

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

File No: C05-519

In the matter of:

Murray Dimant., MD
License #: MD06999

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.1, 1956, as amended, (2000 Reenactment), the 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(21) of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Facts

1. The Respondent, Murray Dimant., MD., was disciplined by the Massachusetts Board of Registration in Medicine for a boundary violation. The Massachusetts order dated September 18, 2002 is incorporated and attached herewith.
2. The Respondent has complied with the requirements that a chaperone be present when treating female patients as stipulated in the referenced consent order.

The parties agree as follows:

1. The Respondent is a physician with an allopathic license No. MD 6999
2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
3. Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval 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;
6. Any and all rights of appeal of this Consent Order;
7. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; 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. If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged

unprofessional conduct. Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

9. 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 the State of Massachusetts.

12 Respondent accepts a finding of unprofessional conduct in violation of § 5-37-5.1

13. Respondent accepts a sanction of 5 years Probation and continued adherence to requirements placed upon his practice by the Massachusetts Board of Registration in Medicine; These requirements shall also be required for any practice in R.I.

Signed this 8 day of Aug, 2005.



Murry Dimant, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held

on Sept. 14, 2005.



David Gifford, MD, MPH
RI Director of Health

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No.
02-40-XX

In the Matter of)
)
Murray Dimant, M.D.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (the Board) has reason to believe that Murray Dimant, M.D. (the Respondent), engaged in inappropriate sexual conduct with a portable x-ray technician at St. Anne's Hospital.

BACKGROUND

1. The Respondent was born on July 3, 1952. He graduated from the New York University School of Medicine in 1976. He is certified by the American Board of Radiology. He has been licensed to practice medicine in Massachusetts since July 8, 1977 under certificate number 41213. He is not licensed to practice medicine in any other state. The Respondent is currently practicing medicine at St. Anne's Hospital in Fall River, Massachusetts.

FACTUAL ALLEGATIONS

2. On May 19, 2000, the Respondent engaged in the following conduct in the x-ray reading room at St. Anne's Hospital with a portable x-ray technician who was eight months pregnant: he made sexually explicit remarks about her breasts, took her hand and placed it on his

groin, rubbed his groin up against her body, put his hands inside the back of her shirt, grabbed her buttocks and reached his hands down into her shirt and rubbed her breasts.

3. Immediately after the incident, the x-ray technician left St. Anne's Hospital, telephoned her supervisor and went to the Fall River Police Department to file a criminal complaint against the Respondent.

4. On May 20, 2000, the Respondent was arrested at St. Anne's Hospital and charged with two counts of indecent assault and battery on a person over 14 years of age and one count of assault and battery. He was arraigned on these charges in Fall River District Court on May 20, 2000.

5. On March 11, 2002, the Respondent appeared in the Fall River District Court and admitted to sufficient facts for a finding of guilty on all three criminal charges. The criminal case was continued without a finding for a period of three years. The Respondent was ordered to participate in sex offender treatment and undergo a psychiatric evaluation.

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 the public confidence in the integrity of the medical profession or indicates a lack of good moral character.

Pursuant to G.L. c. 112, §5(c) and 243 CMR 1.03(5)(a)(3), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct which places into question his ability to practice medicine.

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. 30 A 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 the revocation or suspension of the Respondent's license to practice medicine. In addition to or instead of revocation or suspension, the Board may also order one or more of the of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training, or restrictions on 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,**



**Peter N. Madras, M.D.
Chairman**

Dated: September 18, 2002

Notified by Certified Mail 09/18/02

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No.
02-40-XX

In the Matter of)
)
Murray Dimant, M.D.)
_____)

CONSENT ORDER

Murray Dimant, M.D. (Respondent) and the Complaint Counsel, agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with all of 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 specified below and agrees that the Board may make the conclusions of law and impose the sanctions set forth below.

