

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-035

_____)
 In the Matter of)
)
 ALBERT WU, 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 Albert Wu, 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. 15-057.

Biographical Information

1. The Respondent was born on April 26, 1985. He graduated from the University of Michigan Medical School in 2012. The Respondent holds a limited license under certificate number 254980 at Brigham and Women’s Hospital.

Factual Allegations

1. Prior to 2015, the Respondent was prescribed Ambien and Tramadol for multiple years.
2. The Respondent developed dependency on the medication he was being prescribed.

3. In mid-January 2015, as part of his residency training, the Respondent worked in the operating room.
4. In mid-January 2015, the Respondent began diverting fentanyl from his employer.
5. The Respondent continued to divert fentanyl until February 2015.
6. The Respondent became opioid dependent.
7. On or about February 11, 2015, an attending physician observed the Respondent diverting fentanyl.
8. When asked about chemical dependency, Respondent admitted to his condition.
9. On or about February 14, 2015, the Respondent voluntarily entered into treatment for his dependency issues.
10. On May 19, 2015, the Respondent successfully completed an in-patient treatment program.
11. Since completing his in-patient treatment, the Respondent has been in and remained fully compliant with his contract with Physician's Health Services.

Legal Basis for Proposed Relief

- A. Pursuant to G.L. c. 112, §5, ninth par. (d) and 243 CMR 1.03(5)(a)4, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician practiced medicine while his ability to do so was impaired by drugs.
- 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 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,

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

Date: December 3, 2015

4. In mid-January 2015, as part of his residency training, the Respondent worked in the operating room.
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9. When asked about chemical dependency, Respondent admitted to his condition.
10. On or about February 14, 2015, the Respondent voluntarily entered into treatment for his dependency issues.
11. On May 19, 2015, the Respondent successfully completed an in-patient treatment program.
12. Since completing his in-patient treatment, the Respondent has been in and remained fully compliant with his contract with Physician's Health Services.

Conclusion of Law

- A. The Respondent has violated G.L. c. 112, § 5, ninth par. (d) and 243 CMR 1.03(5)(a)4 by practicing medicine while his ability to do so was impaired by drugs.
- B. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

Sanction and Order

The Respondent's license is hereby indefinitely suspended. The indefinite suspension may be stayed upon the Respondent providing documentation of twelve (12) months of


continuous sobriety and upon documentation from the Respondent's treating psychiatrist that the Respondent is fit to practice medicine. The 12 months may be measured from February 14, 2015, the date the Respondent entered into treatment. Any stay of suspension will also be contingent on the Respondent's entry into a Probation Agreement for five years under terms and conditions that the Board deems appropriate at the time, including but not limited to: (1) ongoing compliance with a Physicians Health Services Substance Abuse Monitoring Contract that includes urine toxic screens, participation in individual and group therapy to address addiction issues; (2) a Board-approved practice plan that includes weekly monitoring; and (3) a requirement that the Board-approved monitor review the Prescription Monitoring Program as part of monitoring the Respondent. As part of his practice plan, the Respondent must include a specific plan for addressing the Board's concerns relative to the Respondent's unrestricted prescribing of and access to controlled substances. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order and any Probation Agreement 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 the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug

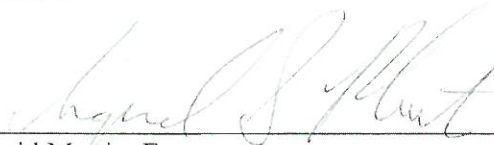
Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated for the duration of this suspension. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent 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.




Albert Wu, M.D.
Licensee

11/4/15
Date



Ingrid Martin, Esq.
Attorney for the Licensee


11/4/15
Date



James Paikos
Complaint Counsel

11/4/15
Date

So ORDERED by the Board of Registration in Medicine this 3rd day of December, 2015.



Candace Lapidus Sloane, M.D.
Board Chair