



2. On February 28, 2019, the Respondent, while working at Lemuel Shattuck Hospital (“LSH”), engaged Staff Member A in a hallway to discuss an earlier request for her assistance in completing an online credentialing form that she had declined.

3. Upon engaging Staff Member A in the hallway as described in the preceding paragraph, the Respondent, using inappropriate language, conveyed his frustration to her about her refusal to assist him with the aforementioned online credentialing form.

4. During the encounter described in paragraph 3, the Respondent repeatedly made unwanted, physical contact with multiple parts of Staff Member A’s body, including but not limited to the area of her neck and shoulders.

5. Shortly after his encounter with Staff Member A, Respondent went to see her in her office and apologized to her for his language and behavior.

6. LSH, a state-run hospital, abides by the Commonwealth of Massachusetts’ Policy of Zero Tolerance for Workplace Violence as established in Executive Order 442.

7. LSH Administration subsequently determined that the Respondent’s physical contact with Staff Member A, as described in ¶ 4, above, violated the aforementioned policy.

8. On March 4, 2019, the Respondent was informed by the Chief Executive Officer of LSH that his (the Respondent’s) employment relationship with LSH was then terminated with immediate effect.

#### Conclusions 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's license is hereby suspended indefinitely. That suspension may be stayed immediately upon the Respondent's entering into a five-year Probation Agreement with standard terms and the following, additional requirements:

- A Board-approved practice plan;
- Workplace monitoring;
- Providing regular documentation at intervals prescribed by the Board of ongoing behavioral health treatment;
- Providing a release to the Board to enable the latter to access the records of such behavioral health treatment; and
- Any other conditions that the Board deems appropriate.

### Execution of this Consent Order

Complaint Counsel, the Respondent, and the Respondent's counsel (if the Respondent has retained any) 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 (if the Respondent has retained any) 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 (and Probation Agreement, if any) 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 for the duration of this probation and/or suspension. 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.

Fifield P. Workum

7/15/2020

Date

Licensee

April Munk

7/15/2020

Date

Attorney for the Licensee

Lawrence Perchick  
KAC

7/17/20

Date

Complaint Counsel

So ORDERED by the Board of Registration in Medicine this 17<sup>th</sup> day of December 2020

George M. Abraham

George M. Abraham, M.D.  
Board Chair