

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case No. 2024-009

In the Matter of

SEBASTIAN A. BOURGEOIS, M.D.

**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Sebastian A. Bourgeois, 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. 20-067.

**Findings of Fact**

1. The Respondent graduated from the University of Buenos Aires Faculty of Medicine in 1994 and has been licensed to practice medicine in Massachusetts under license number 242564 since 2010. He is board-certified in anesthesiology. He is also licensed to practice medicine in Connecticut and Rhode Island. He was previously licensed to practice medicine in Texas. He is associated with Stamford Hospital.

2. Between December 2019 and January 2020, the Respondent was affiliated with Holyoke Medical Center (HMC).

3. On December 2, 2019, the Respondent met with the HMC Chief Medical Officer (CMO) and Chief Nursing Officer to discuss HMC's zero tolerance policy for harassment and other inappropriate behavior.

4. Female A, then G.L. c. 4, § 7(26)(c), worked as a seasonal secretary in the operating room at HMC.

5. On G.L. c. 4, § 7(26)(c), 2019, the Respondent, who was not aware of Female A G.L. c. 4, § 7(26)(c), invited Female A to G.L. c. 4, § 7(26)(c) for drinks.

6. Female A declined the Respondent's invitation and removed herself from the conversation.

7. Eventually, the Respondent passed Female A a note that read "G.L. c. 4, § 7(26)(c)? 5:30?"

8. Female A shook her head no.

9. The Respondent threw the note in the shredder bin.

10. Female A reported to HMC administration that her interaction with the Respondent made her feel uncomfortable.

11. On January 2, 2020, HMC terminated the Respondent's employment.

#### Legal Basis for Proposed Relief

A. The Respondent has violated G.L. c. 112, § 5, eighth par, (h) and 243 CMR 1.03(5)(a)11, by violating a rule or regulation of the Board. Specifically, the Respondent engaged in disruptive behavior, contrary to Board Policy 01-01, Disruptive Physician Behavior Policy, Board of Registration in Medicine adopted June 13, 2001.

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.

#### Sanction and Order

The Respondent's license is hereby REPRIMANDED. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

#### Execution of this Consent Order

Complaint Counsel, Respondent's Counsel, and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, Respondent's Counsel, and the Respondent 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.

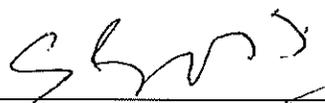
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

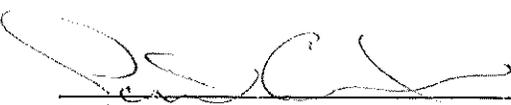
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which 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.

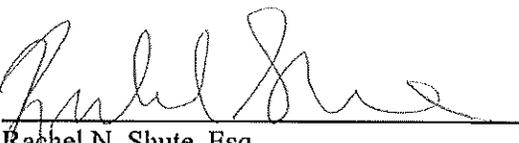
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

  
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Sebastian A. Bourgeois, M.D.  
Licensee

12/19/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paul Cirel, Esq.  
Attorney for the Licensee

12/24  
\_\_\_\_\_  
Date

  
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Rachel N. Shute, Esq.  
Complaint Counsel

1/10/24  
\_\_\_\_\_  
Date

So ORDERED by the Board of Registration in Medicine this 29th day of February, 2024.



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Booker T. Bush, M.D.  
Board Chair