
MEDICAL SCHOOL

08/15/14 533

Massachusetts General Hospital
Department of Pathology
55 Fruit Street, Sigelow 510
Boston, Massachusetts 02114-2696
Phone: 617-726-3635
Fax: 617-726-9306

11/05/2012

Jacob Hafter, Esq.,
7201 W. Lake Mead Blvd, Suite 210
Las Vegas, NV 89128

Subject: Blood Collection/Testing Performed on Michael L. Langan, MD on July 1, 2011

Dear Sir:

I write you to provide my professional opinion regarding the quality and validity of testing performed on Michael Langan's (MLL) blood drawn on July 1, 2011 by a Quest Diagnostics specimen collector, at the request of Mary Howard of Physician Health Services, Inc (PHS).

As background, I have directed the MGH Chemistry and Toxicology Laboratories for nearly thirty years, and have both a clinical and academic interest in drug and drug-of-abuse testing. I have implemented many serum, urine, and oral fluid drug-of-abuse testing programs at MGH, including ones that dealt with "chain-of-custody" and Medical Review Officer issues. Much of my clinical work involves drug-of-abuse test interpretation for MGH clinicians.

I reviewed the documents MLL provided me relating to the July 1, 2011 testing. I was astonished at the large number of errors (including so-called "fatal" ones) and out-of-SOP events that occurred during the blood collection, processing, and transportation between 7/1 and when the specimen was finally received (seven!) days later by USDTLabs (where testing was actually done several days later). This is a very unusual delay; how the specimen was stored by the clinical (not forensic/"chain-of-custody") lab at Quest is not documented. This represents a serious, if not fatal flaw in the testing of MLL's blood. As a comparison, recall a recent very public case involving Major League Baseball vs. a league MVP. A positive urine performance-enhancing drug test was invalidated because there was only a 2-3 day explainable delay (because of a weekend transportation issue) in sending a sample to the testing lab. I think the seven day delay here is indefensible and will result in the overturning of any decisions based on MLL's very-flawed 7/1/2011 testing.

The many other errors in sample collection, processing, and transportation to USDTLabs include:

1. PHS directed Quest to use a chain-of-custody form (CCF) twice in PHS's order that initiated the 7/1/11 testing. The Quest specimen collector did not use the required form.
2. The collector then incorrectly used the PHS-to-Quest test order form, instead of a CCF. This resulted in fatal/significant errors noted in 3 below.
3. The documentation received by USDTLabs with the specimen on 7/8/11 did not have a date and time of specimen collection, proper ID of the collector, signature of the sample donor, or a tamper-proof seal affixed to the specimen.
4. On 7/1-7/2 someone (the 7/1 specimen collector?) incorrectly directed the sample to the clinical (not forensic/"chain-of-custody") QUEST lab in Cambridge, despite the clear instructions on the PHS order form. There the specimen sat for several days without documentation of its storage conditions.

By their own policy, upon receipt USDTLabs should have rejected the specimen because of the several fatal flaws involving chain-of-custody. They did not. Additionally, the Medical Review Officers (MROs) at both PHS and USDTL evidently ignored the fatal flaws and allowed the positive Phosphatidylethanolamine (PEth) result to be reported without any comment. As a standard of care, an MRO needs to investigate positive results to try and determine if there is an explanation(s) for them. The PHS MRO had an opportunity to clarify the 7/1/11 results when reviewing them. PEth is detectable for up to four weeks after exposure to ethanol, given its 4 day half-life. A repeat test drawn in the 7/15-7/20/2011 period, if negative for PEth, would have clarified the 7/1/11 result as a false-positive. Evidently the PHS MRO did nothing to clarify the situation, as PHS did not request a blood PEth test again on MLL until August, when it was too late to clarify the 7/1/11 test.

The actions PHS did take in July 2011 included requesting that Dr Langan's ID number be added to the already positive sample (19 days after specimen collection). They also requested that the lab report be updated to reflect that chain of custody was maintained. This second request is highly irregular. "Chain-of-Custody" never existed for MLL's 7/1/11 sample, and updating a report to say it did exist, many days after the fact, is wrong. Why PHS requested that chain of custody be added when there is not one is suspicious.

In conclusion, it appears from these documents that there is a purposeful and intentional act by PHS to show MLL's 7/1/11 test as valid when in reality this test was invalid, and

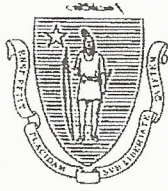
08/15/14 835

involved both fatal laboratory errors and lack of adequate MRO review of results. Anything based on MLL's 7/1/11 test as a confirmatory positive should be reversed, rectified, and remediated.

James G. Flood PhD

Dr. James G. Flood, PhD
Director, Chemistry Laboratory
Massachusetts General Hospital

Assistant Professor of Pathology
Harvard Medical School



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
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Commonwealth of Massachusetts Board of Registration in Medicine

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STANCEL 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.

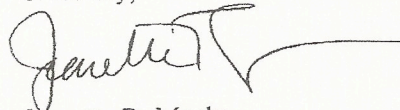
- On October 19, 2012, Physician Health Services reported that Dr. Langan was not compliant with his monitoring contract in that he was repeatedly

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", with a long horizontal flourish extending to the right.