FINDINGS OF FACT

1. The Respondent was born on July 3, 1952. He graduated from the New York University School of Medicine in 1976. He is certified by the American Board of Radiology. He has been licensed to practice medicine in Massachusetts since July 8, 1977 under certificate number 41213. He is not licensed to practice medicine in any other state. The Respondent is currently practicing medicine at St. Anne's Hospital in Fall River, Massachusetts.

2. On May 19, 2000, the Respondent engaged in the following conduct in the x-ray reading room at St. Anne's Hospital with a portable x-ray technician who was eight months pregnant: he made sexually explicit remarks about her breasts, took her hand and placed it on his

groin, rubbed his groin up against her body, put his hands inside the back of her shirt, grabbed her buttocks and reached his hands down into her shirt and rubbed her breasts.

3. Immediately after the incident, the x-ray technician left St. Anne's Hospital, telephoned her supervisor and went to the Fall River Police Department to file a criminal complaint against the Respondent.

4. On May 20, 2000, the Respondent was arrested at St. Anne's Hospital and charged with two counts of indecent assault and battery on a person over 14 years of age and one count of assault and battery. He was arraigned on these charges in Fall River District Court on May 20, 2000.

5. On June 7, 2001, the Respondent disclosed on his 2001-2003 Physician Registration Renewal Application the facts contained in paragraph 4 of this Consent Order.

6. On March 11, 2002, the Respondent appeared in the Fall River District Court and admitted to sufficient facts for a finding of guilty on all three criminal charges. The criminal case was continued without a finding for a period of three years. The Respondent was ordered to participate in sex offender treatment and undergo a psychiatric evaluation.

CONCLUSIONS OF LAW

The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession and indicates a lack of good moral character in violation of the standards set forth in *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982) and *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979).

The Respondent has violated G.L. c. 112, §5(c) and 243 CMR 1.03(5)(a)(3) in that he has engaged in conduct which places into question his ability to practice medicine.

SANCTION AND ORDER

The Respondent is hereby reprimanded. The Respondent is required to enter into a Probation Agreement that includes a provision requiring the Respondent to use a chaperone for all female patients and the completion of ten (10) hours of Category I Continuing Medical Education credits, over and above that which is required for renewal, in the area of boundaries and communication.

EXECUTION OF THIS CONSENT ORDER

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature 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 stipulations contained herein shall be null and void; thereafter neither of the parties nor anyone else may rely on these stipulations in this proceeding. As to any matter that this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that 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 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 he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- 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.

Date: 9/4/02

Murray Dimant
Murray Dimant, M.D.
Respondent

Date: 9/4/02

Joseph H. Silvia
Joseph H. Silvia, Esquire
Attorney for the Respondent

Date: 9/9/02

Jodi A. Greenburg
Jodi A. Greenburg, Esq.
Complaint Counsel

Approved by the Board of Registration in Medicine, this 18th day of September, 2002.

Peter N. Madras, M.D.
Peter N. Madras, M.D.
Chairman

Notified by Certified Mail as 9/11/02

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

BOARD OF REGISTRATION
IN MEDICINE_____
In the Matter ofMurray Dimant, M.D.

Adjudicatory Case No:

02-40-XX

PROBATION AGREEMENT**I. COMPLIANCE WITH AGREEMENT**

The Respondent agrees that violation of this Probation Agreement, including such provisions which survive this Agreement, shall constitute sufficient grounds for the immediate suspension of the Respondent's license to practice medicine, or any such lesser sanction as the Board may deem fit to impose, without prior notice to the Respondent. The Respondent hereby waives any claim or defense to any subsequent action by the Board to suspend the Respondent's license or impose such other lesser sanction, for any such violation or violations, except that the Respondent shall be entitled to defend against the assertion of a violation of this Agreement. Respondent acknowledges and agrees that by entering into this Agreement, the Respondent is relinquishing important procedural and substantive rights.

II. PARTIES

The parties to this Probation Agreement are the Board of Registration in Medicine (the "Board") and Murray Dimant, M.D. (the "Respondent").

III. JURISDICTION

The parties agree that the Board has the authority to enter into this Probation Agreement, and that the Board may enforce the terms of this Agreement in accordance with applicable laws and regulations and the provisions of this Agreement.

