

**Before the
New Hampshire Board of Medicine
Concord, New Hampshire**

In the Matter of:

**Kang Lu, M.D.
License No.: 15541
(Adjudicatory/Disciplinary Proceeding)**

Docket #: 20-MED-0007

FINAL DECISION AND ORDER

Before the New Hampshire Board of Medicine (“Board”) is an adjudicatory/disciplinary proceeding in the matter of Kang Lu, M.D. (“Respondent” or “Dr. Lu”) in Docket Number 20-MED-0007.

Background Information

The Board first granted a license to practice medicine in the State of New Hampshire to Dr. Lu on February 1, 2012. Dr. Lu holds license number 15541.

On March 5, 2020, The Commonwealth of Massachusetts, Board of Registration in Medicine (“Massachusetts Board”), issued a Final Decision and Order (“Order”) against Dr. Lu. Pursuant to the terms of this Order, Dr. Lu’s license in Massachusetts was revoked. The Order allows for Dr. Lu to petition for reinstatement of his license to practice medicine three years from the date of the Order. The Order states that any petition for reinstatement must include, but may not be limited to, the following:

- A. Documented compliance with all recommendations included in the current evaluation; and
- B. An updated evaluation by Dr. Donald Meyer; and
- C. Such other information as the Board may require.

The Order also allows the right for the Respondent to appeal the Massachusetts Board’s Final Decision and Order within thirty (30) days. Dr. Lu indicated in a letter to the New Hampshire Board of Medicine, received on March 26, 2020, that he intended to “appeal or challenge this final order...as soon as practicable.”

The Massachusetts Board’s revocation of Dr. Lu’s license was based on its conclusion that Dr. Lu (a) had a pattern of being armed when interacting with law enforcement, (b) admitted intention to continue to possess and carry guns despite lacking a license to carry a firearm in Massachusetts, and (c) provided false answers regarding criminal charges against him in his 2017 and 2019 license renewal applications to the Massachusetts Board.

Pursuant to RSA 329:17-c, when the Board receives “an administratively final order from the licensing authority of another jurisdiction which imposes disciplinary sanctions against a licensee of the board, . . . the board may issue an order directing the licensee to appear and show cause why similar disciplinary sanctions . . . should not be imposed in the state.” Accordingly, on May 6, 2020, the Board voted to issue a Notice of Hearing to Show Cause. The purpose of the Show Cause hearing was for Respondent to show cause why disciplinary sanctions similar to those imposed by the Massachusetts Board should not be imposed in New Hampshire.

On May 15, 2020, the Board issued a Notice of Hearing to Show Cause scheduling the hearing to take place on Wednesday, July 1, 2020 at 3:00 P.M. electronically via real-time, two-way video conferencing through the Office of Professional Licensure and Certification (“OPLC”) ZOOM account.

The hearing commenced on July 1, 2020 beginning at approximately 3:05 P.M. The Board members present included:

Daniel P. Potenza M.D., President
David C. Conway, M.D., Vice President
Emily R. Baker, M.D.
John H. Wheeler, D.O.
Michael Barr, M.D.
Jonathan Ballard, M.D., M.P.H.
Gilbert J. Fanciullo, M.D.
Susan M. Finerty, P.A.
Nina C. Gardner, Public Member
Donald L. LeBrun, Public Member
Linda M. Tatarczuch, Public Member

Gilbert J. Fanciullo, M.D., Board Member, served as presiding officer. Dr. Lu appeared and represented himself.

The presiding officer asked Dr. Lu if he had any other exhibits to submit, other than the memorandum he submitted. Dr. Lu did not submit any other exhibits.

Discussion and Rulings

The presiding officer opened the hearing and offered Dr. Lu five minutes for an opening statement. Dr. Lu declined to issue an opening statement and proceeded to testify on his own behalf. He informed the Board that he is competent, sane, safe to treat patients, and deserving of the privilege to continue to practice medicine in New Hampshire. He went on to say the he “did not commit a crime, did not tell a lie, did not do harm, did not steal anything, did not breach a lawful

contract, and did not do anything repugnant to the common law.” Dr. Lu represented to the Board that he takes the study of law very seriously and thinks it is for these reasons that he has gotten into some trouble over the past years.

