

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2012-024

_____)
 In the Matter of)
)
 SHELDON SCHWARTZ, M.D.)
 _____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Sheldon Schwartz, 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. 11-064.

Findings of Fact

1. The Respondent was born on August 8, 1946. He graduated from New York University School of Medicine in 1970. He has been licensed to practice medicine in Massachusetts under certificate number 81429 since 1995. He has privileges at Arbour HRI Hospital in Brookline, MA (Arbour).

2. On December 23, 2010, the Respondent was entering patient orders on a computer in one of Arbour’s patient examination rooms.

3. The nursing supervisor informed the Respondent that the examination room was needed for the examination of a patient.

4. The Respondent told the nursing supervisor not to enter the examination room which he was using to enter patient orders.

5. The Respondent had an argument with the nursing supervisor regarding the room occupied by the Respondent.

6. The argument occurred in the presence of hospital staff and a patient.

7. The Respondent then placed his hand on the arm of the nursing supervisor and removed her from the examination room.

8. On December 23, 2010, the Respondent had a second argument with the same nursing supervisor in the administrative suite area of Arbour during which time he raised his voice at her.

9. As a result of a telephone call placed by the nursing supervisor, two hospital employees came to the nurse supervisor's assistance.

10. 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."

11. Disruptive behavior by a physician has a deleterious effect on the health care system and increases the risk of patient harm.

12. By his actions, the Respondent violated the Board of Registration in Medicine's Disruptive Physician Behavior Policy.

Conclusion 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 lacks good moral character and 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.

Signed by Sheldon Schwartz
Sheldon Schwartz, M.D.
Licensee

8/26/12
Date

Signed by James Paikos
James Paikos
Complaint Counsel

8/30/12
Date

So ORDERED by the Board of Registration in Medicine this 19 day of September, 2012.

Signed by Mary Jo Harris
Mary Jo Harris, J.D.
Acting Chair