

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

File No: C06 - 215

In the matter of:

Jeff K Hersh, MD
License #: MD 11795

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) the State of Massachusetts, Board of Registration in Medicine notified the Board of Medical Licensure and Discipline that the Respondent had been subject to disciplinary action in the State of Massachusetts. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of §5-37-5.1 of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Facts

1. The Respondent, Jeff K Hersh MD., was disciplined by the Massachusetts, Board of Registration in Medicine, for engaging "in conduct that undermines the integrity of the medical profession..." The Massachusetts order dated March 1, 2006 is incorporated and attached herewith pursuant to R.I.G.L. 5-37-5.1 (21).

The parties agree as follows:

The Respondent is a physician with an allopathic license No. MD 11795. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

Respondent hereby acknowledges and waives:

1. The right to appear personally or by counsel or both before the Board;
2. The right to produce witnesses and evidence in his behalf at a hearing;
3. The right to cross-examine witnesses;
4. The right to have subpoenas issued by the Board;
5. The right to further procedural steps except for specifically contained herein;

Any and all rights of appeal of this Consent Order;

6. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

7. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

8. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

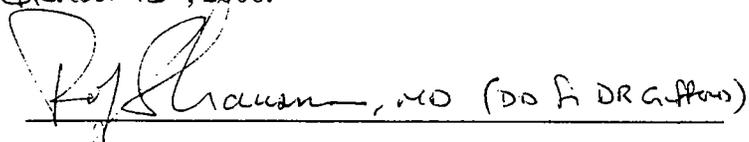
9. Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

10. Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
11. Respondent shall be subject to the same restrictions and limitations as imposed by Massachusetts.
12. Respondent accepts a finding of unprofessional conduct in violation of § 5-37-5.1
Respondent accepts a sanction of Reprimand.

Signed this 10th day of August, ~~2005~~ 2006.

Jeff K Hersh, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held on September 13, 2006.


David Gifford, MD (DO & DR Gifford)

David Gifford, MD, MPH
RI Director of Health

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

Board of Registration in Medicine
Adjudicatory Case No. 2006-009

IN THE MATTER OF)
JEFFREY HERSH, M.D.)
_____)

CONSENT ORDER

Jeffrey Hersh, M.D., (the "Respondent") and Complaint Counsel agree that the Board of Registration in Medicine (the "Board") may issue this Consent Order, in lieu of convening an adjudicatory proceeding, with all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact described below and agrees the Board may make conclusions of law and impose a sanction as set forth below.

FINDINGS OF FACT

1. The Respondent, M.D. was born on March 25, 1958. He graduated from the University of Miami School of Medicine in 1990. He is certified by American Board of Internal Medicine and the American Board of Pediatrics. He has been licensed to practice in Massachusetts since July 2, 1997 under certificate number 154337. The Respondent works for the Faulkner Hospital Emergency Department and for Cambridge Health Alliance in the Somerville Hospital Emergency Department.
2. On October 21, 2004, the Respondent and another emergency room physician were on duty in the emergency department at St. Vincent's Hospital in Worcester, Massachusetts.

3. The Respondent and the emergency department physician got into a verbal disagreement over who was providing care to a patient in the emergency department.
4. During the verbal argument, the Respondent got close to the emergency department physician and in a loud voice said, "If you diss me again I will rip you to shreds."
5. The verbal altercation was observed by hospital staff and patients who were in the emergency department hallway.
6. On November 22, 2004, St. Vincent's Hospital imposed disciplinary action against the Respondent. This action required the Respondent to attend Physician Health Services for counseling and to attend monthly meetings with the Chief of the Emergency Department. In addition, the Respondent received a one day administrative leave from the hospital and was advised that any further behavioral incidents could result in termination of his employment at St. Vincent's Hospital.

CONCLUSION OF LAW

The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession, in violation of the standards set forth in Levy v. Board of Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 706 (1982).

SANCTION

The Respondent is hereby reprimanded by the Board and fined \$2,500. The Respondent shall to pay the \$2,500 fine in full on or before March 20, 2006. The Board will not renew the license of any physician who fails to pay a fine in a timely manner; this step will be taken automatically and no further notice or process will apply.

