

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in

Medicine Adjudicatory Case No.

2024-068

In the Matter of

APRIL A. HARPER, M.D.

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that APRIL A. HARPER, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 23-465.

Biographical Information

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.

Factual Allegations

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

Legal Basis for Proposed Relief

A. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

A handwritten signature in black ink, appearing to read 'Booker Bush', is written over a horizontal line.

Booker Bush, M.D.
Board Chair

Date: December 19, 2024