

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, SS

Adjudicatory Case No. 2024-052  
(RM-24-0608)

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In the Matter of

Trung N. Nguyen, D.O.  
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Final Decision and Order

This matter came before the Board of Registration in Medicine (Board) for imposition of a sanction, following the Board 's June 26, 2025 adoption of the Findings of Facts and Conclusions of Law in the Division of Administrative Law Appeals' (DALA) March 18, 2025 Recommended Decision on Petitioner's Motion for Summary Decision. (The Board's June 26, 2025 Ruling on Objections is attached hereto and incorporated herein.) Neither Party chose to submit a Memorandum on Disposition. After full consideration of the Recommended Decision and having provided the Parties an opportunity to be heard, the Board adds the following:

Sanction

The record demonstrates that on March 8, 2023 the Kentucky Board of Medicine (Kentucky Board) disciplined<sup>1</sup> Trung N. Nguyen, D.O. (Respondent) for:

1. engaging in "dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;"<sup>2</sup> and
2. violating, or attempting to violate, provisions of the Kentucky medical practice act<sup>3</sup> when prescribing amphetamine and amphetamine-like anorectic controlled

<sup>1</sup> In the Kentucky Agreed Order, the Respondent consented to: 1. the restriction of his license for an indefinite period, during which he would not prescribe, dispense, administer, or otherwise utilize controlled substances; and 2. that he would not request to resume prescribing unless and until the Board has received an assessment report, and educational or remediation plan (if recommended) following the Respondent's completion of a clinical skills assessment(s) in the specialty of bariatric medicine, at his expense, by CPEP or LifeGuard.

<sup>2</sup> This basis is analogous to this Board's ability to discipline impose discipline for practicing medicine deceitfully, or engaging in conduct which has the capacity to deceive or defraud, pursuant to 243 CMR1.03(5)(a)10.

<sup>3</sup> This basis is analogous to this Board's ability to impose discipline for violating any rule or regulation of the Board governing the practice of medicine, pursuant to M.G.L. c. 112, § 5, par. 8(h) and 243 CMR 1.03(5)(a)11.

substances in telehealth treatment of patients with obesity. Specifically, the Respondent:

1. failed, prior to prescribing, to provide patients with supportive and collateral therapies;
2. failed to keep adequate patient records with patients' medical, social and family histories;
3. failed to perform laboratory tests and document the results;
4. failed to perform and document the results of physical examinations; and
5. failed to obtain and review state prescription monitoring reports for his patients.

The record demonstrates, too, that, on May 18, 2023, the Maine Board of Osteopathic Licensures (Maine Board) suspended the Respondent's license based on his denial of pending allegations on his license renewal application and the Board's review of unspecified disciplinary documents from other jurisdictions.<sup>4</sup> The Maine Board disciplined the Respondent for:

1. fraud or deceit in obtaining a license;<sup>5</sup>
2. incompetence in the practice of medicine;<sup>6</sup>
3. unprofessional conduct;<sup>7</sup> and
4. institution of disciplinary action by another state for conduct which, if committed by a Maine licensee, would constitute grounds for discipline.<sup>8</sup>

When the Board imposes reciprocal discipline, it "may impose any sanction consistent with its policies and precedent" and based on the out-of-state facts.<sup>9</sup> The Board is not bound by the out-of-state sanction.<sup>10</sup> When determining the appropriate sanction, the Board is guided by its paramount duty to ensure the health and safety of patients. Accordingly, the Board considers both

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<sup>4</sup> On June 12, 2023, the Respondent entered into an "Interim Consent Agreement" with the Maine Board, agreeing to the suspension of his license until the matter is resolved by an adjudicatory hearing or other Board action.

<sup>5</sup> This basis is analogous to this Board's ability to impose discipline for fraudulent procurement of a certificate of registration or its renewal, pursuant to M.G.L. 112, § 5, par. 8(a) and 243 CMR 1.03(5)(a)1.

<sup>6</sup> This basis is analogous to this Board's ability to impose discipline for conduct which places into question a physician's competence to practice medicine, pursuant to M.G.L. c. 112, § 5 par. 8(c) and 243 CMR 1.03(5)(a)3 and misconduct in the practice of medicine, pursuant to 243 CMR 1.03(5)(a)18.

<sup>7</sup> *Id.*

<sup>8</sup> This basis is analogous to this Board's ability to impose reciprocal discipline, pursuant to 243 CMR. 1.03(5)(a)12.

<sup>9</sup> *See In the Matter of Carmen A. Puliafito, M.D.*, Board of Medicine, Adjudicatory Case No. 2016-012 (Final Decision and Order, December 5, 2019).

<sup>10</sup> *Id.*

the nature and extent of the physician's wrong-doing and mitigating factors, including documented remediation of deficits.

When a physician's wrong-doing has been limited to a failure to maintain adequate medical records, the Board has often imposed lesser sanctions, such as admonishment, reprimand, required continuing medical education, and/or a fine.<sup>11</sup> When a physician's wrong-doing has been limited to failure to utilize the state prescription monitoring tool, the Board has imposed similar sanctions.<sup>12</sup> So, too, when a physician's wrong-doing consists in a failure to report investigations and/or discipline on license applications, the Board has often imposed a reprimand as the sanction.<sup>13</sup>

In contrast, when a physician's wrong-doing includes conduct placing into question his clinical competency together with "dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public," the Board has chosen a lesser sanction only where the physician has documented the restoration of his license in the state(s) where he was disciplined on the basis of compliance with required remediation.<sup>14</sup>

In the pendant case, the Kentucky Board restricted the Respondent's license based on conclusions of law that he failed to complete rudimentary steps prior to issuing prescriptions for amphetamine or amphetamine-like controlled substances and engaged in dishonorable, unethical conduct. In contrast to the *Verma* and *Purdy* cases, this matter includes a conclusion of law that the Respondent engaged in conduct placing his competency into question. The Kentucky Agreed

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<sup>11</sup> See *In the Matter of Tzvetan Tzvetanov, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2013-038 (Consent Order, August 14, 2013) (admonishment for substandard care and prescribing for two patients, including failing to adequately document diagnosis, treatment and rationale for prescribing).

