

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2024-068

In the Matter of

APRIL A. HARPER, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, April A. Harper, 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. 23-465.

Findings of Fact

1. The Respondent is certified by the American Board of Pediatrics in Pediatrics. She is a 1999 graduate of St. Georges University School of Medicine. She has held a license to practice medicine in Massachusetts under certificate number 214549 since July 2002.
2. On April 29, 2010, the Respondent was arraigned in the Woburn District Court on charges of Operating Under the Influence of Intoxicating Liquor, Negligent Operation of a Motor Vehicle, Failure to Stop for Police and a Marked Lanes Violation.
3. The police report for this incident indicates that on April 28, 2010, shortly before midnight, the Respondent was traveling on 128 South at a rate of 35MPH, on a flat right front

tire. She was noted to weave between lanes, and when police attempted to stop her, she continued to travel for some distance before she finally pulled over. Once stopped, the police removed her from her vehicle and placed her in custody. She smelled of alcohol and consented to a breath test which showed that her BAC was .18%, which was over twice the legal limit.

4. On the day of her arraignment, the Respondent admitted to sufficient facts on the charges of Operating Under the Influence of Intoxicating Liquor and Negligent Operation of a Motor Vehicle. She received a Continuation Without a Finding for 1 year with conditions that included completion of the Brains at Risk Program and the Driver's Alcohol Education Program. The Failure to Stop for Police charge was dismissed upon payment of \$100 and the Court found her responsible on the Marked Lanes Violation.

5. On July 28, 2010, in Malden District Court she was charged with Leaving the Scene of Property Damage for the incident that occurred on April 28, 2010, the same day as the Operating Under the Influence of Alcohol charges described above.

6. The police report for the Leaving the Scene of Property Damage charges describes that witnesses reported she was involved in multiple collisions where the Respondent struck 3 vehicles and a small wall and failed to remain on scene.

7. On September 17, 2010, the Respondent admitted to sufficient facts and the matter was Continued Without a Finding for 6 months, concurrent with the probation on the Woburn District Court case and she was ordered to pay restitution in the amount of \$500.

8. On September 19, 2022, the Respondent was arraigned in Concord District Court on charges of Operating Under the Influence of Intoxicating Liquor, Second Offense, Leaving the Scene of Property Damage, Negligent Operation of a Motor Vehicle, Resisting Arrest, Speeding and Failure to Signal.

9. The police report describes that on September 18, 2022, at 7:39pm officers responded to a call that a vehicle had struck a pole at Middlesex Bank on Main Street in Concord. The reporting party described the vehicle in detail, and also indicated that the driver, later identified as the Respondent, appeared intoxicated. When police arrived, as one officer approached the vehicle, the Respondent attempted to drive away. The Respondent continued driving, which initiated a pursuit on Main Street, during which the Respondent crossed solid lines of traffic and operated unsafely. When the Respondent finally stopped, she smelled like alcohol and had slurred speech. When asked to provide her license, she indicated she didn't have it on her and offered the officers two credit cards instead.

10. On February 27, 2023, the Respondent admitted to sufficient facts on the Operating Under the Influence of Intoxicating Liquor, Second Offense, Leaving the Scene of Property Damage and Negligent Operation charges were Continued Without a Finding for a period of 18 months with the condition that she complete the Driver Alcohol Education program. The Resisting Arrest charge was dismissed and the Court found the Respondent was not responsible on the two civil infractions of Speeding and Failure to Use a Signal.

Mitigation

11. G.L. c. 4, § 7(26)(a) & (c)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

G.L. c. 4, § 7(26)(a) & (c)

Conclusions of Law

A. 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 for an indefinite period, which suspension shall be stayed upon the Respondent G.L. c. 4, § 7(26)(a) & (c)

, clinical monitoring, and completion of releases allowing the Board to confirm her compliance with her criminal probationary terms.

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

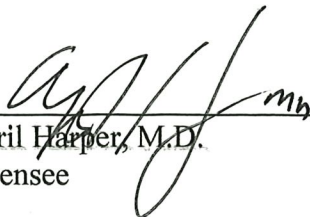
Complaint Counsel and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, and the Respondent, are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in 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 and Probation Agreement 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 s/he 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 for the duration of this suspension or stayed suspension, probation, and monitoring. 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.



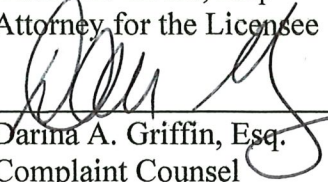
April Harper, M.D.
Licensee

07/17/2024
Date



David M. Gould, Esq.
Attorney for the Licensee


7/18/24
Date



Darina A. Griffin, Esq.
Complaint Counsel

7/31/24
Date

So ORDERED by the Board of Registration in Medicine this 19th day of December
20 24.



Booker Bush, M.D.
Board Chair