

BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE

**TRUE AND EXACT
COPY OF ORIGINAL**

In the Matter of the
Medical License of
Jeffrey A. Bucci, M.D.
Year of Birth: 1970
License Number: 50,385

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND FINAL ORDER**

On April 23, 2021, the Complaint Review Committee (“Committee”) of the Board of Medical Practice (“Board”) issued to Jeffrey Alexander Bucci, M.D. (“Respondent”), an Order of Removal of Stay of Suspension pursuant to paragraph 8 of the Stipulation and Order (“2020 Order”) adopted by the Board on March 14, 2020. (A true and correct copy of the 2020 Order is attached hereto and incorporated herein as Exhibit A.) Subsequently, the above-entitled matter came on for hearing at a regularly scheduled Board meeting on May 8, 2021 via WebEx videoconference. The Board’s office is located at 2829 University Avenue SE, Suite 500, Minneapolis, MN.

The following Board members were present: Cheryl L. Bailey, M.D.; Christopher Burkle, M.D., J.D., FCLM; Pamela Gigi Chawla, M.D., M.H.A.; Tenbit Emiru, M.D., Ph.D., M.B.A.; Anjali Gupta, M.B.,B.S, M.P.H.; Shaunequa B. James, MSW, LGSW; Kathryn D. Lombardo, M.D.; John M. (Jake) Manahan, J.D.; Allen G. Rasmussen, M.A.; Hugh P. Renier, M.D., FAAFP; Kimberly W. Spaulding, M.D., M.P.H.; Jennifer Y. Kendall Thomas, D.O., FAOCPMR; Stuart T. Williams, J.D.; and Cherie Zachary, M.D., ABAI. Keriann L. Riehle, Assistant Attorney General, appeared on behalf of the Board’s Complaint Review Committee. Respondent Jeffrey A. Bucci, M.D., did not appear. Gregory J. Schaefer, Assistant Attorney General, was present as legal advisor to the Board. At the hearing, the Committee presented affidavit evidence of Respondent’s violations of the 2020 Order.

The following Board members did not participate in deliberations: Cheryl L. Bailey, M.D.; Pamela Gigi Chawla, M.D., M.H.A.; and John M. (Jake) Manahan, J.D. Board staff who assisted the Committee did not participate in the deliberations.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on January 12, 2008.

2. On May 19, 2018, the Board issued an Order (“2018 Order”) which indefinitely suspended Respondent’s license to practice medicine and surgery in Minnesota. The 2018 Order allowed Respondent to petition for reinstatement of his license upon submission of satisfactory evidence that he is fit and competent to resume practice as a physician with reasonable skill and safety to patients.

3. In July 2019, the Board received Respondent’s petition for reinstatement of his medical license. On October 7, 2019, Respondent met with the Committee to discuss the petition. Respondent acknowledged depressive issues, and a history of substance use disorder, including a relapse to chemical use in 2016. Respondent reported maintaining sobriety since January 2017.

4. In response to Respondent’s petition for reinstatement of his medical license, on March 14, 2020, the Board issued a Stipulation and Order for Stayed Suspension (“2020 Order”) of Respondent’s license to practice medicine and surgery in the State of Minnesota. Reinstatement of Respondent’s license to practice medicine and surgery was contingent upon Respondent’s compliance with the 2020 Order, including participation in the Health Professionals Services Program (“HPSP”) and fully complying with his HPSP Participation Agreement for a minimum

of three years. The 2020 Order included statutory violations of Minnesota Statutes section 147.091, subdivision 1(l) (inability to practice medicine due to illness) and (r) (became addicted to a drug or intoxicant).

5. In the event that the Committee has probable cause to believe Respondent has failed to comply with any of the requirements of the 2020 Order, paragraph 8 of the 2020 Order sets forth the procedures pursuant to which the Committee may remove the stay of suspension and suspend Respondent's license.

6. On June 15, 2020, Respondent signed his Participation Agreement with HPSP to monitor his substance use and psychiatric disorders. Compliance with Respondent's HPSP Participation Agreement required active monitoring by and compliance with the Massachusetts Physician Health Services, Inc. ("MPHS").

7. On October 2, 2020, MPHS notified HPSP that Respondent was compliant with his Physician Substance Use Monitoring Contract. MPHS also provided HPSP with a copy of Respondent's signed July 20, 2017 Physician Substance Use Monitoring Contract.

8. On October 22, 2020, the Massachusetts Board issued a Consent Order indefinitely suspending Respondent's Massachusetts medical license.

