

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine  
Adjudicatory Case No. 2022-018

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In the Matter of )  
)  
)

SCOTT D. DREIKER, M.D. )  
\_\_\_\_\_)

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Scott D. Dreiker, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree 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 the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 20-396.

**Findings of Fact**

1. The Respondent graduated from the State University of New York Downstate Medical Center College of Medicine in June 1991 and is board certified in obstetrics and gynecology. Dr. Dreiker has been fully licensed to practice medicine in Massachusetts under certificate number 76530 since August 10, 1992.
2. On a date between March 15, 2018 and July 3, 2018 during a prenatal obstetrics office appointment, the Respondent was alone with a twenty-seven-year old patient.
3. While holding the fetal doppler and before beginning to listen to the fetal heart rate the Respondent said "come here girlfriend, lets listen to the heart rate, show me some skin" causing the patient alarm and discomfort.

4. On July 17, 2018 and while alone with the Respondent during a postpartum birth control conversation, the same twenty-seven-year old patient asked about alternatives to an oral medication due to potential side effects. The Respondent stated there are side effects to every oral medication and asked her if she knew the side effects of not taking a birth control medication, causing shock and alarm to the patient as a new mother.

5. After prior female gynecology patient allegations in 2005 and 2006 about unwelcome and uncomfortable statements made by the Respondent during office visits, the Respondent completed a three-day course entitled "Maintaining Proper Boundaries" at The Center for Professional Health at Vanderbilt University Medical Center from November 8-10, 2006.

6. On December 21, 2007 the Complaint Committee of the Board of Registration in Medicine expressly warned the Respondent at that time to continue to have a chaperone present during all physical examinations and discussion of sexual matters, and continued use of the patient questionnaire he implemented by that time to assist in communications about sensitive matters.

7. Board Policy Number 01-01 on Disruptive Physician Behavior states "Disruptive behavior by a physician has a deleterious effect on the health care system and increases the risk of patient harm."

8. Behaviors such as offensive comments are now recognized as detrimental to patient care.

#### Conclusions of Law

A. The Respondent engaged in disruptive behavior. *See* 243 CMR 1.03(5)(11), to wit: Disruptive Physician Behavior Policy, Board of Registration in Medicine Policy No. 01-01 adopted June 13, 2001

B. The Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982); *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979)

#### Sanction and Order

The Respondent's license is hereby indefinitely suspended. The Respondent's suspension shall be stayed immediately upon his entry into a five-year Board Probation Agreement to include the following conditions:

- a. document his completion of three (3) continuing medical education (CME) credits in physician-patient boundaries within 60 days of the Board's approval of the Agreement;
- b. document his use of a chaperone throughout all patient encounters (both in the office and examination room) by specifying when the chaperone enters and exits the room through a time stamp or entry into the medical record; and
- c. document his offering each patient a gown and a place to change or him leaving the room while the patient changes.

This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

#### Execution of this Consent Order


Complaint Counsel, the Respondent, and the Respondent's counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order. If the Board 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 during the pendency of the suspension or the subsequent Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

  
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Scott D. Dreiker, M.D.  
Licensee

1-13-22  
\_\_\_\_\_  
Date

Edward F. Mahoney (K)  
Edward F. Mahoney, Esq.  
Attorney for the Licensee

2/1/22  
Date

[Signature]  
Patrick G. Fitzgerald  
Complaint Counsel

2/2/2022  
Date

So ORDERED by the Board of Registration in Medicine this 2<sup>nd</sup> day of June,  
2022.

[Signature]  
Julian N. Robinson, M.D.  
Board Chair