

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Lung-Hsiung Chang, M.D.

**Physician's and Surgeon's
Certificate No. C 39371**

Respondent.

Case No.: 800-2022-091140

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 27, 2024.

IT IS SO ORDERED: November 27, 2024.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

**Michelle A. Bholat, M.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
4 State Bar No. 200896
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **LUNG-HSIUNG CHANG, M.D.**
14 **1528 S. Garfield Ave.**
15 **Alhambra, CA 91801-5017**

16 **Physician's and Surgeon's Certificate**
17 **No. C 39371,**

18 Respondent.

Case No. 800-2022-091140

OAH No. 2024030864

19 **STIPULATED SETTLEMENT AND**
20 **DISCIPLINARY ORDER**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
25 California (Board). He brought this action solely in his official capacity and is represented in this
26 matter by Rob Bonta, Attorney General of the State of California, by Marsha E. Barr-Fernandez,
27 Deputy Attorney General.

28 2. Respondent Lung-Hsiung Chang, M.D. (Respondent) is represented in this
proceeding by attorney Felix T. Woo, whose address is: 601 South Figueroa Street, Suite 1950,
Los Angeles, CA 90017.

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3. On or about August 4, 1980, the Board issued Physician's and Surgeon's Certificate No. C 39371 to Lung-Hsiung Chang, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2022-091140, and will expire on July 31, 2026, unless renewed.

JURISDICTION

4. Accusation No. 800-2022-091140 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 26, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2022-091140 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2022-091140. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2022-091140, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case or factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent does not contest that, at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2022-091140, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate, No. C 39371 to disciplinary action.

RESERVATION

12. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final, and exclusive embodiment of the agreement of the parties in this above-entitled matter.

15. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the

1 Board, all of the charges and allegations contained in Accusation No. 800-2022-091140 shall be
2 deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or
3 any other licensing proceeding involving Respondent in the State of California.

4 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
6 signatures thereto, shall have the same force and effect as the originals.

7 17. In consideration of the foregoing admissions and stipulations, the parties agree that
8 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
9 enter the following Disciplinary Order:

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 39371 issued
12 to Respondent Lung-Hsiung Chang, M.D. is revoked. However, the revocation is stayed and
13 Respondent is placed on probation for five (5) years on the following terms and conditions:

14 1. PSYCHIATRIC EVALUATION. Within ninety (90) calendar days of the effective
15 date of this Decision, and on at least an annual basis thereafter, or more frequent basis as may be
16 required by the Board or its designee, Respondent shall undergo and complete a psychiatric
17 evaluation with neuropsychological testing by a Board-appointed board certified psychiatrist
18 and/or neuropsychologist and/or psychologist, who shall consider any information provided by
19 the Board or designee and any other information the psychiatrist and/or neuropsychologist and/or
20 psychologist deems relevant, and shall furnish a written evaluation report to the Board or its
21 designee. Psychiatric, neuropsychological, and psychological evaluations conducted prior to the
22 effective date of the Decision shall not be accepted towards the fulfillment of this requirement.
23 Respondent shall pay the cost of all psychiatric evaluations and neuropsychological and/or
24 psychological testing.

25 Respondent shall comply with all restrictions or conditions recommended by the evaluating
26 psychiatrist and neuropsychologist and/or psychologist within 15 calendar days after being
27 notified by the Board or its designee.

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1 2. MEDICAL EVALUATION AND TREATMENT. Within ninety (90) calendar days
2 of the effective date of this Decision, and on at least an annual basis thereafter, or more frequent
3 basis as may be required by the Board or its designee, Respondent shall undergo a medical
4 evaluation by a Board-appointed physician who shall consider any information provided by the
5 Board or designee and any other information the evaluating physician deems relevant and shall
6 furnish a medical report to the Board or its designee. Respondent shall provide the evaluating
7 physician with any information and documentation that the evaluating physician may deem
8 pertinent.

9 Following the evaluation, Respondent shall comply with all restrictions or conditions
10 recommended by the evaluating physician within fifteen (15) calendar days after being notified
11 by the Board or its designee. If Respondent is required by the Board or its designee to undergo
12 medical treatment, Respondent shall within thirty (30) calendar days of the requirement notice,
13 submit to the Board or its designee for prior approval the name and qualifications of a California
14 licensed treating physician of Respondent's choice. Upon approval of the treating physician,
15 Respondent shall within fifteen (15) calendar days undertake medical treatment and shall
16 continue such treatment until further notice from the Board or its designee.

17 The treating physician shall consider any information provided by the Board or its designee
18 or any other information the treating physician may deem pertinent prior to commencement of
19 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
20 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
21 Respondent shall provide the Board or its designee with any and all medical records pertaining to
22 treatment that the Board or its designee deems necessary.

23 If, prior to the completion of probation, Respondent is found to be physically incapable of
24 resuming the practice of medicine without restrictions, the Board shall retain continuing
25 jurisdiction over Respondent's license and the period of probation shall be extended until the
26 Board determines that Respondent is physically capable of resuming the practice of medicine
27 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

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1 3. SURGICAL PROCTOR. Within thirty (30) calendar days of the effective date of this
2 Decision, Respondent shall submit to the Board or its designee for prior approval as a surgical
3 proctor, the name and qualifications of one or more licensed physicians and surgeons whose
4 licenses are valid and in good standing, and who are preferably American Board of Medical
5 Specialties (ABMS) certified, to perform concurrent proctoring when Respondent is performing
6 surgery. A proctor shall have no prior or current business or personal relationship with
7 Respondent, or other relationship that could reasonably be expected to compromise the ability of
8 the proctor to render fair and unbiased reports to the Board, including but not limited to any form
9 of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's
10 monitor. Respondent shall pay all proctoring costs.