IV. CONDITIONS OF PROBATION

During the probationary period, which shall be effective on the date the Board accepts this Agreement, the Respondent shall comply with each of the following requirements:

- A. The Respondent agrees to undergo monitoring by the Board until at least September 18, 2007, and for such further period thereafter as the Board shall for reasonable cause order. At the Board's discretion, any periods during which the Respondent is not practicing medicine, during the probationary period, may extend the probationary period.

- B. In the event that the Respondent seeks licensure to practice medicine in

another state, the Respondent shall notify the Board of such fact and shall disclose to the licensing authority in such state his status with this Board. The Respondent shall submit to the Board copies of all correspondence and application materials submitted to another states' licensing authority.

C. In the event the Respondent should leave Massachusetts to reside or practice out of the state, the Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside Massachusetts will not apply to the reduction of any period of the Respondent's probationary licensure, unless the Respondent enters into a monitoring agreement, approved by the Board, in the new location.

D. The Respondent shall appear before the Board or a committee of its members at such times as the Board may request, upon reasonable advance notice, commensurate with the gravity or urgency of the need for such meeting as determined by the Board or such committee.

E. The Respondent shall notify and provide, within ten (10) days of acceptance of this Probation Agreement by the Board, a complete copy of this Agreement with all exhibits and attachments 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 he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with

which he has a provider contract; any in- 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 for the duration of this Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

F. The Respondent may engage in the practice of medicine under conditions that the Board may impose. The Respondent shall engage in the practice of medicine only at the following location, St. Anne's Hospital, Fall River, Massachusetts. Until the Board, upon petition of the Respondent, orders otherwise, the Respondent shall be monitored at St. Anne's Hospital by W. Robert Courey, M.D. Doctor Courey, or his Board approved successor, shall submit quarterly evaluations to the Board and confirm that a chaperone has been present when the Respondent provides care or treatment to female patients. The Respondent's monitor, and any Board approved successor monitor, shall immediately report any concerns about potential violations of this Probation Agreement and this practice plan, directly to the Board in writing.

G. The Respondent, and not the Board, shall be responsible for the payment of any fee or charge occasioned by the Respondent's compliance with this Probation Agreement.

H. The Respondent may request that the Board modify any of the conditions set forth above. The Board may, in its discretion, grant such modification. Except for

requests for modifications related to the Respondent's employment, the Respondent may make such a request not more than once in any one year period, nor any sooner than one year from the date of this Probation Agreement.

V. TERMINATION OF PROBATION

A. If the Respondent complies with his obligations as set forth above, the Board, at the expiration of the five-year period, shall, upon petition by the Respondent, terminate the Respondent's probationary period and probation with the Board, unless the Respondent's probation is extended in accordance with paragraph IV(A).

B. If the Respondent fails to comply with his obligations as set forth above, the Respondent's license to practice medicine may be immediately suspended, as agreed in Section I.

Date

9/11/02
Date

Murray Demand MD
Respondent
Joseph St. Aubin
Attorney for the Respondent

Accepted this 18th day of September, 2002, by the Board of Registration in Medicine.

Peter N. Madras MD
Peter N. Madras M.D.,
Chairman
Board of Registration in Medicine

Notified by Certified
Mail AS 9/11/02

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY CASE NO.
02-40-XX

IN THE MATTER OF
MURRAY DIMANT, M.D.

ORDER

The Respondent's Petition for Modification of his Probation Agreement is hereby ALLOWED. Accordingly, Section IV, Paragraph F of the Probation Agreement, entered into between the Respondent and the Board on September 18, 2003 is hereby replaced with the following:

F: The Respondent may engage in the practice of medicine under such conditions that the Board may impose. The Respondent shall engage in the practice of medicine only at the following locations: St. Anne's Hospital and Prima Care Medical Center in Fall River, Massachusetts. Until the Board, upon petition of the Respondent, orders otherwise, the Respondent shall be monitored at St. Anne's Hospital and Prima Care Medical Center by W. Robert Courey, M.D. Dr. Courey, or his Board approved successor, shall submit quarterly evaluations to the Board and confirm that a chaperone has been present when the Respondent provides care or treatment to female patients. The Respondent's monitor, and any Board approved successor monitor, shall immediately report any concerns about potential violations of this Probation Agreement and this practice plan, directly to the Board in writing.

