

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

BOARD OF REGISTRATION  
IN MEDICINE

Docket No. 2022-004

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In the Matter of )  
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Robert P. Wespiser, M.D. )  
\_\_\_\_\_ )

**CONSENT ORDER**

Robert P. Wespiser, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order with 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 described below and agrees that the Board may make conclusions of law and impose a sanction in resolution of investigative Docket No. 19-034.

**FINDINGS OF FACT**

1. The Respondent was born on May 27, 1957. He graduated from the University of Massachusetts Medical School in 1983. He has been licensed to practice medicine in Massachusetts under certificate number 55555 since 1986 and is Board-certified in Internal Medicine. The Respondent is a partner in a small group practice, Suburban Internal Medicine, located in Lee, Massachusetts. He also sees patients at two skilled nursing facilities: Hillcrest Commons in Pittsfield and Lee Health Care in Lee. The Respondent has privileges at Berkshire Medical Center (BMC) where he has held several positions, including Chief of Staff and Program Director of the Internal Medicine Residency. He is currently a part-time Medical Advisor to Case Management.

2. The Respondent is a former Program Director of the Internal Medicine Residency Program at BMC.

3. Between 2014 and 2018, the Respondent failed to maintain professional boundaries by repeatedly accessing the electronic medical records (EMR) of three residents who were also treated as patients at BMC during their residencies.

4. The Respondent did not have a physician/patient relationship with any of these residents/patients.

5. The Respondent accessed the residents'/patients' medical records without a legitimate reason and without authorization/written consent.

6. At the behest of hospital leadership, the Respondent resigned from his position as Program Director of the Internal Medicine Residency Program at BMC.

#### CONCLUSIONS OF LAW

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

B. 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

The Respondent's license is hereby reprimanded. The Respondent must also satisfy the following conditions:

- a. The Respondent shall enter into a five-year Probation Agreement requiring the Respondent to complete an assessment with Physician Health Services (PHS) and follow all PHS recommendations.
- b. The Probation Agreement will require monitoring of the Respondent's HIPAA compliance and electronic medical records access by a Board-approved workplace monitor, who shall submit quarterly reports to the Board on a form provided by the Board.
- c. The Respondent may petition for termination of the Probation Agreement upon the Board's receipt of four consecutive favorable quarterly reports by the Board-approved monitor and demonstrated compliance with any PHS recommendations.

### 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 P. Wespiser MD  
Robert P. Wespiser, M.D., Respondent

10/12/2021  
Date

W. Scott Liebert  
W. Scott Liebert, Respondent's Counsel

10/13/2021  
Date

Stephen C. Hctor  
Stephen C. Hctor, Complaint Counsel

10/27/21  
Date

Accepted by the Board of Registration in Medicine on this 20<sup>th</sup> day of January, 2022.

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Board Chair