

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-011

In the Matter of)
)
)
ROBERT J. RIZZO, M.D.)
_____)

CONSENT ORDER

Robert J. Rizzo, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with all of the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanctions set forth below in resolution of investigative Docket Number 13-305.

FINDINGS OF FACT

1. The Respondent was born on November 7, 1956. He graduated from Yale University School of Medicine in 1982. He has been licensed to practice medicine in Massachusetts under certificate number 71052 since 1989. He is board-certified in Thoracic Surgery.
2. On July 13, 2013, the Respondent was parked in the passenger pickup area of Terminal C at Logan International Airport waiting to pick up his wife and daughter, who had let him know they were on their way out of the terminal
3. A State Trooper motioned and then asked the Respondent to move his vehicle.
4. The Respondent acknowledged the State Trooper but did not move his vehicle. A testy conversation ensued.

5. The State Trooper noticed the Respondent's passengers approaching the Respondent's vehicle. He allowed the Respondent to wait for his passengers, load their bags into his vehicle and get into his vehicle.
6. After the Respondent and his daughter were back inside his vehicle, the Respondent got out of the vehicle to assist his wife and to check the trunk. While doing so the Respondent made a sarcastic comment to the Trooper.
7. The State Trooper then told the Respondent that he could be arrested for disorderly conduct.
8. After the Respondent got back in his car, the State Trooper approached the Respondent's vehicle to ask for the Respondent's license and registration.
9. The Respondent quickly pulled away from the curb, unintentionally running over the State Trooper's foot.
10. The Respondent was arrested by the Massachusetts State Police in the Ted Williams Tunnel. He was charged with Assault and Battery with a Dangerous Weapon, to wit his vehicle, Disorderly Conduct, Assault and Battery on a Police Officer, Leaving the Scene of Personal Injury, and Negligent Operation of a Motor Vehicle.
11. The State Trooper was taken to Massachusetts General Hospital with injuries to his foot.
12. On July 15, 2013, the Respondent was arraigned in the East Boston District Court on the above-referenced charges to which he plead not guilty.
13. On November 12, 2013, the Respondent admitted that there were sufficient facts upon which the court could find him guilty of the Assault and Battery with a Dangerous Weapon charge. The matter was continued without a finding for one year, and the other remaining charges were all placed on file without a change of plea.

14. The Respondent successfully completed his term of probation. On November 12, 2014, the Assault and Battery with a Dangerous Weapon charge was dismissed.
15. The Respondent voluntarily entered into a Physician Health Services (PHS) behavioral monitoring contract immediately following his arrest. He successfully completed the contract on November 18, 2015.

CONCLUSIONS OF LAW

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

SANCTION AND ORDER

The Respondent's medical license is hereby reprimanded.

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.

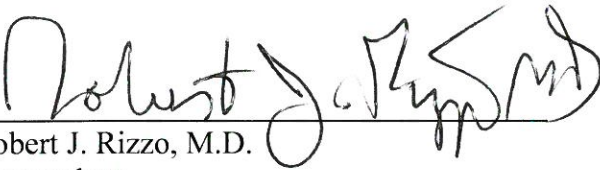
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

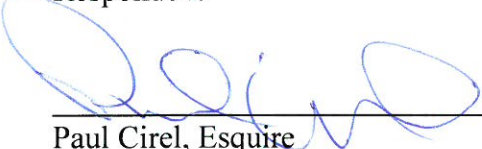


The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which 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; the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Unit. The Respondent shall also provide this notification to any such designated entities with which he becomes associated within one year of the imposition of the reprimand. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

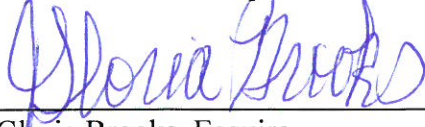
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Robert J. Rizzo, M.D.
Respondent

8/1/2017
Date


Paul Cirel, Esquire
Counsel for the Respondent

8/1/2017
Date


Gloria Brooks, Esquire
Complaint Counsel

8/4/17
Date



So ordered by the Board of Registration in Medicine this 29th day of March, 2018.

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

SENT CERTIFIED MAIL 3/30/18 (ms)