

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2012-002

In the Matter of )

RICHARD GOLDWATER, 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 Richard Goldwater, 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. 11-412.

Biographical Information

1. The Respondent was born on November 9, 1941. He is a psychiatrist in solo practice. He graduated from graduate of Boston University School of Medicine in 1967. He has been licensed to practice medicine in Massachusetts under certificate number 31990 since December 19, 1969. The Respondent's license lapsed at midnight on November 9, 2011.

Factual Allegations

2. On November 4, 2011, the Respondent contacted the Division of Law and Policy's Attorney-of-the-Day (AOD) line asking whether he was required to have medical

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malpractice insurance. At that time, he disclosed to the AOD attorney that he did not have malpractice insurance.

3. The Respondent was in the process of renewing his license to practice medicine, which was due to expire by midnight on November 9, 2011.

4. On November 9, 2011, the insurance company and the Respondent submitted to the Board proof of medical malpractice insurance by way of a Certificate of Insurance. However, the Certificate of Insurance stated that the policy was effective November 18, 2011.

5. The Respondent was not able to submit proof of an active insurance policy by midnight on November 9, 2011 and his license lapsed.

6. On November 10, 2011 the insurance company and the Respondent submitted an amended Certificate of Insurance, which was effective November 9, 2011.

7. The Respondent rendered direct or indirect patient care in the Commonwealth of Massachusetts between August 1, 2010 and November 9, 2011.

8. The Respondent obtained retroactive coverage for the period of August 1, 2010 through November 9, 2011.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §5, ninth par. (h) and 243 CMR 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has violated of a rule or regulation of the Board. Specifically:

1. Pursuant to 243 C.M.R. 2.07(16), a physician must obtain professional malpractice liability insurance as a condition of rendering any direct or indirect patient care in the Commonwealth of Massachusetts.

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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.

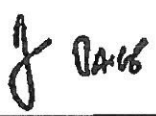
Nature of Relief Sought

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,



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Peter Paige, M.D.  
Chairman

Date: January 18, 2012

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Conclusion of Law

A. Pursuant to G.L. c. 112, §5, ninth par. (h) and 243 CMR 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has violated of a rule or regulation of the Board. Specifically:

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Sanction and Order

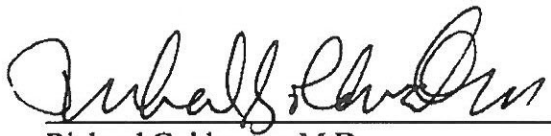
The Respondent's license is hereby reprimanded and fined \$1,500. Said fine shall be paid within six months of the Board's adoption of this Consent Order.

Execution of this Consent Order

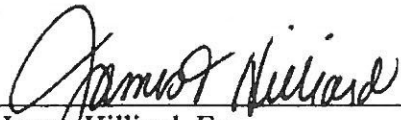
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand and fine. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

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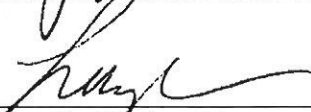
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

  
Richard Goldwater, M.D.  
Licensee

December 24, 2011  
Date


  
James Hilliard, Esq.  
Attorney for the Licensee

December 22, 2011  
Date

  
Luz A. Carrion, Esq.  
Complaint Counsel

12/28/11  
Date

So ORDERED by the Board of Registration in Medicine this 18<sup>th</sup> day of January, 2012.

  
Peter Paige, M.D.  
Chairman

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