

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2023-007

In the Matter of

TRINH THI TRAN, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Trinh Thi Tran, 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. 21-548.

Findings of Fact

1. The Respondent graduated from the University of Massachusetts Medical School in 2008. She has been licensed to practice medicine in Massachusetts under certificate number 246947 since 2011. She is Board-certified in Emergency Medicine. She has had privileges at Sturdy Memorial Hospital (Sturdy) and Morton Hospital and Medical Center.
2. On Saturday, October 30, 2021, the Respondent agreed to work the first half of a shift, from 4:30 pm to approximately 9:00 pm, at Sturdy to assist a colleague.
3. The Respondent drove herself to Sturdy and arrived at approximately 4:00 pm.

4. During the shift, the Respondent learned that she would also need to cover the second half of the shift, and she would likely be working until approximately 1:00 am on Sunday, October 31, 2021.

5. Though she had already discharged most of her patients, at approximately 8:00 p.m. the Respondent picked up two new patients, evaluated them, and placed their orders.

6. Approximately fifteen minutes later, the emergency department had slowed down and the Respondent had no additional patients waiting to be seen. The Respondent went out to her car in the hospital parking lot and drank a box and a half of wine.

7. The Respondent then returned to the emergency department. Aware she had made a severe error, she paced around the hallway, went into the breakroom, and sat in her cubicle.

8. The Chief of the Emergency Department (the Chief) approached the Respondent and instructed her to sign out her patients because the department was slow.

9. During sign out, the Chief noticed that something was wrong and escorted the Respondent to a private area.

10. The Respondent admitted to the Chief that she had consumed alcohol in her vehicle.

11. The Respondent submitted to a drug and alcohol test; the alcohol test yielded a positive result.

12. The Chief arranged for the Respondent to be transported home safely.

13. On October 31, 2021, the Respondent returned to the hospital to speak with the Chief Medical Officer and she told him what she had done. She was placed on a leave of absence from Sturdy.

14. On Monday, November 1, 2021, the Respondent called Physician Health Services (PHS). She was thereafter evaluated and participated in a six-week residential treatment program for health professionals, from November 5, 2021 to December 17, 2021. The treatment program supported the Respondent's return to the practice of medicine commencing December 31, 2021, with continuing care and monitoring through PHS.

15. On December 28, 2021, the Respondent entered into a PHS Substance Abuse Monitoring Contract. To date, she has been compliant with all terms and conditions.

Conclusion of Law

- A. The Respondent has violated G.L. c. 112, §5 eighth par. (d) and 243 CMR 1.03(5)(a)4 by practicing medicine while her ability to do so was impaired by alcohol.
- B. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

Sanction and Order

The Respondent's license is hereby SUSPENDED, indefinitely. The Respondent is GRANTED leave to petition for a stay of the suspension upon demonstrating her fitness to practice, including but not limited to: documenting consistent compliance for twelve (12) months with her December 28, 2021 PHS Substance Abuse Monitoring contract; submitting documentation from her treating therapist that she is fit to practice medicine; and completing the American Board of Emergency Medicine recertification course, MyEMCert. Any stay of the suspension would be at the Board's discretion and contingent upon the Respondent entering into

a 5-year Probation Agreement with terms including: (1) comply with her existing Physician Health Services (PHS) Substance Use Monitoring Contract, including weekly support group meetings, random drug testing, and Soberlink compliance; (2) refrain from using alcohol; and (3) a Board-approved practice plan with Board-approved monitors to report on complete and timely submission of records. 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

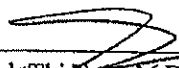
Complaint Counsel, the Respondent, and the Respondent's counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order. If 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 in this Consent Order left 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 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 during the period of probation. 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.


Trinh Thi Tran, M.D.
Licensee

1/3/23
Date


Andrew L. Hyams, Esq.

1/4/23
Date

Attorney for the Licensee

R. Shute (LPI)
Rachel N. Shute, Esq.
Complaint Counsel

1/20/2023
Date

2023 So ORDERED by the Board of Registration in Medicine this 19th day of January

Jul
Julian N. Robinson, M.D.
Board Chair