

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No.2013-020

In the Matter of)
)
)
ROGER BOSHES, 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 Roger Boshes (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice, as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 11-343.

ALLEGATIONS

1. The Respondent was born on December 23, 1939. He graduated from the Yale University School of Medicine in 1976. He is certified by the American Board of Psychiatry. He has been licensed to practice medicine in Massachusetts under certificate number 76689 since 1981.
2. Patient A began seeing the Respondent in his Suboxone practice in April 2009.
3. During those visits, the Respondent told Patient A some details about his personal life.
4. Patient A had her last appointment with the Respondent on September 12, 2011.

5. Patient A asked the Respondent if his wife was doing okay. Patient A then asked the Respondent if he was having problems in his marriage. The Respondent told Patient A that was not the reason for the visit.

6. At the end of the visit, the Respondent kissed Patient A on her cheek and hugged her. Respondent now appreciates that the physical contact was unwanted by Patient A.

7. The American Medical Association Principles of Medical Ethics, Section 4 requires physicians to respect the rights of patients. The Respondent acknowledges that this includes a patient's right to be free from unwanted physical contact. This unwanted physical contact is in contravention of the American Psychiatric Association's Principles of Medical Ethics Especially Applicable to Psychiatry, 2009 edition.

LEGAL BASIS FOR PROPOSED RELIEF

A. 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 has committed misconduct in the practice of medicine.

B. Pursuant to *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338 (1996), *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician 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, *et seq.*

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 he should not be disciplined for the conduct described herein.

By the Board of Registration in Medicine,

Cordace Lapidus Sloane, MD
Board Chair

Dated: May 22, 2013