

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2022-049

In the Matter of

DONALD G. ROSS, M.D.

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Donald G. Ross, M.D. ("Respondent") and the Board of Registration in Medicine ("Board") (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that 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 that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 18-165.

**Findings of Fact**

1. The Respondent graduated from University of Massachusetts Medical School in 1986. He had been licensed to practice medicine in Massachusetts under certificate number 71926 since 1989 until his license lapsed in June 2022. He is board-certified in Anatomic Pathology and Clinical Pathology. He holds an additional medical license in New Hampshire. He most recently was affiliated with Sturdy Memorial Hospital.

2. From 1996 to 2017, the Respondent worked as the Chief of Pathology at Holy Family Hospital.

3. The Respondent had a history of telling offensive or sexually explicit jokes while at Holy Family Hospital.

4. On or about March 23 and April 30, 2017, while working at Holy Family Hospital, the Respondent sent unsolicited sexually inappropriate emails via the hospital's email system to hospital employees and others.

5. In June 2017, Holy Family Hospital terminated the Respondent's employment as a result of the inappropriate emails.

6. Board Policy Number 01-01 on Disruptive Physician Behavior states "Behaviors such as foul language; rude, loud or offensive comments; and intimidation of staff, patients and family members are now recognized as detrimental to patient care."

#### Conclusions of Law

A. 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).

B. The Respondent has violated 243 CMR 1.03(5)(a)18 by committing misconduct in the practice of medicine.

C. The Respondent has violated G.L. c. 112, § 5, eighth par. (h) and 243 CMR 1.03(5)(a)11 by violating a rule or regulation of the Board. Specifically, the Respondent engaged in disruptive behavior contrary to Board Policy 01-01 Disruptive Physician Behavior (Adopted June 13, 2001).

### Sanction and Order

The Respondent's license is hereby Reprimanded. 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 and the Respondent 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.

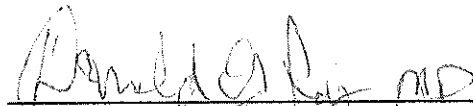
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

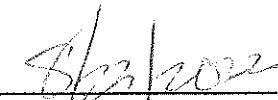
The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

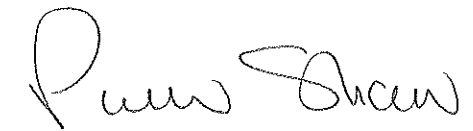
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, 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

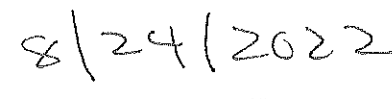
which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

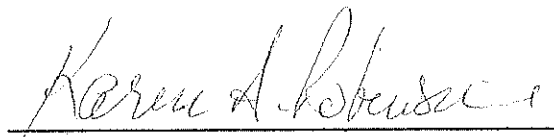
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

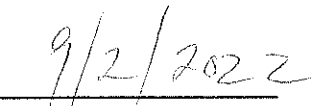
  
Donald G. Ross, M.D.  
Licensee

  
Date


  
Paul Shaw, Esq.  
Attorney for the Licensee

  
Date

  
Karen A. Robinson, Esq.  
Complaint Counsel

  
Date

So ORDERED by the Board of Registration in Medicine this 17<sup>th</sup> day of November,  
20 22.

  
Julian N. Robinson, M.D.  
Board Chair