

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-022

In the Matter of)
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)

ROBERT A. WEISSBERG, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Robert A. Weissberg, 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. 14-176.

Findings of Fact

1. The Respondent was born on December 27, 1952. He graduated from the University of Michigan Medical School in 1978. He is certified by the American Board of Family Medicine. He has been licensed to practice medicine in Massachusetts under certificate number 241501 since August 2009. He is also licensed to practice medicine in New York.
2. Beginning in January 2010, the Respondent practiced as a primary care physician at the Marino Center for Integrated Health (the "Marino Center") in Cambridge, Massachusetts.

3. The Marino Center provided an integrated approach to medicine that combined traditional and alternative medicines.

4. Marino Center physicians commonly spent more time with patients during examinations and appointments than in a traditional practice.

5. During his time with patients at the Marino Center, the Respondent would sometimes touch patients on the arm or back, or give them a hug as a gesture of support.

6. In July 2013, Mt. Auburn Hospital purchased the Marino Center.

7. The Respondent continued to work at the Marino Center, as a Mt. Auburn Professional Services employee, from July 1, 2013 until April 2014.

8. In early January 2014, the Respondent tendered his resignation from Mt. Auburn Hospital in order to return to New York to work full-time, such resignation to be effective April 10, 2014.

9. In the summer of 2011, one of the Respondent's patients complained to the Marino Center that she was uncomfortable that the Respondent had hugged her.

10. In the fall of 2011, another patient complained to the Marino Center that she felt uncomfortable when the Respondent commented on her appearance.

11. In the summer of 2012, another patient complained that the Respondent touched her too much during an office visit, although not in a sexual manner.

12. In the fall of 2013, an internal medicine resident spent a day with the Respondent, observing his practice.

13. The resident complained to her supervisor that the Respondent made her uncomfortable by asking her personal questions and intruding into her personal space.

14. Shortly after the above complaints, the Respondent was made aware of the complaints and counseled to be more aware of people's perceptions.

15. In late March 2014, another patient verbally complained to Mt. Auburn Hospital staff concerning billing issues. During the course of the conversation, the patient complained that she felt uncomfortable because of the Respondent's proximity during an examination.

16. On or about March 28, 2014, the Respondent met with the Chief of Medicine and the Assistant Chair of Medicine of Mt. Auburn Hospital to discuss the above complaints.

17. The Respondent relocated to New York in April 2014 after giving his notice to Mount Auburn Professional Services in early January 2014.

18. The Respondent has taken a number of actions in order to improve his insights into his interaction with patients. Among these actions are the following:

- a. The Respondent voluntarily contacted the Committee for Physician Health in New York, and arranged to be monitored by them for one year;
- b. The Respondent obtained a voluntary clinical evaluation, and is following all recommendations; and,
- c. The Respondent successfully completed a three-day medical education course on maintaining appropriate boundaries.

Conclusion of Law

A. 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 is hereby reprimanded. The Respondent is also required to inform the Board prior to returning to the practice of medicine within the Commonwealth of Massachusetts. 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

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.

Robert A. Weissberg, M.D.
Robert A. Weissberg, M.D.
Licensee

4/3/2015
Date

Jennifer B. Herlihy, Esq.
Jennifer B. Herlihy, Esq.
Attorney for the Licensee

4/3/15
Date

Pamela J. Meister, Esq.
Pamela J. Meister, Esq.
Complaint Counsel

4/13/15
Date

So ORDERED by the Board of Registration in Medicine this 4th day of June,
20 15.

Kathleen Sullivan Meyer
Kathleen Sullivan Meyer
Board Vice Chair

SENT CERTIFIED MAIL 6/5/15 ms