

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss

Adjudicatory Case No. 2020-009  
(RM-20-0121)

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In the Matter of )  
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William E. O'Connor, M.D. )  
\_\_\_\_\_ )

FINAL DECISION AND ORDER

This matter came before the Board for disposition on the basis of the Administrative Magistrate's Recommended Decision, dated May 26, 2021, which is attached hereto and incorporated by reference. The Respondent filed Objections to the Recommended Decision. Memoranda on Disposition were submitted by the Respondent and by Complaint Counsel. A Victim Impact Statement was provided and the Respondent filed objections to it. After full consideration of the Recommended Decision, the Respondent's Objections to the Recommended Decision, the Respondent's and Complaint Counsel's Memoranda on Disposition, the Victim Impact Statement and the Objections to it, the Board adopts so much of the Recommended Decision as it recommends grounds for discipline for failing to disclose that the Respondent had been the subject of criminal charges when he filed applications to renew his medical license; practicing medicine in violation of law, regulations or good and accepted medical practice; treating Patient A while dating her; committing acts that showed a lack of good moral character, and violating an Abuse Prevention Order obtained by Patient A.

The Board does not concur with the Magistrate's reasoning that Respondent does not pose an immediate and serious threat to the public health and safety, and does not adopt the conclusion that there were insufficient grounds for issuing a summary suspension of the Respondent's license. The immediacy and seriousness of the threat a physician presents to the public is based on the egregiousness of his or her conduct; it is not measured by any relationship with, or source of motivation towards, a particular victim of the conduct. See Levy v. Board of Registration in Dentistry, 2007 WL 6823651, \*1 , fn 2 (Appeals Court of Massachusetts, 2007) (finding summary action to protect

public health safety and welfare was warranted where a dentist was charged with sexually assaulting a patient). As stated in *Levy*, “it bears noting the impropriety of the [superior court] judge’s suggestion that there is no threat to the public safety ... because the victim of Levy’s alleged sexual assault can find another dentist if she feels it necessary. ... Rather the public interest is furthered by the board’s summary suspension, investigation and hearing on the matter so that if the complaint is substantiated, the list of victims can cease to expand.”

#### Sanction

The Magistrate found that the Respondent 1) had failed to report on his license renewal application that he had been arrested and charged with Operating Under the Influence of alcohol on January 27, 2001, in violation of G.L. c. 112, sec.5, eighth par. (a) and 243 CMR 1.03(5)(a)1 - fraudulently procuring his certificate of registration or its renewal; 2) was in violation of 243 CMR 2.07(13)(a) in that he failed to properly document the reasons for writing prescriptions to Patient A; 3) lacked good moral character and engaged in conduct that undermines public confidence in the integrity of the medical profession including, among other violations, that he trespassed at Patient A’s home, took mail from her mailbox, attempted to break into Patient A’s home at night, ignored court orders, lied on his 2001 license renewal application, and made a harassing phone call to Patient A’s home, all in violation of 243 CMR 1.03(5)(a)18. The Magistrate stated, “Such conduct is the type of conduct that demonstrates a lack of respect for the rights of others. It shows an absence of simple honesty and fairness. When committed by a physician, this conduct undermines the public’s confidence in the medical profession.” Accordingly, it is proper for the Board to impose discipline. *See Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982); *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979).

Where a physician has engaged in patterns of behavior that undermine the public confidence in the integrity of the medical profession, and lacks the good moral character necessary for licensure as a physician which reasonably calls into question their ability to practice medicine, the Board has imposed an indefinite suspension of the physician’s license to practice, contingent on the physician being subject to probation and restrictions. *See, In the Matter of Sheldon Schwartz, M.D.*, Board of Registration in

Medicine, Adjudicatory Case No. 2015-037, (Final Decision and Order, December 29, 2020) (Physician engaged in repeated acts of disruptive behavior. License was indefinitely suspended with any stay of the suspension conditioned on a PHS evaluation and compliance with any PHS recommendations.); *In the Matter of Annette Winter, M.D.*, Adjudicatory Case No. 03-15-DALA (Final Decision and Order, November 17, 2004) (Physician accused Dean of a medical school of sabotaging her employment in Massachusetts, writing harassing letters to the President of the Dean's university, and to the Dean's elderly parents, as well as accusing the Dean of tapping her phone lines and conducting surveillance on her. She was Summarily Suspended initially and subsequently had her inchoate right to renew indefinitely suspended.)

The Board hereby terminates the Summary Suspension and INDEFINITELY SUSPENDS the Respondent's inchoate right to renew his license to practice, effective as of the date of this Final Decision and Order, as to the criminal violations and stalking behaviors. Any stay of the suspension would be contingent upon a Physician Health Service evaluation for any mental health and substance use issues, a neuropsychological evaluation with a board-approved neuropsychologist, and compliance with any recommendations from such evaluations incorporated into a Probation Agreement, together with any other conditions the Board deems appropriate.

The Respondent shall provide a complete copy of this Final Decision and 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 Program. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this 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. The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c. 112, § 64.

Date: October 21, 2021

A handwritten signature in black ink, appearing to read 'Julian Robinson', followed by a horizontal line.

Julian Robinson, M.D.  
Chair  
Board of Registration in Medicine