Dr. Lu went on to explain that he is dealing with a lot of medical Boards. He indicated he spoke with the Florida Medical Board and they allowed him to continue to practice but fined him and “asked him to take a course in law regulations and ethics, or something of that nature.” He does not have the final paperwork, so was unsure of the terminology. He testified that the Montana Board met on June 19, 2020 and resolved to go for a settlement whereby he would seek psychological counseling, and, in return, they would reinstate his license to practice in Montana. He then testified that he met with the Alabama Board on June 24, 2020 and the decision in that state has not yet been made.

Dr. Lu informed the Board that the Board of Radiology has revoked his board certification.

Dr. Lu expressed his strong conviction and belief in the constitution of the United States. He expressed that he has thoroughly read and interpreted the constitution as well as the laws and rules in the United States. He stated that a process taking many years led him to the point where he currently is and states that he is under enormous duress because of it.

Dr. Lu does not deny any of the allegations with regards to handgun possession, etc. but adds that he now sees that adhering to his principles, which are not compliant with the laws of the States of the United States, would prevent him from practicing medicine and he has decided to obey the rules and laws as we all understand them and not as he might interpret them.

Dr. Lu stated that he is “100% going to follow those rules” pertaining to the rules of the Board of Medicine. Dr. Lu explained why he did not report his arrests in the state of Massachusetts but understands now that in the future he will report any arrest or infraction, even though he may not personally believe that the state had the right to arrest him. He added, “I assure you that I have no intent, you know, of doing anything that will put me in that situation” referring to getting arrested.

Dr. Lu stated that he does not have a permit to carry a concealed weapon in the state of Massachusetts and when asked if he is still carrying a handgun, he stated that he is not and will not again. Dr. Lu stated that he “is changing my mode of operation so my lifestyle does not interfere with the majority mindset and the beliefs that are commonly held even if they are erroneous in my opinion.” Dr. Lu stated that his past behaviors with regard to police officers and other allegations were “clearly stupid,” and added, “I’ve certainly learned my lesson” He stated, “I don’t do that anymore. . . . I’m redirected. . . I have been redirected and I intend to make the rest of my career a lot more peaceful and a lot less stressful for myself.”

The Board understood that Dr. Lu's practice of radiology has never been subject to any discipline or reprimand of any sort, and Dr. Lu agreed to share the findings of a psychological evaluation which he is undergoing.

The presiding officer closed the hearing at 3:42 P.M.

Disciplinary Sanctions

The issue before the Board is whether Dr. Lu should be subject to disciplinary sanctions similar to those imposed by the Massachusetts Board pursuant to RSA 329:17-c.

After hearing testimony from Dr. Lu, reviewing Dr. Lu's Hearing Memorandum, and reviewing the psychological evaluation Dr. Lu shared with the Board, the Board voted to issue a reprimand based on the Massachusetts Board's conclusion that Dr. Lu provided false answers regarding criminal charges against him in his 2017 and 2019 license renewal application to the Massachusetts Board. The Board also voted to impose an administrative fine in the amount of one thousand five hundred dollars (\$1,500).

THEREFORE, IT IS ORDERED that the Respondent is **REPRIMANDED**; and

IT IS FURTHER ORDERED that Respondent shall pay an administrative fine in the amount of \$1,500. The Respondent shall pay this fine in full within sixty (60) days from the effective date of this Final Decision and Order by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 7 Eagle Square, Concord, New Hampshire 03301; and

IT IS FURTHER ORDERED that this Final Decision and Order shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document; and

IT IS FURTHER ORDERED that this Final Decision and Order shall take effect as an Order of the Board on the date an authorized representative of the Board signs it.

BY ORDER OF THE BOARD

Dated: _____

8/7/2020



Penny Taylor, Administrator
Authorized Representative of the
New Hampshire Board of Medicine