

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE: :
 :
ROBERT M. CAO, M.D. :
License No.: MD045982 :
 :
Respondent :

FINAL DECISION AND ORDER OF THE BOARD

This matter comes before the District of Columbia Board of Medicine (Board) following Dr. Robert M. Cao, M.D.’s (Respondent) submission of an affidavit, pursuant to D.C. Official Code § 3-1205.17, voluntarily surrendering his license to practice medicine in the District of Columbia.

Respondent initially received his license in July 2018. Respondent provided information in his application that in May of 2016, during his anesthesia residency, he recognized he had a substance use problem and entered into a Professional Health Program for treatment. After issuance of his license, Respondent received a negative drug hair test and a clinical evaluation which recommended no further monitoring.

On September 15, 2021, Respondent was arrested and charged with unlawful distribution of a controlled substance in the District of Columbia, in violation of Title 21, United States Code, Section 841(a)(1). Information supporting the arrest affidavit indicated that Respondent had used prescription pads from a former employer to write prescriptions for controlled substances. According to the affidavit, these prescriptions were provided to another individual not for medical treatment but in order to enable that person and Respondent to “split” the medications for personal use. The person to whom Respondent provided these prescriptions

subsequently died of a drug overdose. The Board initiated a Summary Suspension, pursuant to D.C. Official Code § 3-1205.15(a)(1)(D), on October 18, 2021. Respondent submitted an affidavit dated July 11, 2022 to voluntarily surrender his license to practice medicine in the District of Columbia pursuant to D.C. Official Code § 3-1205.17. (*See Attachment A, Affidavit of Robert M. Cao to Surrender License*).

At its meeting on July 27, 2022, the Board considered whether to suspend or revoke Respondent's license in accordance with D.C. Official Code § 3-1205.17(b). The Board is exceptionally mindful of its mission to protect the health and safety of the residents of the District of Columbia. After considering Respondent's history of substance use, the seriousness of the current allegations and the deadly consequences that reportedly occurred as a result of Respondent's abuse of his medical license, the Board decided to revoke Respondent's license. Suspension of the license was not considered a sufficient action to protect the public.

ORDER

ACCORDINGLY, UPON CONSIDERATION of the foregoing, it is by the District of Columbia Board of Medicine,

ORDERED, that the VOLUNTARY SURRENDER of Robert M. Cao, M.D.'s, License No. MD045982, BE and is hereby ACCEPTED, pursuant to D.C. Official Code § 3-1205.17; and it is further

ORDERED, that Robert M. Cao, M.D.'s, License No. MD045982, BE and is hereby **REVOKED**, pursuant to D.C. Official Code § 3-1205.17(b); and it is further

ORDERED, that the foregoing is a FINAL ORDER of the District of Columbia Board of
Medicine.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

08.08.2022



Date

By: Andrea Anderson, MD, MFAAP
Chairperson

Judicial Review of Final Actions by a Board

Pursuant to D.C. Official Code § 3-1205.20:

Any person aggrieved by a final decision of a board or the Mayor may appeal the decision to the District of Columbia Court of Appeals pursuant to D.C. Official Code § 2-510.

***NOTE:** Any appeal noted to the Court of Appeals must be filed within 30 days of the final decision of the Board. See D.C. Court of Appeals Rule 15(a).*

D.C. Official Code, §2-510 provides:

(a) Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Mayor or an agency in a contested case, is entitled to a judicial review thereof in accordance with this subchapter upon filing in the District of Columbia Court of Appeals a written petition for review. If the jurisdiction of the Mayor or an agency is challenged at any time in any proceeding and the Mayor or the agency, as the case may be, takes jurisdiction, the person challenging jurisdiction shall be entitled to an immediate judicial review of that action, unless the Court shall otherwise hold. The reviewing Court may by rule prescribe the forms and contents of the petition and, subject to this subchapter, regulate generally all matters relating to proceedings on such appeals. A petition for review shall be filed in such Court within such time as such Court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the Court upon the Mayor or upon the agency, as the case may be. Within such time as may be fixed by rule of the Court, the Mayor or such agency shall certify and file in the Court the exclusive record for decision and any supplementary proceedings, and the clerk of the Court shall immediately notify the petitioner of the filing thereof. Upon the filing of a petition for review, the Court shall have jurisdiction of the proceeding, and shall have power to affirm, modify, or set aside the order or decision complained of, in whole or in part, and, if need be, to remand the case for further proceedings, as justice may require. Filing of a petition for review shall not in itself stay enforcement of the order or decision of the Mayor or the agency, as the case may be. The Mayor or the agency may grant, or the reviewing Court may order, a stay upon appropriate terms. The Court shall hear and determine all appeals upon the exclusive record for decision before the Mayor or the agency. The review of all administrative orders and decisions by the Court shall be limited to such issues of law or fact as are subject to review on appeal under applicable statutory law, other than this subchapter. In all other cases the review by the Court of administrative orders and decisions shall be in accordance with the rules of law which define the scope and limitations of review of administrative proceedings. Such rules shall include, but not be limited to, the power of the Court:

(1) So far as necessary to decision and where presented, to decide all relevant questions of law, to interpret constitutional and statutory provisions, and to determine the meaning or applicability of the terms of any action;

- (2) To compel agency action unlawfully withheld or unreasonably delayed; and
- (3) To hold unlawful and set aside any action or findings and conclusions found to be:
 - (A) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - (B) Contrary to constitutional right, power, privilege, or immunity;
 - (C) In excess of statutory jurisdiction, authority, or limitations or short of statutory jurisdiction, authority, or limitations or short of statutory rights;
 - (D) Without observance of procedure required by law, including any applicable procedure provided by this subchapter; or
 - (E) Unsupported by substantial evidence in the record of the proceedings before the Court.

Copies to:
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