

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No.

In the Matter of  JOAN FINKELSTEIN, M.D.	) ) ) ) )
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CONSENT ORDER

Joan Finkelstein, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with all of 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 sanctions set forth below in resolution of investigative Docket Number 14-407.

FINDINGS OF FACT

1. The Respondent was born on October 20, 1949. She is a 1994 graduate of the University of Massachusetts Medical School. She is board-certified in psychiatry and has been licensed to practice medicine in Massachusetts since 1998 under certificate number 156642.

2. On March 27, 2014, officers from the Brookline Police Department (Officers) went to 1180 Beacon Street to investigate a report of a fight in progress. When they arrived on scene, they spoke with several witnesses who said that the Respondent assaulted Female A over a parking space.

3. The witnesses told the officers that the Respondent had been banging on Female A's car. They saw the Respondent reach inside Female A's car. When Female A exited her car, the Respondent continued to verbally harass her.

4. The Respondent placed her hands on Female A's arms in an attempt to make her get back into the car and move the car.

5. On March 31, 2014, the Respondent appeared before the Brookline District Court for arraignment on charges of Assault and Battery, Disorderly Conduct, and Disturbing the Peace.

6. On May 21, 2014, the Respondent resolved her matter before the court by agreeing to be placed on Pre-Trial Probation (PTP) for three months.

7. The court dismissed the Respondent's case on August 21, 2014, after she successfully completed the terms of her PTP.

#### CONCLUSIONS OF LAW

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 parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of the Respondent, her attorney, and Complaint 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 stipulations contained herein 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 that this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone acting on her behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that she 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 she practices medicine; any in- or out-of-state health maintenance organization with whom she has privileges or any other kind of association; any state agency, in- or out-of-state, with which she has a provider contract; any in- or out-of-state medical employer, whether or not she practices medicine there; the state licensing boards of all states in which she 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 she becomes associated within one year of the imposition of the reprimand. The Respondent is further directed to certify to the Board within ten (10) days that she 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.

Joan Finkelstein M.D.  
Joan Finkelstein, M.D.  
Respondent

April 20, 2017  
Date

David M. Gould  
David Gould, Esquire  
Counsel for the Respondent

4/27/17  
Date

Stephen C. Hoctor  
Stephen C. Hoctor, Esquire  
Complaint Counsel

5/2/17  
Date

So ordered by the Board of Registration in Medicine this 8 day of November, 2018.

Candace Lapidus Sloane, MD  
Candace Lapidus Sloane, M.D.  
Board Chair