Jeanette R. Macht
Deputy General Counsel

Harvey, Robert (MED)

From: Michael Langan [mllangan1@me.com]
Sent: Wednesday, December 05, 2012 2:26 PM
To: Harvey, Robert (MED)
Cc: adaniel@cap.org; Teixeira, Roberta (DPH)
Subject: Documents regarding PHS misconduct
Attachments: Quest-ACP.pdf; USDTL Litigation Packet.pdf; MLLv3finalJacob Hafter Esq.pdf

Dear Mr. Harvey,

Have you ever seen the attached documents? Please let me know. If not please read them as they pertain to my current situation with PHS and show clearly and incontrovertibly the facts of the case. i.e. it is not I who have been noncompliant with PHS, but that certain people at PHS have engaged in misconduct and it is, in fact, they who have been non compliant with protocol, ethical norms, and the law. My prior attorney, Scott Liebert, was (understandably) reluctant to bring up these damaging facts as PHS is his primary referral source and is not going to "bite the hand that feeds him." My new attorney, Jacob Hafter, will be addressing these issues. The documents speak for themselves. Ancillary material regarding guidelines, regulations, and legal issues to follow.

Sincerely, Michael Langan, MD

PHYSICIAN HEALTH SERVICES, INC.

A Massachusetts Medical Society Corporation
www.physicianhealth.org

HECT SAK EL, MD
Director

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Waltham, MA 02451-9400
(781) 899-7400 • (800) 321-2366
Fax: (781) 899-5021

December 11, 2012

Robert Harvey, Esq.
Physician Health & Compliance
Board of Registration in Medicine
200 Harvard Mill Square, Suite 330
Wakefield, MA 01880

RE: Michael Langan, M.D.

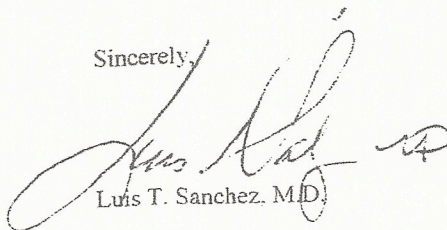
Dear Attorney Harvey:

Yesterday, December 10, 2012, Physician Health Services (PHS) received a revision to a laboratory test result for Dr. Michael Langan from a blood sample which he provided on July 1, 2011, which result was reported to you by letter of July 28, 2011 as positive for Phosphatidyl Ethanol (PEth). The amended report indicates that the "external chain of custody protocol [for that sample] was not followed per standard protocol."

PHS did not make a determination of relapse following that positive test, nor is PHS aware of any action taken by the Massachusetts Board of Registration in Medicine (MA BRM) as a result of the July 28, 2011 report. However, based on the amended report, PHS will continue to disregard the July 2011 PEth test result.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Luis T. Sanchez, M.D.

cc: Michael Langan, M.D.
Gary Chinman, M.D.
Kenneth Minaker, M.D.
Timothy Wilens, M.D.

This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute an alcohol or drug abuse patient.

Harvey, Robert (MED)

From: Langan, Michael L, M.D. [Langan.MichaelL@mgh.harvard.edu]
Sent: Wednesday, December 12, 2012 4:52 PM
To: Knight, John; Boyd, J. Wesley; Minaker, Kenneth Lloyd, M.D.; Wilens, Timothy, M.D.; Jacob Haffer
Cc: Harvey, Robert (MED)
Subject: Revised PEth test

Attachments: Revised PEth test.pdf



Revised PEth
test.pdf (373 KB)...

Attached is the revised PEth test. It took almost 1.5 years to get this. As you know, PHS knew it was an invalid test all along. The import will now undoubtedly be minimized, and marginalized by PHS.

The correction of the test is not important. What is important is the gauntlet put forth by PHS to prevent the truth as it shows a lack of integrity, honesty, and fairness.

It took a formal complaint with the College of American Pathologists and a four month investigation as well as a lot of time and money to get what should have been available at the outset-the simple truth.

I am going to get this to the attorney at Hazelden as soon as possible as I have requested that the record be amended as well as the recommendations.

The PEth test was used as a confirmatory test because standard of care and SAMHSA guidelines dictate that you don't make decisions based on EtG's as they are unreliable and scientifically unsupported. As you all know there was not once scintilla of evidence to support alcohol use in July of 2011. So PHS sent a forensic sample as a clinical sample to confirm alcohol use and purposefully colluded with the lab to make it a positive. This then led to the recommendation that I be evaluated at Hazelden and because Hazelden did not have the litigation packet that showed subterfuge so they concluded they could not rule out alcohol use. Because they could not rule out alcohol use they made certain recommendations including increasing AA meetings to 3 times per week for three months and are now saying I am non-compliant with meetings. Hazelden would not have recommended 3x per week meetings had they known the test was false. Knowingly forcing me to go through the hurdles of evaluation and the subsequent cost in terms of time and monthly while knowing the whole time that the test was rigged is egregious. Trying to claim non compliance with stipulations directly caused by the falsified test are beyond egregious. It would be like a rogue cop planting drugs on someone and then recommending he not be paroled because he didn't clean his cell.--Michael

The information in this e-mail is intended only for the person to whom it is addressed. If you believe this e-mail was sent to you in error and the e-mail contains patient information, please contact the Partners Compliance HelpLine at <http://www.partners.org/complianceline>. If the e-mail was sent to you in error but does not contain patient information, please contact the sender and properly dispose of the e-mail.