THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss **Division of Administrative Law Appeals**

14 Summer Street, 4th Floor

**Board of Registration in Medicine**, Malden, MA 02148

Petitioner (781) 397-4700

**www.state.ma.us/dala**

v.

Docket No. RM-18-0411

**Donald Berman, M.D.**,

Respondent

**Appearance for Petitioner**:

Erik R. Bennett, Esq.

Board of Registration in Medicine

178 Albion Street, Suite 330

Wakefield, MA 01880

**Appearance for Respondent**:

Megan Grew Pimentel, Esq.

Adler Cohen Harvey Wakeman Guekguezian LLP

75 Federal Street

Boston, MA 02110

**Administrative Magistrate**

James P. Rooney

**Summary of Decision**

Internist who was disciplined in the State of Washington for failing to obtain the consent of two female patients before performing breast exams is subject to discipline by the Board.

**RECOMMENDED DECISION**

On June 29, 2018, the Board of Registration in Medicine issued a Statement of Allegations ordering Donald Berman, M.D., who is board certified in internal medicine, to show cause why he should not be disciplined because he stipulated to informal discipline by

the State of Washington due to his failure to obtain consent from two female patients before performing a breast exam, his failure to communicate his intention to perform these breast exams, and his failure to offer these patients a chaperone prior to the examinations.[[1]](#footnote-1)

On January 11, 2023, by mutual agreement among the parties, Complaint Counsel filed a Joint Stipulation. The Stipulation is attached as Exhibit 1.

Other than the Stipulation and the admissions of fact it contains, I have not taken evidence with respect to the facts of this matter. I adopt the facts as stipulated. The conclusions of law set forth in the Stipulation are warranted and I therefore adopt them as well.

Based on the foregoing, I recommend that the Board impose such discipline on Dr. Berman as it deems appropriate in light of the facts and conclusions of law as stipulated by the parties. I note that the parties have recommended that the doctor be reprimanded.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Signed by James P. Rooney

James P. Rooney

First Administrative Magistrate

Dated: January 26, 2023

1. Washington required the doctor to take courses in boundaries and patient communication. [↑](#footnote-ref-1)