INSIGHTS + NEWS

Peter Martin Writes "Legal Consult: Objection to Impaired Physician Reporting Slapp'ed Down" for Worcester Medicine

BY PETER J. MARTIN • OCTOBER 11, 2023

Massachusetts has a system for reporting impaired physicians, which includes sending them to a treatment program prior to referring them to the Board of Registration in Medicine (Board). The regulations require doctors to report physicians to the Board who are reasonably believed to be practicing medicine in violation of law; however, an exception exists if a physician who is impaired by drugs or alcohol is in compliance with a treatment program such as those offered by Physicians Health Services, Inc. (PHS), a non-profit corporation founded to address physician health.

In the *Worcester Medicine* article "Legal Consult: Objection to Impaired Physician Reporting Slapp'ed Down," Peter Martin discusses a recent appellate court case involving a physician who sued the doctor who reported him to PHS and the applicability of the state's "anti-SLAPP statute" as it related to the facts of the case. Here is an excerpt:

> A recent appellate court decision, *Berk v. Kronlund*, discussed protections afforded physicians who report or refer an impaired colleague to PHS, citing a statute designed to protect citizens' first amendment rights to petition the government. While not potentially the final statement of the law on this issue, the decision does strengthen physician reporters' protections and immunities from lawsuits by their allegedly impaired colleagues for raising such reports.

Continue reading the full article "Legal Consult: Objection to Impaired Physician Reporting Slapp'ed Down" in the digital issue of *Worcester Medicine*.

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