

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case No. 2023-001

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In the Matter of )  
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)  
BRIAN L. COOLBAUGH, M.D. )  
\_\_\_\_\_)

**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine (Board) has determined good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Brian L. Coolbaugh, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 20-283.

Biographical Information

1. The Respondent is certified by the American Board of Radiology. He is a 1982 graduate of the University of Massachusetts Medical School and has been licensed to practice medicine in Massachusetts since 1987 under certificate number 57375. He was previously affiliated with Milford Regional Medical Center (MRMC). The Respondent is currently affiliated with Nashoba Valley Medical Center and Holy Family Hospital.

Factual Allegations

2. On diverse dates between 2018 and 2020, the Respondent sent Health Insurance Portability and Accountability Act (HIPAA)-protected images via text message to his ex-girlfriend.

3. The protected images included X-rays and CT scans of patients.

4. The American Medical Association (AMA) Principles of Medical Ethics state that a physician “shall safeguard patient confidences and privacy within the constraints of the law.” AMA Principles of Medical Ethics, § IV.

#### Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the members of the Board, that said physician has committed misconduct in the practice of medicine.

B. Pursuant to G.L. c. 112, § 5 eighth par. (c) and 243 CMR 103(5)(a)3, the Board may discipline a physician upon proof satisfactory to a majority of the members of the Board, that said physician has engaged in conduct that places into question his competence to practice medicine.

C. Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982); and Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996), the Board may discipline a physician upon proof satisfactory to a majority of the members of the Board, that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,



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Julian N. Robinson, M.D.  
Board Chair

Date: 1/5/2023