

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2024-021

In the Matter of

Howard H. Liu, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Howard H. Liu, 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. 21-162.

Findings of Fact

1. The Respondent graduated from New York University School of Medicine in 1997 and is certified by the American Board of Medical Specialties in Internal Medicine. He has been licensed to practice medicine in Massachusetts under certificate number 160548 since June 1999. He has a private medical practice in Brookline, the American Chinese Medical Center, and has privileges at Beth Israel Deaconess Medical Center.

2. In October 2020, Patient A, then a G.L. c. 4, § 7(26)(c) woman, attended an appointment at the Respondent's practice. Her mother, who also was a patient of the Respondent, had an appointment scheduled immediately prior to Patient A's appointment.

3. When Patient A entered the examination room her mother remained, which made Patient A uncomfortable about candidly discussing her medical history with the Respondent. The Respondent did not ask Patient A's mother to leave the examination room at any point during the appointment, including when he asked Patient A personal questions about her reproductive health.

4. Later that same day, Patient A called the Respondent's office and left a voicemail message stating she did not consent to her mother being in the examination room during her appointment and asked that it not happen again.

5. In January 2021, Patient A saw the Respondent for an annual physical examination and *G.L. c. 4, § 7(26)(c)*

6. Approximately three weeks after Patient A's January 2021 appointment, Patient A's mother called the Respondent's office to have Patient A's lab test results sent to the mother.

7. Patient A called the Respondent's office to ensure that her test results were sent only to her.

8. Despite Patient A's request, the Respondent's office emailed Patient A's test results to Patient A's father and did so via an unencrypted PDF from a Gmail account that is not HIPAA compliant.

9. Patient A called the Respondent's office to complain about the lack of privacy and informed the Respondent's wife, who works at his practice, she was going to file a complaint against the Respondent with the Board for violating his obligation to safeguard her confidential medical information.

10. The Respondent's wife called Patient A's father to get him to discourage Patient A from filing a complaint against him.

Conclusions of Law

A. The Respondent has violated 243 CMR 1.03(5)(a)18 by committing 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. *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 REPRIMANDED.

Execution of this Consent Order

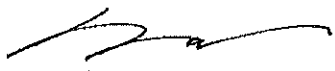
Complaint Counsel and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent 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 his behalf, has received any promises or representations regarding the same.

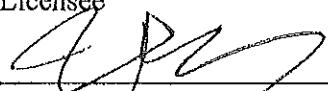
The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

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 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. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

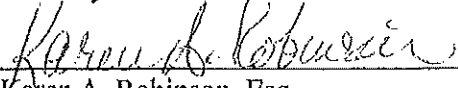
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Howard H. Liu, M.D.
Licensee

03/14/2024
Date


J. Peter Kelley, Esq.
Attorney for the Licensee

3/15/2024
Date


Karen A. Robinson, Esq.
Complaint Counsel

3/16/2024
Date

So ORDERED by the Board of Registration in Medicine this 25th day of April, ,
2024.

A handwritten signature in black ink, appearing to read 'Frank O'Donnell', written over a horizontal line.

Frank O'Donnell, JD MPA
Acting Board Chair