

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-033

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In the Matter of)
)
)
LEO TCHONG, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Leo Tchong, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have 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 specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 14-231.

Findings of Fact

1. The Respondent was born on October 5, 1974. He graduated from Tufts University School of Medicine in 2003. He has been licensed to practice medicine in Massachusetts under certificate number 235786 since 2008. He is certified by the American Board of Internal Medicine. He is employed as an endocrinologist at Lahey Hospital and Medical Center (Lahey).

2. On June 18, 2002, the Respondent was arrested by Boston Police and charged with one count of Assault and Battery.

3. On June 19, 2002, the Respondent was arraigned in the Brighton District Court, where he entered a plea of not guilty.

4. On August 29, 2002, the Respondent admitted to sufficient facts, and was placed on supervised probation until June 27, 2003, and was ordered to complete a course of education.

5. On May 15, 2003, the Respondent was arrested by Massachusetts State Police and charged with Operating a Motor Vehicle Under the Influence of Alcohol.

6. Also on May 15, 2003, the Respondent admitted to sufficient facts, and was placed on supervised probation until May 14, 2004, and was ordered to complete a course of education.

7. In April 2003, the Respondent submitted an application (Pennsylvania Application) to the Pennsylvania State Board of Medicine (Pennsylvania Board) for the issuance of a Graduate Medical Trainee license (GMT) to begin his internship/residency training at Temple University Hospital, in Pennsylvania.

8. Question 4 of the Pennsylvania Application asked the Respondent the following question:

Have you been convicted, found guilty, or pleaded guilty or nolo contendere, or received probation without verdict on any felony or misdemeanor, including any drug law violation in any state or federal court?

9. The Respondent answered “no” to the above-described question.

10. The Respondent’s application for the issuance of a GMT license to practice medicine in Pennsylvania was approved by the Pennsylvania Board on June 14, 2003, and remained in effect until the Pennsylvania Board issued him a full, unrestricted license to practice medicine, on or about December 20, 2005.

11. The Respondent was continuously licensed to practice medicine in Pennsylvania until December 31, 2010, the date on which the Pennsylvania license expired.

12. In March 2008, the Respondent submitted an application to the Massachusetts Board of Registration in Medicine (Massachusetts Board) for the issuance of an initial full license (Initial License Application) to accept a position at Lahey.

13. Question 10 of the Initial License Application asks the following question:

Have you ever been charged with any criminal offense, other than a minor traffic offense?

14. Despite the Respondent's two arrests identified herein, the Respondent answered "no."

15. The Respondent signed the Initial License Application on March 18, 2003; above his signature appeared the following statement:

I certify under the penalties of perjury that all information on this form (front and back, and all attached pages) is true, to the best of my knowledge.

16. The Massachusetts Board issued a full, unrestricted license to practice medicine to the Respondent on May 15, 2008, and has biennially renewed his license thereafter; his currently bears an expiration date of October 5, 2016.

Conclusion of Law

A. The Respondent has violated G.L. c. 112, § 5, ninth par. (a) and 243 CMR 1.03(5)(a)1 by fraudulently procuring his certificate of registration.

B. The Respondent has violated 243 CMR 1.03(5)(a)10 by practicing medicine deceitfully, or engaging in conduct that has the capacity to deceive or defraud.

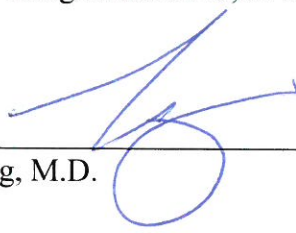
Sanction and Order

The Respondent's license is hereby reprimanded. The Respondent is also ORDERED to pay a fine in the amount of \$5,000. Said fine is payable within 60 days of the date on which this Consent Order is approved by the Board. 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 each violation of law listed in the Conclusion section and not a combination of any or all of them.

Execution 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 the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand and fine. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent 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.



Leo Tchong, M.D.
Licensee

10/28/2015

Date



Andrew Levchuk, Esq.
Attorney for Licensee

10/30/2015

Date




John Costello
Complaint Counsel

11/2/15

Date

So ORDERED by the Board of Registration in Medicine this 19th day of November, 2015.



Candace Lapidus Sloane, M.D.
Board Chair