

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-022

In the Matter of)
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ROBERT A. WEISSBERG, 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 A. Weissberg, 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. 14-176.

Biographical Information

1. The Respondent was born on December 27, 1952. He graduated from the University of Michigan Medical School in 1978. He is certified by the American Board of Family Medicine. He has been licensed to practice medicine in Massachusetts under certificate number 241501 since August 2009. He is also licensed to practice medicine in New York.
2. Beginning in January 2010, the Respondent practiced as a primary care physician at the Marino Center for Integrated Health (the “Marino Center”) in Cambridge, Massachusetts.
3. The Marino Center provided an integrated approach to medicine that combined traditional and alternative medicines.

4. Marino Center physicians commonly spent more time with patients during examinations and appointments than in a traditional practice.

5. During his time with patients at the Marino Center, the Respondent would sometimes touch patients on the arm or back, or give them a hug as a gesture of support.

6. In July 2013, Mt. Auburn Hospital purchased the Marino Center.

7. The Respondent continued to work at the Marino Center, as a Mt. Auburn Professional Services employee, from July 1, 2013 until April 2014.

8. In early January 2014, the Respondent tendered his resignation from Mt. Auburn Hospital in order to return to New York to work full-time, such resignation to be effective April 10, 2014.

Factual Allegations

9. In the summer of 2011, one of the Respondent's patients complained to the Marino Center that she was uncomfortable that the Respondent had hugged her.

10. In the fall of 2011, another patient complained to the Marino Center that she felt uncomfortable when the Respondent commented on her appearance.

11. In the summer of 2012, another patient complained that the Respondent touched her too much during an office visit, although not in a sexual manner.

12. In the fall of 2013, an internal medicine resident spent a day with the Respondent, observing his practice.

13. The resident complained to her supervisor that the Respondent made her uncomfortable by asking her personal questions and intruding into her personal space.

14. Shortly after the above complaints, the Respondent was made aware of the complaints and counseled to be more aware of people's perceptions.

15. In late March 2014, another patient verbally complained to Mt. Auburn Hospital staff concerning billing issues. During the course of the conversation, the patient complained that she felt uncomfortable because of the Respondent's proximity during an examination.

16. On or about March 28, 2014, the Respondent met with the Chief of Medicine and the Assistant Chair of Medicine of Mt. Auburn Hospital to discuss the above complaints.

17. The Respondent relocated to New York in April 2014 after giving his notice to Mount Auburn Professional Services in early January 2014.

18. The Respondent has taken a number of actions in order to improve his insights into his interaction with patients. Among these actions are the following:

- a. The Respondent voluntarily contacted the Committee for Physician Health in New York, and arranged to be monitored by them for one year;
- b. The Respondent obtained a voluntary clinical evaluation, and is following all recommendations; and,
- c. The Respondent successfully completed a three-day medical education course on maintaining appropriate boundaries.

Legal Basis for Proposed Relief

A. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *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,



Kathleen Sullivan Meyer
Board Vice Chair

Date: June 4, 2015