All other provisions of the Respondent's Probation Agreement remain in full force and effect.

Date: September 17, 2003



Martin Crane, M.D.
Chairman
Board of Registration in Medicine

Notified by Certified Mail 9/22/03 J

AGREEMENT FOR PRACTICE RESTRICTIONS

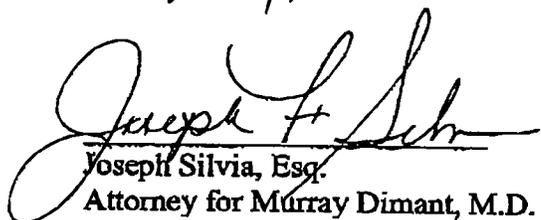
Pursuant to 243 CMR 1.05(7)(b), I, Murray Dimant, M.D., hereby agree to the following practice restrictions:

1. I will not have any direct or physical contact with patients. In the event that I come in contact with a patient, I understand that it is my affirmative duty to immediately terminate such contact.
2. The Chief of Radiology at St. Anne's Hospital, Robert Courey, M.D., will provide written monthly reports directly to the Board confirming that he has monitored my activities and that I have not had any direct or physical contact with patients.
3. This Agreement will remain in effect until either: the Board considers the results of a Board approved psychiatric evaluation, the parties have had an opportunity to be heard by the Board, and the Board determines that this Agreement should be modified or terminated; or until the Board takes other action against my license to practice medicine.
4. I am entering into this Agreement voluntarily.
5. I understand that this Agreement is a public document and is disciplinary in nature.
6. I understand that this Agreement does not represent a final determination or action of any kind and does not preclude the Board from taking any disciplinary action against me, including but not limited to possible summary suspension of my license to practice medicine, provided, however, that such authority is subject to my right(s) referred to in paragraph 8 of this Agreement.
7. Any violation of this Agreement shall be prima facie evidence supporting immediate summary suspension of my license to practice medicine.
8. I understand that by voluntarily agreeing to the practice restrictions specified in this Agreement, I do not waive my right to contest any allegations that might be brought against me by the Board in the future and my signature to this Agreement does not constitute any admissions on my part. Nothing contained in this Agreement shall be construed as an admission of wrongdoing of any kind in the practice of medicine or otherwise.
9. This Agreement represents the entire Agreement between the parties at this time.
10. I agree to provide a complete copy of this Agreement by hand-delivery to the following designated entities on March 26, 2002: any in-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which I practice medicine; and any in-state medical employer, whether or not I practice medicine there. I will certify to the Board on March 26, 2002 that I have complied with this directive.

11. Further, I agree to provide a complete copy of this Agreement by certified mail, return receipt requested, or by hand delivery to the following designated entities: any out-of-state facilities where I practice medicine, including but not limited to, hospitals, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which I practice medicine; any in or out-of-state health maintenance organization where I have privileges or any kind of associations, any out-of-state medical employer, whether or not I practice medicine there; and the state licensing boards of all states in which I have any kind of license to practice medicine. I will certify to the Board within ten (10) days of such notification that I have complied with this directive.

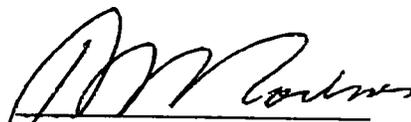

Murray Dimant, M.D

3/20/02
Date


Joseph Silvia, Esq.
Attorney for Murray Dimant, M.D.

3/20/02
Date

Allowed by the Massachusetts Board of Registration in Medicine this 21st day of March, 2002


Peter N. Madras, M.D.
Chairman

Notified by
certified mail
3/21/02
-sm