

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case No.2022-004

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

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Robert P. Wespiser, M.D. (Respondent) has practiced medicine in violation of law, regulation, and/or good and accepted medical practice, as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 19-034.

Biographical Information

1. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 55555 since 1986 and is Board-certified in Internal Medicine. He 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.

Factual Allegations

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 (Patients A, B and C) 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 from the patients.

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

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §5, ninth par. (c) and 243 CMR 1.03(5)(a)3, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that he engaged in conduct that places into question the physician's competence to practice medicine, including but not limited to gross misconduct in the practice of medicine, or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions.

B. Pursuant to 243 CMR 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician committed misconduct in the practice of medicine.

C. Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), and Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.


Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training, or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,



Julian N. Robinson, M.D.
Board Chair

Date: January 20, 2022