9. On December 28, 2020, MPHS notified HPSP that Respondent discontinued testing and MPHS monitoring on November 16, 2020. MPHS noted it had a reasonable basis to believe that Respondent was experiencing active symptoms of a health condition at that time. MPHS requested that Respondent engage in treatment to address his health needs, and as of December 28, 2020 Respondent had not responded. MPHS closed Respondent's monitoring contract on December 3, 2020.

10. On January 5, 2021, HPSP notified the Board that Respondent was unsuccessfully discharged from his MPHS monitoring program. Also on January 5, 2021, HPSP requested that Respondent contact HPSP on or before January 19, 2021 to discuss his unsuccessful discharge from MPHS. Respondent did not contact HPSP as requested.

11. On January 8, 2021, February 4, 2021, and February 22, 2021, Board staff on behalf of the Committee sent letters to Respondent requesting his response to the allegations that he was unsuccessfully discharged from MPHS and that he had recently experienced active symptom exacerbations. Respondent failed to respond to these inquiries.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction to consider this matter under Minnesota Statutes sections 147.091, subdivision 1; 214.10; and 214.103 (2020).

2. The Committee gave Respondent proper notice of the alleged violations in this matter pursuant to paragraph 8 of the 2020 Order.

3. The Committee has proven by a preponderance of the evidence that Respondent violated an order of the Board, in violation of Minnesota Statutes section 147.091, subdivision 1(f).

4. As a result of the violation set forth above, the Board has the authority to impose additional disciplinary action against Respondent's license to practice medicine and surgery in the State of Minnesota as set forth in Minnesota Statutes section 147.091, subdivision 1, and the 2020 Order.

ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Respondent to practice medicine and surgery in the State of Minnesota is **INDEFINITELY SUSPENDED**.

1. During the period of suspension, Respondent shall not, in any manner, practice medicine and surgery in Minnesota.

2. Respondent shall sign all necessary releases to allow the Board access to all medical, mental health, evaluation, therapy, substance use, or other records from any treating health professional or evaluator. Respondent shall allow the Board or its designee to communicate with all treating health professionals.

3. Respondent may petition for reinstatement of his license upon submission of satisfactory evidence that he is fit and competent to resume practicing medicine and surgery with reasonable skill and safety to patients. Satisfactory evidence shall include, but is not limited to, six months of documented and uninterrupted recovery as documented by 12 random toxicology screens per quarter, written documentation of regular attendance and participation at meetings of a self-help group in support of recovery, and written reports from all treating health care professionals that he is fit and competent to resume practice with reasonable skill and safety to patients.

4. Upon petitioning for reinstatement, Respondent shall appear before the Committee to discuss his petition, progress in recovery, and practice plans. Upon hearing his petition, the

Committee may recommend that the Board continue, modify, or remove the suspension or impose conditions or restrictions as deemed necessary.

Dated: May 12, 2021

MINNESOTA BOARD OF
MEDICAL PRACTICE



KATHRYN D. LOMBARDO, M.D.
President

|#4966439-v1

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

STIPULATION AND ORDER

In the Matter of
the Medical License of
Jeffrey A. Bucci, M.D.
Year of Birth: 1970
License Number: 50,385

IT IS HEREBY STIPULATED AND AGREED, by and between Jeffrey Alexander Bucci, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has elected to be represented by V. John Ella, Trepanier MacGillis Battina, P.A., 310 Fourth Avenue South, #8000, Minneapolis, Minnesota 55415, (612) 455-0500. The Committee was represented by Kathleen M. Ghreichi, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101, (651) 757-1490.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on January 12, 2008.



b. On October 25, 2016, Respondent signed a Voluntary Agreement Not to Practice Medicine with the Massachusetts Board of Registration of Medicine (“Massachusetts Board”), with an effective date of November 3, 2016 (“Massachusetts Agreement”). Under the terms of the Massachusetts Agreement, Respondent agreed to cease his practice of medicine in the Commonwealth of Massachusetts until such time as the Massachusetts Board determined that the Massachusetts Agreement should be modified or terminated; or until the Massachusetts Board takes other action against Respondent’s license to practice medicine; or until the Massachusetts Board takes final action. The Massachusetts Agreement remains in effect.

c. The Board received notification of the Massachusetts Agreement in January 2017 and initiated an investigation into Respondent’s medical practice. In January and February 2017, the Board sent several requests to Respondent by U.S. mail and electronic mail, asking for additional information regarding the Massachusetts Agreement. Respondent did not respond to any of the Board’s inquiries. In October 2017, a Notice and Order for Hearing in this matter was mailed to Respondent at his last known address. The Notice and Order for Hearing indicated that a prehearing telephone conference would be held and notified Respondent that failure to appear could result in default. Respondent did not appear or send any communication, and an administrative law judge found Respondent was in default.

