

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

Board of Registration  
in Medicine

Adjudicatory Case No.  
2009-015

\_\_\_\_\_)  
In the Matter of )  
Allison August, M.D. )  
\_\_\_\_\_)

**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine ("the Board") has reason to believe that Allison August, M.D. ("the Respondent") has practiced medicine in violation of law, regulations or good and accepted medical practice, as set forth herein.

**BACKGROUND**

1. The Respondent was born on November 23, 1959. She graduated from Pritzker School of Medicine, University of Chicago in 1993 and has been licensed to practice medicine in Massachusetts since 1997 under certificate number 154494. She is board-certified in obstetrics and gynecology. The Respondent was associated with Newton-Wellesley Hospital (NWH).

**FACTUAL ALLEGATIONS**

- 2. From April 1999 until January 2007, the Respondent was a physician at About Women By Women (AWBW), a medical practice group in Wellesley, Massachusetts.
- 3. In 2002, the Respondent furnished her electronic password to a nurse at AWWB.
- 4. In 2006, the Respondent accessed the electronic medical record of Patient A, a physician at AWWB and close friend for whom she was not providing medical care, from whom she did not have consent, and for no legitimate medical purpose.

5. In 2007, the Respondent accessed the electronic medical record of Patient B, a hospitalized physician at AWBW and close friend for whom she was not providing medical care, from whom she did not have consent, and for no legitimate medical purpose.

6. On May 9, 2007, the Respondent was reprimanded by NWH for improperly and without permission accessing the electronic medical records of Patient A and B; and improperly furnishing her electronic password to a nurse at AWBW.

**LEGAL BASIS FOR PROPOSED RELIEF**

Pursuant to 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 Board may discipline a physician upon proof satisfactory to a majority of the Board that the physician has engaged in conduct that undermines the 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,



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John B. Herman, M.D.  
Chairman

Dated: May 20, 2009

COMMONWEALTH OF MASSACHUSETTS

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BOARD OF REGISTRATION  
IN MEDICINE

ADJUDICATORY NO.

2009-015

In the Matter of )

Allison August, M.D. )

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**CONSENT ORDER**

Allison August, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order 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 in resolution of Docket No. 07-437.

**FINDINGS OF FACT**

1. Allison August was born on November 23, 1959. She graduated from Pritzker School of Medicine, University of Chicago in 1993 and has been licensed to practice medicine in Massachusetts since 1997 under certificate number 154494. She is board-certified in obstetrics and gynecology. The Respondent was associated with Newton-Wellesley Hospital (NWH).
2. From April 1999 until January 2007, the Respondent was a physician at About Women By Women (AWBW), a medical practice group in Wellesley,
3. In 2002, the Respondent furnished her electronic password to a nurse at AWWB to enable that nurse to obtain laboratory reports for the Respondent's patients.
4. In 2006, the Respondent accessed the electronic medical record of Patient A, a physician at AWWB and close friend, for whom she was not providing medical care, from whom she did not

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have consent, and for no legitimate medical purpose. The Respondent and Patient A had discussed Patient's A's medical condition on many occasions prior to the Respondent's accessing Patient A's medical record.

5. In 2007, the Respondent accessed the electronic medical record of Patient B, a hospitalized physician at AWBW and close friend, for whom she was not providing medical care, from whom she did not have consent, and for no legitimate medical purpose. The Respondent accessed the electronic medical record of Patient B when the Respondent became concerned that Patient B's listing as a patient at NWH, rather than as a physician, on the NWH electronic medical record was an error. The Respondent apologized in writing to Patient B for the Respondent's actions.

6. On May 9, 2007, the Respondent was reprimanded by NWH for improperly and without permission accessing the electronic medical records of Patient A and B; and improperly furnishing her electronic password to a nurse at AWBW.

### **CONCLUSION OF LAW**

A. 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 *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982) and *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979).

### **SANCTION**

The Respondent is hereby reprimanded. This sanction is imposed for Docket No. 07-437. This sanction is imposed for Conclusion of Law A.

### **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 Complaint Counsel, the Respondent and the Respondent's 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 these stipulations in this proceeding.

As to any matter this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone acting on her behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that she 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; the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Unit. The Respondent shall also provide this notification to any such designated entities with which she becomes associated within one year of the imposition of the reprimand. The Respondent is further directed to certify to the Board within ten (10) days that she 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.

*Allison August*

Allison August, M.D., Respondent

05 May 2009  
Date

*Regina A. Rockefeller*, Respondent's Counsel

Regina Rockefeller, Respondent's Counsel

May 6, 2009  
Date

*Tracy Morong*

Tracy Morong, Complaint Counsel

5/7/09  
Date

Accepted by the Board of Registration in Medicine on this 20<sup>th</sup> day of May, 2009.

*John B. Herman, MD*

John B. Herman, M.D.  
Chairman