

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOARD OF REGISTRATION  
IN MEDICINE

Adjudicatory Case No. 86-1-BO

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In the Matter of )  
LEONARD FRIEDMAN, M.D. )  
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FINAL DECISION AND ORDER

Appearances: James J. Barrett, Esq., for the Board of  
Registration in Medicine  
Nathaniel M. Sherman, Esq., for the Respondent

I. SUMMARY OF PROCEEDINGS

This case was commenced by Order to Show Cause, dated July 17, 1985, in which the Board of Registration in Medicine (the "Board") alleged that Leonard Friedman, M.D. (the "Respondent") had violated M.G.L. c. 112, secs. 5(c)(gross misconduct in the practice of medicine), 5(h)(violation of the Board's rules and regulations) and 61 (malpractice in the practice of medicine), and 243 CMR 1.03 (5)(a)(3). Specifically, the Board alleged that the Respondent had sexually assaulted a female patient (the "Patient") during two office visits. The Board further alleged that the Respondent had sexual intercourse with the Patient during a third office visit. The Respondent's Answer to the Order to Show Cause (the "Answer") admitted that the three office visits had taken place but denied that there had been any sexual activity between himself and the Patient during the visits.

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Following the Hearing Officer's rulings on a number of motions to continue, a change of Hearing Officer, and rulings by the substituted Hearing Officer on further motions to continue, a full adjudicatory hearing on this matter commenced on April 17, 1986, continued on May 6, 1986 and June 3, 1986, and concluded on June 20, 1986. Both parties provided proposed findings of fact. Complaint Counsel also submitted written closing argument.

## II. Description of the Evidence Presented

The following is a brief description of the relevant evidence presented:

Complaint Counsel offered the testimony of:

- (a) "LD" (the "Patient"), concerning the care and treatment provided by the Respondent from July 29, 1980 through August 9, 1982; the events surrounding the alleged sexual activity occurring between herself and the Respondent during three visits to the Respondent's office on June 7, 1986, June 22, 1986 and July 6, 1986 (hereinafter collectively referred to as the "Visits"); and an August 9, 1982 telephone conversation with the Respondent;
- (b) George C. Galitis, D.M.D., the Patient's dentist, concerning treatment provided to the Patient during a June 8, 1986 office visit and statements made by the Patient during that visit about the events that allegedly occurred during the Patient's June 7, 1986 visit with the Respondent; and

