

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2024-021

In the Matter of

HOWARD H. LIU, 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 HOWARD H. LIU, 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. 21-162.

**Biographical Information**

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.

**Factual Allegations**

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.

#### Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician committed misconduct in the practice of medicine.

B. 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 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 'Frank O'Donnell', written over a horizontal line.

Frank O'Donnell, JD MPA  
Acting Board Chair

Date: April 25, 2024