

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

BOARD OF REGISTRATION  
IN MEDICINE

Adjudicatory Case No: 2023-043  
(RM-23-0550)

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In the Matter of )  
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Hanpu Chao, M.D. )  
\_\_\_\_\_) )

Final Decision and Order

Procedural History

The Board initiated this matter by issuing a Statement of Allegations (SOA) against Hanpu Chao, M.D. (“Respondent”) on November 2, 2023 and referring the matter to the Division of Administrative Law Appeals (DALA). A copy of the SOA is attached hereto and incorporated by reference. On November 8, 2023, the DALA Administrative Magistrate, Kenneth J. Forton, issued a Notice of a Pre-Hearing Conference for December 8, 2023. Following the Respondent’s failure to appear at the Pre-Hearing Conference, as well as his failure to file an Answer, the DALA Administrative Magistrate, on December 8, 2023, issued an Order to Show Cause why the Respondent should not be found in default. This Order also directed the Respondent to file an Answer and a Statement of Material Disputed Facts. On January 11, 2024, having received no response from the Respondent, the DALA Administrative Magistrate issued a Recommended Decision which found the Respondent to be in default and recommended that the Board impose such discipline as it deems appropriate.

On January 18, 2024, the Board notified the Parties of their opportunity to file objections to the Recommended Decision and a memorandum on disposition, and deadlines for such filings. Neither Complaint Counsel nor Respondent submitted any filing for the Board’s review.

After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, the Board adopts the Recommended Decision that finds the Respondent to be in default and the allegations in the SOA to therefore be deemed admitted. *See Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943, 550 N.E.2d 402, 403 (1990).

### Discussion and Sanction

The Respondent's failure to file an Answer, to appear for a scheduled prehearing at DALA, and to respond to the Order to Show Cause, in addition to his failure to respond to the Ten-Day Order of the Board's Complaint Committee or the two docketed Complaints, demonstrate his utter disregard for the Board's statutory mandate. In order for the Board to fulfill its mission to protect the public, a physician's cooperation is essential. By failing to respond to the serious allegations against him, the Respondent hindered the Board's efforts to fulfill its mission. See In the Matter of Mark M. Kowalski, M.D., Board of Registration in Medicine, Adjudicatory Case No. 97-16-DALA (Final Decision and Order, April 1, 1998) ("A physician who obstructs the Board's investigation of a complaint and blatantly ignores repeated requests for a response threatens the public's health, welfare and safety, not only by denying the Board potentially important information, but also by draining the resources of the Board.")

The Board has historically imposed license revocation when there is a determination of default. See In the Matter of Mavis Jaworski, Adjudicatory Case No. 2023-027 (Final Decision and Order, December 21, 2023)(where physician defaulted, revocation imposed for falsely stating that she was board certified in family medicine and falsely answering that she was not aware of any open or pending investigation into her professional conduct); In the Matter of Thomas W. Stinson, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2022-024 (Final Decision and Order, February 2, 2023)(in case of default, revocation for a physician who admitted that he failed to check the MassPat system before prescribing to his patients); In the Matter of Abebe Haregewoin, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2020-051 (Final Decision and Order, November 4, 2021)(revocation for physician who defaulted and whose license was also reprimanded in Maryland for pre-signing blank prescriptions and allowing an unlicensed person to complete them for Suboxone and buprenorphine); and In the Matter of Paul M. Willette, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2017-035 (Final Decision and Order, September 13, 2018)(in case of default, revocation for physician whose license was also revoked in New Mexico for failure to provide emergency care, for fraudulent medical records and billing for services never rendered, being disruptive with staff, and failure to access prescription monitoring reports for 8-10 patients). In these cases, the Board reasoned that a default demonstrates a physician's utter disregard for the Board's statutory

mandate, preventing the Board from investigating the allegations concerning his or her misconduct.

Where there has been a failure to timely provide medical records, among other violations, the Board has imposed a range of discipline from reprimand to revocation, depending on the number of violations and nature and severity of any additional violations of Board regulations. See In the Matter of O. Sung Kim, M.D., Board of Registration of Medicine, Adjudicatory Care No. 2005-066 (Final Decision & Order, June 21, 2006) (indefinite suspension where physician failed to provide medical records and failed to respond to Order to Respond and had been previously disciplined by the Board); and In the Matter of Harvey Grant, M.D., Board of Registration of Medicine, Adjudicatory Care No. 2011-015 (Final Decision & Order, January 18, 2012) (revocation where physician had previously been disciplined on multiple occasions for failure to provide medical records and disruptive behavior)

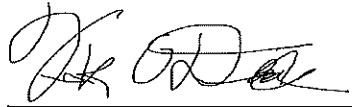
In the present case, it does not appear that any discipline other than a revocation is sufficient as the Respondent repeatedly failed to respond to the Board and DALA. As noted above, the Board could impose a revocation based on the default alone. The Board's paramount responsibility is the protection of the public health, safety and welfare. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979). In light of the Respondent's default, which hindered the Board's efforts in its fulfillment of this responsibility, as well as the Respondent's failure to provide medical records, it is appropriate to **REVOKE** the Respondent's inchoate right to renew his license to practice medicine. This sanction is imposed for each violation of law and not a combination of any or all of them.

The Respondent shall provide a complete copy of this Final Decision and 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 Program. The Respondent shall also provide this notification to any

such designated entities with which he becomes associated for the duration of this revocation. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c. 112, § 64.

Date: June 27, 2024

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

Frank O'Donnell, Esq.  
Acting Board Chair