

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case No. 2021-026

In the Matter of

DAVID S. ROBINSON, M.D.

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (the "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 David S. Robinson, M.D. (the "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. 19-286.

Biographical Information

1. The Respondent was born on June 21, 1973. He graduated in 2014 from the University of California School of Medicine. He has been licensed to practice medicine in Massachusetts since 2016 under certificate number 267279 and specializes in psychiatry.

Factual Allegations

2. On November 24, 2018, the Respondent was working on call in the Carney Hospital Adult Psychiatric Unit (the "Unit") from 7:00 am until 5:00 pm.

3. While on call as described in the preceding paragraph, the Respondent "rounded" on the Unit in the morning and left from Carney Hospital ("Carney") in the early afternoon but

remained the on-call psychiatrist for the Unit that day. There were no adverse events that occurred while the Respondent was rounding on patients.

4. Later in the afternoon on November 24, 2018, the charge nurse in the Unit spoke to the Respondent by telephone to address several patient care-related questions that she had.

5. Over the course of the phone call described in the preceding paragraph, the Respondent had difficulty responding to the charge nurse's patient care-related questions.

6. Physician A, another physician from the Unit, spoke to the Respondent by phone for approximately 2-3 minutes at or around 3:15 pm on November 24, 2018 and observed the Respondent's speech to be slurred.

7. Due to the Respondent's difficulty speaking, Physician A grew concerned that the Respondent had suffered a stroke and contacted the East Bridgewater Police Department at or around 3:30 pm on November 24, 2018 to request a wellness check.

8. In response to Physician A's request for a wellness check as requested in the preceding paragraph, officers of the East Bridgewater Police Department ("East Bridgewater PD") visited the Respondent's residence at or around 3:40 pm on November 24, 2018 to confirm his wellbeing.

9. East Bridgewater PD made contact with the Respondent when they visited his residence as described in the preceding paragraph and the Respondent declined medical assistance.

10. The Respondent's condition on November 24, 2018, as described in ¶¶ 2-9, above, was due to alcohol intoxication.

11. The Respondent was on call on Sunday, November 25, 2018, made rounds and had no adverse events.

12. On March 10, 2019, at approximately 9:55 pm, the Respondent was driving his car on Route 24 in Randolph, MA.

13. The Respondent was stopped by a Trooper of the Massachusetts State Police (the “Trooper”) after he was involved in a minor collision with another motorist while he was driving as described in the preceding paragraph.

14. The Respondent experienced difficulty in communicating with the Trooper and admitted that he had consumed alcohol before driving.

15. The Respondent was requested by the Trooper to perform field sobriety tests and performed poorly on same.

16. The Respondent was subsequently arrested.

17. The Respondent was subsequently charged with various vehicular criminal offenses, including operating under the influence of an intoxicating liquor in violation of Mass. Gen. Laws c. 90 § 24(1)(a)(1) (“OUI”).

18. On March 26, 2019 the Respondent admitted to sufficient facts for a guilty finding pursuant to Mass. Gen. Laws c. 276 § 87 and received a Continuance Without a Finding disposition on the OUI charge while all other charges against him were dismissed.

Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)(4), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician practiced medicine while the ability to practice was impaired by alcohol; and

B. 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 Mass. Gen. Laws c. 30A and 801 CMR 1.01.

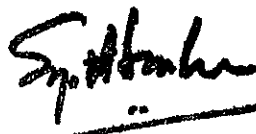
Nature of Relief Sought

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 or revocation of the Respondent's inchoate right to renew his 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,

A handwritten signature in black ink, appearing to read "G. M. Abraham", is written over a horizontal line.

George M. Abraham, M.D.
Board Chair

Dated: June 3, 2021