This sanction is imposed for Docket No. 04-635.

EXECUTION OF THIS CONSENT ORDER

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signatures of the Respondent, his attorney and Complaint Counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on the Consent Order. As to any matter this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone else acting on his behalf has received any promises or representations regarding the same.

The Respondent waives any right of appeal he may have resulting from the Board's acceptance of this Consent Order.

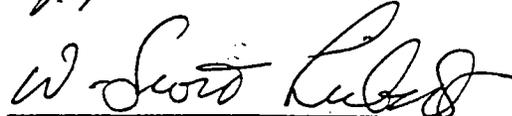
The Respondent shall provide a complete copy of this Consent Order, with all exhibits and attachments, if any, within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: the Drug Enforcement Administration Boston Diversion Group, any in-state or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in-state or out-of-state health maintenance organization with whom he has privileges or any kind of association; any state agency, in-state or out-of-state, with which he has a provider contract; any in-state or out-of-state medical employer, whether or not he practices medicine there; and the state licensing boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which

he becomes associated in the year following the date of the imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

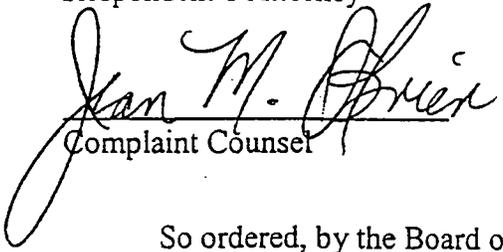
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above or any other affected entity, of any action it has taken.


Respondent

3/1/06
Date

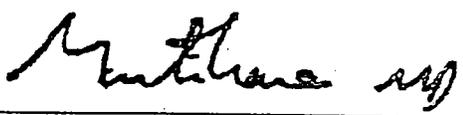

Respondent's Attorney

3/1/06
Date


Complaint Counsel

3/1/06
Date

So ordered, by the Board of Registration in Medicine on this 1st day of March, 2006.

By the Board of Registration in
Medicine,

Martin Crane, M.D.
Chairman

Sent by certified mail on 3/1/06 by gmf

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

Board of Registration in Medicine
Adjudicatory Case No. 2006-009

IN THE MATTER OF)
JEFFREY HERSH, M.D.)
_____)

STATEMENT OF ALLEGATIONS

In regard to Board of Registration in Medicine (the "Board") Docket No. 04-635, the Board has reason to believe that Jeffrey Hersh, M.D. (the "Respondent") engaged in a verbal altercation in the emergency room with another emergency room physician while other hospital staff and patients were nearby.

BACKGROUND

1. The Respondent, M.D. was born on March 25, 1958. He graduated from the University of Miami School of Medicine in 1990. He is certified by American Board of Internal Medicine and the American Board of Pediatrics. He has been licensed to practice in Massachusetts since July 2, 1997 under certificate number 154337. The Respondent works for the Faulkner Hospital Emergency Department and for Cambridge Health Alliance in the Somerville Hospital Emergency Department.

FACTUAL ALLEGATIONS

2. On October 21, 2004, the Respondent and another emergency room physician were on duty in the emergency department at St. Vincent's Hospital in Worcester, Massachusetts.

3. The Respondent and the emergency department physician got into a verbal disagreement over who was providing care to a patient in the emergency department.
4. During the verbal argument, the Respondent got close to the emergency department physician and in a loud voice said, "If you diss me again I will rip you to shreds."
5. The verbal altercation was observed by hospital staff and patients who were in the emergency department hallway.
6. On November 22, 2004, St. Vincent's Hospital imposed disciplinary action against the Respondent. This action required the Respondent to attend Physician Health Services for counseling and to attend monthly meetings with the Chief of the Emergency Department. In addition, the Respondent received a one day administrative leave from the hospital and was advised that any further behavioral incidents could result in termination of his employment at St. Vincent's Hospital.

LEGAL BASIS FOR PROPOSED RELIEF

Pursuant to Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), and Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct which undermines 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, *et seq.*

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 he should not be disciplined for the conduct described herein.

By the Board of Registration in Medicine,



Martin Crane,
Chairman

Dated: March 1, 2006

Sent by certified mail on 3/1/06 by gmf