



Registration in Medicine, Adjudicatory Case No. 2005-035 (Final Decision and Order, July 11, 2007).

### **FACTUAL ALLEGATIONS**

3. In December 2007, the Boston Public Health Commission (BPHC) inspected the Respondent's Dorchester office and found unsafe and unsanitary conditions.
4. On March 7, 2008, BPHC served a Cease and Desist Order prohibiting the Respondent from practicing in his Dorchester office.
5. On May 6, 2008, the BPHC re-inspected the Respondent's office. Based on the inspection findings, BPHC determined that the Respondent's office was in compliance with all regulations and the Cease and Desist Order was rescinded.

### **LEGAL BASIS FOR PROPOSED RELIEF**

- A. 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 the physician has committed conduct which places into question his ability to practice medicine, including misconduct in the practice of medicine.
- B. Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction of this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This proceeding will be conducted according to the provisions of G.L. c. 30A and 801 C.M.R. 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, in addition to or instead of revocation or suspension, order one or more of the following: admonishment, reprimand, censure, fine, the performance of uncompensated public service, a course of education or training, or other limitation 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,

*John B. Herman, M.D.*

Date: 9.16.09

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John B. Herman, M.D.  
Chairman

SENT CERTIFIED MAIL  
9/16/09 KJD



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5. On May 6, 2008, the BPHC re-inspected the Respondent's office. Based on the inspection findings, BPHC determined that the Respondent's office was in compliance with all regulations and the Cease and Desist Order was rescinded.

### **CONCLUSIONS OF LAW**

- A. The Respondent has violated G.L. c. 112, §5(c) and 243 CMR 1.03(5)(a)(3) in that he has committed conduct which places into question his ability to practice medicine, including misconduct in the practice of medicine.
- B. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession 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).

### **SANCTION**

The Respondent is hereby reprimanded and fined \$2,500. Said fine is payable within 90 days of the Boards approval of the Consent Order. This sanction is imposed for Docket No. 07-713. This sanction is imposed for Conclusions of Law A and B. 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.

### **EXECUTION OF THIS CONSENT ORDER**

Complaint Counsel, the Respondent and the Respondent's counsel 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 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; 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 he 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 he has complied with this directive.

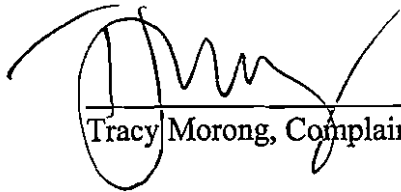
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

  
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Nhan Hoang, M.D., Respondent

8/11/09  
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Date

  
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Michael F. Conway, Respondent's Counsel

8/17/09  
\_\_\_\_\_  
Date

  
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Tracy Morong, Complaint Counsel

8/19/09  
\_\_\_\_\_  
Date

Accepted by the Board of Registration in Medicine on this 16<sup>th</sup> day of September, 2009.



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John B. Herman, M.D.  
Chairman

**SENT CERTIFIED MAIL**  
9/16/09 KJB