d. On March 19, 2018, the Board issued Findings of Fact, Conclusions, and Final Order (“2018 Board Order”) indefinitely suspending Respondent’s license to practice medicine and surgery in Minnesota. The 2018 Board Order was based on Respondent’s renewal of his license through fraud by providing a false answer on his renewal application, failure to report charges regarding his medical license in another state, engaging in unethical or improper conduct, engaging in conduct that departed from or failed to conform to the minimal standards of

acceptable and prevailing medical practice, and failing to make a report to the Board or cooperate with an investigation of the Board. The 2018 Board Order allowed Respondent to petition for the reinstatement of his license upon submission of satisfactory evidence that he is fit and competent to resume practice with reasonable skill and safety. Satisfactory evidence included, but was not limited to, written statements from all treating healthcare professionals, including but not limited to, chemical dependency counselors and primary care and mental health practitioners. The 2018 Board Order also required Respondent to appear before the Committee to discuss his petition and progress.

e. In July 2019, the Board received Respondent's petition for reinstatement of his medical license. On October 7, 2019, Respondent met with the Committee to discuss the petition. Respondent acknowledged depressive issues, and a history of substance use disorder, including a relapse to chemical use in 2016. Respondent reported maintaining sobriety since January 2017.

f. On December 9, 2019, the Committee reviewed additional information provided by Respondent, including statements from treating providers regarding his fitness to practice. The Committee decided to offer Respondent this Stipulation and Order.

4. The Committee views Respondent's conduct as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(l) (inability to practice medicine with reasonable skill and safety due to illness) and (r) (became addicted or habituated to a drug or intoxicant) (2019). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, Respondent does hereby consent that the Board may make and enter an Order **SUSPENDING** Respondent's license to practice medicine and surgery in the State of Minnesota, but the suspension is **STAYED** contingent upon Respondent's compliance with the following terms and conditions:

- a. Respondent is **REPRIMANDED**.
- b. Respondent shall participate in the Health Professionals Services Program ("HPSP") and fully comply with all terms and conditions of his HPSP Participation Agreement. A violation of his HPSP Participation Agreement will constitute a violation of this Order.
- c. Respondent shall sign releases allowing the Board to obtain medical, mental health, and substance use records from any treating professional, evaluator, or facility.
- d. Respondent may petition for reinstatement of an unconditional license no sooner than three years from the date of this Order. Upon petitioning, Respondent shall submit evidence satisfactory to the Board, of a minimum of three years of documented, uninterrupted recovery commencing no sooner than the date of this Order. Upon hearing Respondent's petition, the Complaint Review Committee may recommend that the Board continue, modify, or remove the suspension or impose conditions and restrictions as deemed necessary.

6. Within ten (10) days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has

applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within fourteen (14) days of any change, Respondent shall provide the Board with new address and telephone number information. The information shall be sent to Executive Director, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms substantially with Respondent's Minnesota license to practice medicine.

8. If the Complaint Review Committee has probable cause to believe that Respondent has failed to comply with any of the requirements for staying the suspension of his license as set forth in paragraph 5 above, the Complaint Review Committee may remove the stay of suspension and suspend Respondent's license pursuant to the procedures outlined below:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Respondent agrees that the Complaint Review Committee is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 9 below, or until the suspension is dismissed and the order is rescinded by the Complaint Review Committee. The Order of Removal shall confirm the Complaint Review Committee has probable cause to

believe Respondent has failed to comply with or has violated one or more of the requirements for staying the suspension of Respondent's license.

b. Respondent further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Respondent waives any right to a hearing before removal of the stayed suspension.

c. The Complaint Review Committee shall schedule a hearing before the Board pursuant to paragraph 9 below to be held within 60 days of service of the Order of Removal.

9. If the Complaint Review Committee issues an Order of Removal pursuant to paragraph 8 above, the following shall apply:

a. The Complaint Review Committee shall mail Respondent a notice of the violation alleged by the Complaint Review Committee and of the time and place of the hearing referred to in paragraph 8.c. above. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Review Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or revocation of Respondent's license.

d. The Complaint Review Committee, at its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

10. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

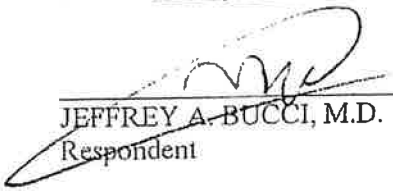
11. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

12. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire

agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: 2/25/2020

Dated: 3-14-20



JEFFREY A. BUCCI, M.D.
Respondent



FOR THE COMMITTEE

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED the 2018 Order is rescinded and that the terms of this Stipulation are adopted and implemented by the Board this 14th day of March, 2020.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 