

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-011

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)  
In the Matter of )

ROBERT J. RIZZO, 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 Robert J. Rizzo, 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. 13-305.

Finding of Facts

1. The Respondent was born on November 7, 1956. He graduated from Yale University School of Medicine in 1982. He has been licensed to practice medicine in Massachusetts under certificate number 71052 since 1989. He is board-certified in Thoracic Surgery.
2. On July 13, 2013, the Respondent was parked in the passenger pickup area of Terminal C at Logan International Airport waiting to pick up his wife and daughter, who had let him know they were on their way out of the terminal
3. A State Trooper motioned and then asked the Respondent to move his vehicle.

4. The Respondent acknowledged the State Trooper but did not move his vehicle. A testy conversation ensued.

5. The State Trooper noticed the Respondent's passengers approaching the Respondent's vehicle. He allowed the Respondent to wait for his passengers, load their bags into his vehicle and get into his vehicle.

6. After the Respondent and his daughter were back inside his vehicle, the Respondent got out of the vehicle to assist his wife and to check the trunk. While doing so the Respondent made a sarcastic comment to the Trooper.

7. The State Trooper then told the Respondent that he could be arrested for disorderly conduct.

8. After the Respondent got back in his car, the State Trooper approached the Respondent's vehicle to ask for the Respondent's license and registration.

9. The Respondent quickly pulled away from the curb, unintentionally running over the State Trooper's foot.

10. The Respondent was arrested by the Massachusetts State Police in the Ted Williams Tunnel. He was charged with Assault and Battery with a Dangerous Weapon, to wit his vehicle, Disorderly Conduct, Assault and Battery on a Police Officer, Leaving the Scene of Personal Injury, and Negligent Operation of a Motor Vehicle.

11. The State Trooper was taken to Massachusetts General Hospital with injuries to his foot.

12. On July 15, 2013, the Respondent was arraigned in the East Boston District Court on the above-referenced charges to which he plead not guilty.

13. On November 12, 2013, the Respondent admitted that there were sufficient facts upon which the court could find him guilty of the Assault and Battery with a Dangerous Weapon

charge. The matter was continued without a finding for one year, and the other remaining charges were all placed on file without a change of plea.

14. The Respondent successfully completed his term of probation. On November 12, 2014, the Assault and Battery with a Dangerous Weapon charge was dismissed.

15. The Respondent voluntarily entered into a Physician Health Services (PHS) behavioral monitoring contract immediately following his arrest. He successfully completed the contract on November 18, 2015.

#### LEGAL BASIS FOR PROPOSED RELIEF

A. 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, *et seq.*

#### 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 he should not be disciplined for the conduct described herein.

By the Board of Registration in Medicine,

*Candace Lapidus Sloane, MD*

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Candace Lapidus Sloane, M.D.  
Chair

Dated: March 29, 2018

SENT CERTIFIED MAIL 3/30/18 (MS)