

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION**



IN THE MATTER OF:

ROBERT CAO, MD,

Respondent.

NOTICE OF SUMMARY ACTION TO SUSPEND LICENSE

To: Robert Cao, M.D.
900 16th Street, N.W., #533
Washington, DC 20011

In accordance with the provisions of the District of Columbia Administrative Procedure Act, D.C. Code § 2-509(a), and the District of Columbia Health Occupations Revision Act of 1985, D.C. Code § 3-1205.15(b), the Health Regulation and Licensing Administration (HLRA) gives you notice of the summary suspension of your license to practice as a doctor in the District of Columbia, License No. MD045982, under D.C. Code § 3-1205.15(a).

Your license is **summarily suspended** effective **immediately** upon receipt of this notice. If you wish to appeal this summary suspension of your license, you must file a written request for a hearing within 72 hours after service of this notice. Should you request a hearing, one will be held within 72 hours of receipt of a timely request, and a decision will be rendered within 72 hours after the close of the hearing. The request for a hearing must be submitted in writing to Suzanne Fenzel, Assistant General Counsel, Department of Health, Health Licensing Regulation Administration. The request may be submitted by email to suzanne.fenzel3@dc.gov or by mail to 899 North Capitol Street, N.E., Sixth Floor, Washington, D.C. 20002. Ms. Fenzel can be reached at (202) 724-8915.

The District of Columbia is represented by the Office of the Attorney General for the District of Columbia in these proceedings. A copy of your hearing request and any pleading or other written communication addressed to the HLRA should also be delivered to Stephen A. Ortiz, Assistant Attorney General, Office of the Attorney General for the District of Columbia, Civil Enforcement Section, 400 Sixth Street, N.W., Suite 10100, Washington, D.C. 20001. Mr. Ortiz can be reached at (202) 442-9867 or by email at stephen.ortiz@dc.gov.

You may appear personally at such a hearing and you may be represented by legal counsel. You have the right to produce witnesses and evidence on your behalf, to cross-examine witnesses against you, to examine evidence produced, and to have subpoenas issued on your behalf to require the production of witnesses and evidence.

All hearings are conducted before an administrative judge in the English language. If you or any witnesses to be called are deaf, have a hearing impediment, or cannot readily understand or communicate the spoken English language, an application may be made to the administrative law judge for the appointment of a qualified interpreter.

The basis of the contemplated action is certain information received by the agency which, if proven to be true, justifies taking the proposed action under D.C. Code § 3-1205.15(a).

The charge upon which the summary suspension is based is set forth below.

Charge I: Your conduct presents an imminent danger to the health and safety of the public. Thus, your license may be summarily suspended under D.C. Code § 3-1205.15(a)(1)(D).

On September 29, 2021, Jesse Dodson, special agent for the Federal Bureau of Investigation (FBI) contacted Suzanna Fenzel, counsel for the District of Columbia Department of Health (DC Health) to determine whether you had surrendered your medical license in accordance with the September 15, 2021 Order Setting Conditions of Release issued by U.S. Magistrate Judge Zia Faruqui, of the U.S. District Court for the District of Columbia. Inquiries within the DC Health indicated that you have not yet surrendered your license. DC Health received the Criminal Complaint and supporting documents filed against you in the U.S. District Court which revealed the following allegations.

On or about May 31, 2021, first responders, including Fairfax County Police Department officers, were dispatched to a residence located in Fairfax, Virginia in response to a 911 call for assistance regarding victim "VC." Upon their arrival to the residence, VC was pronounced deceased under suspicious circumstances. A search of the residence found multiple prescription bottles, including one for 10.5 mg tablets of Percocet (oxycodone-acetaminophen) that was filled on May 23, 2021. The Percocet prescription contained your name as the prescriber. A subsequent autopsy report completed by the Office of the Chief Medical Examiner for the Northern Virginia District of the Commonwealth of Virginia Department of Health documents the cause of death as acute combined oxycodone and ethanol poisoning.

In July 2021, the FBI began investigating your connection to VC's death. The FBI determined that you had prescribed multiple narcotic prescriptions for VC. The FBI made this determination after obtaining copies of the original paper prescriptions that VC filled between January 2021 through May 2021. Specifically, from January 2021 to May 2021, VC filled approximately five paper prescriptions for Schedule II controlled substances. The paper prescriptions listed a District of Columbia cosmetic medical office, which was your previous employer, and contained your signature. The investigation determined that your employment at the

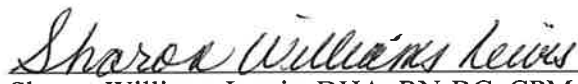
medical office ended March 2020, well before you prescribed the Schedule II controlled substance to VC. In total, you prescribed approximately 138 pills of controlled substances to VC.

In addition, law enforcement obtained text messages between you and VC. The text messages revealed that from December 27, 2020 through May 30, 2021, you discussed prescribing narcotic pain medications to VC. Additionally, the texts showed an agreement between you and VC where VC would provide you with some of the controlled substances, in exchange for the paper prescriptions. For example, on December 27, 2020, you sent a text to VC stating in part, "Hey [VC]. Wanted to see if you still "need" meds." You also stated, "I know you're a percs fan. I'm a norcos fan myself. We can do 50\50 each or you can keep all the percs and I can keep all the norcos," to which VC responded, "Hell yes... I'm totally down."

As a result of the investigation, you were arrested on or about September 15, 2021, in connection to VC's death, and charged with unlawful distribution of a controlled substance. You are currently awaiting trial before the U.S. District Court for the District of Columbia. And to date, you have not surrendered your medical license to DC Health as ordered by the U.S. Magistrate Judge Order Zia Faruqui.

A request for a hearing will not stay this summary suspension. Please note that under 17 DCMR § 4103.2, your failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the administrative law judge from proceeding in this matter.

10-18-2021
DATE



Sharon Williams Lewis, DHA, RN-BC, CPM
Senior Deputy Director
Department of Health
Health Regulation and Licensing Administration