

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case No. 2023-001

In the Matter of)
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)

BRIAN L. COOLBAUGH, M.D.)
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)

CONSENT ORDER

Brian L. Coolbaugh, M.D. (Respondent) and Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order with all the force and effect of a Final Decision within the meaning of 801 C.M.R. 1.01(11)(d). The Respondent admits to the findings of fact described below and agrees the Board may make conclusions of law and impose a sanction in resolution of Docket No. 20-283.

BIOGRAPHICAL INFORMATION

1. The Respondent is certified by the American Board of Radiology. He is a 1982 graduate of the University of Massachusetts Medical School and has been licensed to practice medicine in Massachusetts since 1987 under certificate number 57375. He was previously affiliated with Milford Regional Medical Center (MRMC). The Respondent is currently affiliated with Nashoba Valley Medical Center and Holy Family Hospital.

FINDINGS OF FACT

2. On diverse dates between 2018 and 2020, the Respondent sent Health Insurance Portability and Accountability Act (HIPAA)-protected images via text message to his ex-girlfriend.

3. The protected images included X-rays and CT scans of patients.

4. On September 17, 2015, the Respondent entered a substance use monitoring contract with PHS.

5. The Respondent has remained in compliance with his PHS contract.

CONCLUSIONS OF LAW

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 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.

SANCTION

The Respondent's license is hereby Reprimanded.

This sanction is imposed for Conclusions of Law A and B individually and not for any combination of them.

EXECUTION OF THIS CONSENT ORDER

Complaint Counsel, the Respondent, and the Respondent's counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel 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 he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Unit. The Respondent shall also provide this notification to any such designated entities with which he becomes associated in the year following the date on which the reprimand is imposed. The Respondent is further directed to certify to the Board within ten (10) days that he 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.


Brian L. Coolbaugh, M.D.
Respondent

11/23/2022
Date


Matthew Connors, Esq.
Attorney for Respondent

11/23/2022
Date

Stephen C. Hootor
Stephen C. Hootor
Complaint Counsel

11/29/2022
Date

So ordered by the Board of Registration in Medicine this 5th day of January, 2023.

Julian N. Robinson, M.D.
Julian N. Robinson, M.D.
Board Chair