<sup>12</sup> See, e.g., *In the Matter of Ronald Abramson, M.D.*, Board of Medicine, Adjudicatory Case No. 21-043 (Consent Order, November 4, 2021). (Board imposed reprimand where physician failed to check MassPAT for four patients and there was no evidence that patients were obtaining medications from more than one provider).

<sup>13</sup> See, e.g., *In the Matter of Reinald O. De Los Heros, M.D.*, Board of Medicine, Adjudicatory Case No. 2007-052 (Consent Order, November 14, 2007) (Physician failed to report out-of-state discipline on his renewal application.)

<sup>14</sup> See *In the Matter of Vishal Verma, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2021-028 (Consent Order, June 3, 2021). (This Board imposed a reprimand as reciprocal discipline when the physician documented discipline by Maryland, including a six-month probationary period with required continuing medical education in telemedicine and prescribing, where the physician prescribed through telemedicine, relied on patient completion of questionnaires, failed to prescribe within a physician-patient relationship, failed to conduct and document physical examinations, and failed to take adequate medical histories). See also *In the Matter of Laura E. Purdy, M.D.* (Consent Order, June 13, 2024) (This Board imposed a reprimand and fine as reciprocal discipline when the physician documented discipline by Mississippi, including a suspension for three months with an immediate stay, required submission of telehealth operating procedures before returning to practice, and completion of CPEP's PROBE course, for prescribing weight loss medication through telehealth without establishing valid physician/patient relationships and utilizing questionnaires in lieu of physical examinations).

Order requires that any petition to lift the restrictions must be accompanied by a clinical skills assessment and remediation plan, if recommended, by a Board-approved entity. Although the Findings of Fact indicate that the Kentucky Board terminated the restrictions on Respondent's Kentucky osteopathic license on April 1, 2024, the findings make no mention as to the Respondent's compliance with the assessment or remediation requirements set in the March 8, 2023 Order.<sup>15</sup> The Findings of Fact also do not indicate that Respondent's Maine license was restored to good standing.

Based on the scope of the Respondent's wrong-doing, the absence of mitigating factors, and in the absence of documentation of his fitness to practice, the Board INDEFINITELY SUSPENDS the Respondent's license and allow a stay upon submission of a petition that includes documentation satisfactory to the Board that the Respondent is fit to practice and such other conditions as the Board may determine on review of the petition, including but not limited to entry into a standard five-year Probation Agreement.

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; and the state licensing boards of all states in which s/he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of his indefinite suspension and probationary term. The

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<sup>15</sup> The Board notes that the Administrative Record for this proceeding, includes Respondent's Answer, which contains as an attached exhibit a copy of the Kentucky Board's April 1, 2024 Order terminating the restrictions. This Order indicates: "In addition to the Licensee's request, the Panel has considered a memorandum prepared by the Board's Assistant General Counsel dated January 22, 2024; the Agreed Order filed of record March 8, 2023; LifeGuard Final Report (Original Evaluation), dated August 11, 2023; correspondence from the licensee's counsel, Stephen Agnelette [with attachments], dated August 17 and October 23, 2023; and LifeGuard Final Report (Re-Test) dated October 24, 2023". The Board is limited to the Magistrate's findings of fact, and is not aided by any mitigating information as the Respondent failed to submit a Memorandum on Disposition. However, the Board would consider a petition to reconsider the sanction in this Final Decision and Order that includes a submission of the following items listed in the Kentucky Board April 1, 2024 Order: (1) LifeGuard Final Report (Original Evaluation), dated August 11, 2023; (2) correspondence from the licensee's counsel, Stephen Agnelette [with attachments], dated August 17 and October 23, 2023; and (3) LifeGuard Final Report (Re-Test) dated October 24, 2023.

Respondent is further directed to certify to the Board within ten (10) days that s/he 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.

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

On August 21, 2025 in accordance with the Board's authority and statutory mandate, the Board voted to issue the Final Decision and Order in the pending disciplinary proceeding against the license of Nguyen Trung, D.O., license number 276844, Board of Registration in Medicine Adjudicatory Case No. 2024-052 (DALA Docket No. RM-24-0608).

**Board Members Voting Affirmatively**

- Booker T. Bush, M.D., Physician Member, Chair
- Frank O'Donnell, Esq., Public Member, Vice Chair
- Sandeep Singh Jubbal, M.D., Physician Member, Secretary
- Aviva Lee-Parritz, M.D., Physician Member
- Jason Qu, M.D., Physician Member

**Board Member(s) Opposed:** None

**Board Member(s) Recused:** None

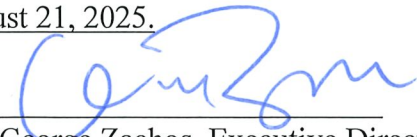
**Board Member(s) Absent:**

- Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

**EFFECTIVE DATE OF ORDER**

The Final Decision and Order is effective as of August 21, 2025.

Date Issued: August 21, 2025

  
George Zachos, Executive Director  
Board of Registration in Medicine