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Board of Registration in Medicine

In the Matter of

ROGER BOSHERS, M.D.

Pursuant to G.L. c. 30A, § 10, Roger Boshes, 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. 11-343.

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.

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 and Order

The Respondent's license is hereby reprimanded.

Execution 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.

Licensee

Date

Attorney for the Licensee

Date

Complaint Counsel

Date

So ORDERED by the Board of Registration in Medicine this 22nd day of May, 2013.

Board Chair