



substance abuse issues. The Respondent prescribed Patient A a combination of opioids and benzodiazepines.

4. On September 26, 2017, Patient A died of acute heroin intoxication. The manner of death was determined to be an accidental overdose.

5. Patient A's medical records were requested by the Board. The Respondent had difficulty compiling the records because they were not organized. However, the records were eventually produced to the Board.

6. An Expert in the field of Psychiatry and Forensic Psychiatry reviewed the Board's investigation and Patient A's medical records. The Expert found several areas of the Respondent's medical record keeping that fell below the recognized standard of care, including but not limited to:

- a. Inadequate documentation in the medical records of Patient A,
- b. The record of Patient A lacks any basic information in support of or even clearly documenting treatment decisions or their rationale,
- c. Prescriptions issued to Patient A are unsupported by adequate or compelling documentation of medical decision making.

#### Conclusions of Law

A. The Respondent violated G.L. c. 112, §5, eighth par. (b), and 243 C.M.R. 1.03(5)(a)11 in that he has committed an offense against any provisions of the laws of the Commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder, to wit:

- i. 243 CMR 2.07(13)(a), which requires a physician to maintain a medical record for each patient that is adequate to enable the licensee to provide proper diagnosis and

treatment; and/or maintain a patient's medical record in a manner which permits the former patient or successor physician to access them.

- B. The Respondent violated 243 CMR 2.07(13)(a) by failing to maintain a medical record for each patient that is adequate to enable the licensee to provide proper diagnosis and treatment; and/or maintain a patient's medical record in a manner which permits the former patient or successor physician to access them.
- C. The Respondent violated *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982) by engaging in conduct that undermines the public confidence in the integrity of the medical profession.

#### Sanction and Order

The Respondent's license is hereby suspended indefinitely. The suspension may be stayed contingent upon the Respondent's entering into a Probation Agreement which shall contain the following conditions:

- Completing a practice audit by a Committee-approved entity within ninety (90) days;
- Completing a follow-up audit by the Committee-approved entity six months after completing the first audit; and
- Completing ten (10) continuing professional development (CPD) regarding medical documentation, controlled substances prescribing, and psychopharmacology.

#### Execution of this Consent Order

Complaint Counsel, the 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, the Respondent, and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order and accompanying Probation Agreement. If the Board rejects this Consent

Order and/or the Probation Agreement 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; and 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 Program. The Respondent shall also provide this notification to any such designated entities with which he becomes associated with for the duration of this probation and/or suspension. 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.

Donald Schiermer MD 1/5/21  
Donald Schiermer, M.D. Date  
Licensee

[Signature]  
Attorney for the Licensee (if any)

1/20/21  
Date

Katelyn Giliberti  
Katelyn Giliberti KMC  
Complaint Counsel

1/22/21  
Date

So ORDERED by the Board of Registration in Medicine this 22 day of April,  
2021.

[Signature]  
George M. Abraham, M.D.  
Chair