

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-055

_____)
In the Matter of)

JOAN FINKELSTEIN, M.D.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that 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 Joan Finkelstein, 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. 14-407.

Biographical Information

1. The Respondent was born on October 20, 1949. She is a 1994 graduate of the University of Massachusetts Medical School. She is board-certified in psychiatry and has been licensed to practice medicine in Massachusetts since 1998 under certificate number 156642.

Factual Allegations

2. On March 27, 2014, officers from the Brookline Police Department (Officers) went to 1180 Beacon Street to investigate a report of a fight in progress. When they arrived on scene, they spoke with several witnesses who said that the Respondent assaulted Female A over a parking space.

3. The witnesses told the officers that the Respondent had been banging on Female A's car. They saw the Respondent reach inside Female A's car. When Female A exited her car, the Respondent continued to verbally harass her.

4. The Respondent placed her hands on Female A's arms in an attempt to make her get back into the car and move the car.

5. On March 31, 2014, the Respondent appeared before the Brookline District Court for arraignment on charges of Assault and Battery, Disorderly Conduct, and Disturbing the Peace.

6. On May 21, 2014, the Respondent resolved her matter before the court by agreeing to be placed on Pre-Trial Probation (PTP) for three months.

7. The court dismissed the Respondent's case on August 21, 2014, after she successfully completed the terms of her PTP.

Legal Basis for Proposed Relief

Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician 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,

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

Date: 11/8/18