

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

**Division of Administrative Law Appeals**

**Board of Registration in Medicine,**  
Petitioner

v.

Docket No. RM-20-0387

**George Hayao, M.D.,**  
Respondent

**Appearance for Petitioner:**

Lisa L. Fuccione, Esq.  
Board of Registration in Medicine  
200 Harvard Mill Square, Suite 330  
Wakefield, MA 01880

**Appearance for Respondent:**

David Gould, Esq.  
Ficksman and Conley, LLP  
98 North Washington Street, Suite 500  
Boston, MA 02114

**Administrative Magistrate:**

**Kenneth J. Forton**

**RECOMMENDED DECISION**

On September 25, 2020, the Petitioner, Board of Registration in Medicine, issued a Statement of Allegations ordering the Respondent, George Hayao, M.D., to show cause why he should not be disciplined for violating G.L. c. 94C, § 19(a), which requires that physicians issue prescriptions for controlled substances for legitimate purposes and in the usual course of the physician's medical practice; engaging in conduct which places into

question the physician's competence to practice medicine; violating Board regulations 243 CMR 2.07(16), by failing to maintain malpractice liability insurance, and 243 CMR 2.07(13)(a), by failing to maintain adequate medical records; engaging in misconduct in the practice of medicine; and lacking good moral character and engaging in conduct that undermines the public confidence in the integrity of the medical profession, in connection with his care of three patients.

On September 25, 2020, the matter was referred to the Division of Administrative Law Appeals (DALA). On October 9, 2020, the Respondent answered the Statement of Allegations. On October 20, 2020, DALA scheduled a pre-hearing conference for November 5, 2020. The parties reported that they were actively engaged in discovery and wished to file a status report in January 2021. The parties filed their joint status report on January 7, 2021, requesting a further status conference in April 2021. I conducted the status conference on April 21, 2021. The parties agreed to tentatively consider June hearing dates, but also reported that they were negotiating a potential Stipulation. They requested a further status conference in June 2021. I conducted the status conference on June 2, 2021. The parties reported that they were close to finalizing the stipulation and requested a further status conference which I scheduled for July 12, 2021.

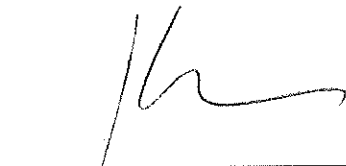
On June 29, 2021, the parties notified the Division that they have agreed to resolve this matter, and on the same date they jointly filed a Stipulation. In the Stipulation, the parties have agreed to certain Findings of Fact and Conclusions of Law.

The Stipulation is incorporated herein by reference. Other than the Stipulation and the admissions of fact contained therein, I have not taken evidence with respect to the

facts of this matter. Based on the facts as stipulated, I conclude that the Conclusions of Law set forth in the Stipulation are warranted and I hereby adopt them.

Based on the foregoing I recommend that the Board impose such discipline on Dr. Hayao as it deems appropriate in light of the facts and conclusions of law as stipulated by the parties.

DIVISION OF ADMINISTRATIVE LAW APPEALS



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Kenneth J. Forton  
Administrative Magistrate

DATED: JUL -1 2021