

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2021-022

In the Matter of)
)
)
DONALD SCHIERMER, 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 Donald R. Schiermer, 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. 17-285.

Biographical Information

1. The Respondent was born on April 5, 1955. The Respondent graduated in 1996 from The Medical College of Pennsylvania. He has been licensed to practice medicine in Massachusetts under license number 239830 since 2009.

Findings of Fact

2. The Respondent is Board certified in Family Medicine.
3. Patient A began treatment with the Respondent in April 2016. Patient A suffered from multiple diagnoses including anxiety, bipolar disorder, attention deficit disorder and

substance abuse issues. The Respondent prescribed Patient A a combination of opioids and benzodiazepines.

4. On September 26, 2017, Patient A died of acute heroin intoxication. The manner of death was determined to be an accidental overdose.

5. Patient A's medical records were requested by the Board. The Respondent had difficulty compiling the records because they were not organized. However, the records were eventually produced to the Board.

6. An Expert in the field of Psychiatry and Forensic Psychiatry reviewed the Board's investigation and Patient A's medical records. The Expert found several areas of the Respondent's medical practice that fell below the recognized standard of care, including but not limited to:

- a. Inadequate documentation in the medical records of Patient A,
- b. The record of Patient A lacks any basic information in support of or even clearly documenting treatment decisions or their rationale,
- c. Prescriptions issued to Patient A are unsupported by adequate or compelling documentation of medical decision making.

Conclusions of Law

A. Pursuant to G.L. c. 112, §5, eighth par. (b), and 243 C.M.R. 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has committed an offense against any provisions of the laws of the Commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder, to wit:

- i. 243 CMR 2.07(13)(a), which requires a physician to maintain a medical record for each patient that is adequate to enable the licensee to provide proper diagnosis and

treatment; and/or maintain a patient's medical record in a manner which permits the former patient or successor physician to access them.

B. 243 CMR 2.07(13)(a), which requires a physician to maintain a medical record for each patient that is adequate to enable the licensee to provide proper diagnosis and treatment; and/or maintain a patient's medical record in a manner which permits the former patient or successor physician to access them.

C. *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), which provide for discipline where, by proof satisfactory to a majority of the Board, a 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.

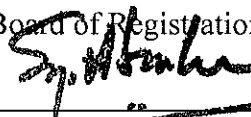
Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation of the Respondent's inchoate right to renew his license to practice medicine in Massachusetts.

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,



George M. Abraham, M.D.
Board Chair

Date: April 22, 2021