11 The Board or its designee shall provide the approved proctor with copies of the Decision(s)
12 and Accusation(s), and a proposed proctoring plan. Within fifteen (15) calendar days of receipt
13 of the Decision(s), Accusation(s), and proposed proctoring plan, the proctor shall submit a signed
14 statement that the proctor has read the Decision(s) and Accusation(s), fully understands the role
15 of a proctor, and agrees or disagrees with the proposed proctoring plan. If the proctor disagrees
16 with the proposed proctoring plan, the proctor shall submit a revised proctoring plan with the
17 signed statement for approval by the Board or its designee.

18 Within sixty (60) calendar days of the effective date of this Decision, and continuing
19 throughout probation, Respondent shall be concurrently proctored by the approved proctor when
20 performing surgery. If Respondent fails to obtain approval of a proctor within sixty (60) calendar
21 days of the effective date of this Decision, Respondent shall receive a notification from the Board
22 or its designee to cease the practice of surgery within three (3) calendar days after being so
23 notified. Respondent shall cease the practice of surgery until a proctor is approved to provide
24 monitoring responsibility.

25 The proctor(s) shall submit a quarterly written report to the Board or its designee which
26 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
27 are within the standards of practice of medicine, and whether Respondent is practicing medicine
28 and performing surgery safely. It shall be the sole responsibility of Respondent to ensure that the

1 proctor submits the quarterly written reports to the Board or its designee within ten (10) calendar
2 days after the end of the preceding quarter.

3 If the proctor resigns or is no longer available, Respondent shall, within five (5) calendar
4 days of such resignation or unavailability, submit to the Board or its designee, for prior approval,
5 the name and qualifications of a replacement proctor who will be assuming that responsibility
6 within fifteen (15) calendar days. If Respondent fails to obtain approval of a replacement proctor
7 within sixty (60) calendar days of the resignation or unavailability of the proctor, Respondent
8 shall receive a notification from the Board or its designee to cease the practice of surgery within
9 three (3) calendar days after being so notified. Respondent shall cease the practice of surgery
10 until a replacement proctor is approved and assumes proctoring responsibility.

11 4. PROHIBITED PRACTICE. During probation, Respondent is limited to performing
12 simple, anterior segment cataract surgery and prohibited from performing complex cataract
13 surgeries. After the effective date of this Decision, all patients being treated by the Respondent
14 shall be notified that the Respondent is limited to performing simple, anterior segment cataract
15 surgery and prohibited from performing complex cataract surgeries. Any new patients must be
16 provided this notification at the time of their initial appointment.

17 Respondent shall maintain a log of all patients to whom the required oral notification was
18 made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's
19 medical record number, if available; 3) the full name of the person making the notification; 4) the
20 date the notification was made; and 5) a description of the notification given. Respondent shall
21 keep this log in a separate file or ledger, in chronological order, shall make the log available for
22 immediate inspection and copying on the premises at all times during business hours by the Board
23 or its designee, and shall retain the log for the entire term of probation.

24 5. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
25 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
26 Chief Executive Officer at every hospital where privileges or membership are extended to
27 Respondent, at any other facility where Respondent engages in the practice of medicine,
28 including all physician and locum tenens registries or other similar agencies, and to the Chief

1 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
2 Respondent. Respondent shall submit proof of compliance to the Board or its designee within
3 fifteen (15) calendar days.

4 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5 6. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
6 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
7 advanced practice nurses.

8 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
9 governing the practice of medicine in California and remain in full compliance with any court
10 ordered criminal probation, payments, and other orders.

11 8. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
12 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of
13 \$32,402.75 (thirty two thousand four hundred two dollars and seventy-five cents). Costs shall be
14 payable to the Medical Board of California. Failure to pay such costs shall be considered a
15 violation of probation.

16 Payment must be made in full within thirty (30) calendar days of the effective date of the
17 Order, or by a payment plan approved by the Medical Board of California. Any and all requests
18 for a payment plan shall be submitted in writing by Respondent to the Board. Failure to comply
19 with the payment plan shall be considered a violation of probation.

20 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
21 to repay investigation and enforcement costs, including expert review costs (if applicable).

22 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
23 under penalty of perjury on forms provided by the Board, stating whether there has been
24 compliance with all the conditions of probation.

25 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
26 the end of the preceding quarter.

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10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021, subdivision (b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

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1 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
2 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
4 defined as any period of time Respondent is not practicing medicine as defined in Business and
5 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
6 patient care, clinical activity or teaching, or other activity as approved by the Board. If
7 Respondent resides in California and is considered to be in non-practice, Respondent shall
8 comply with all terms and conditions of probation. All time spent in an intensive training
9 program which has been approved by the Board or its designee shall not be considered non-
10 practice and does not relieve Respondent from complying with all the terms and conditions of
11 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
12 on probation with the medical licensing authority of that state or jurisdiction shall not be
13 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
14 period of non-practice.

15 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
16 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
17 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
18 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
19 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

20 Respondent's period of non-practice while on probation shall not exceed two (2) years.

21 Periods of non-practice will not apply to the reduction of the probationary term.

22 Periods of non-practice for a Respondent residing outside of California will relieve
23 Respondent of the responsibility to comply with the probationary terms and conditions with the
24 exception of this condition and the following terms and conditions of probation: Obey All Laws;
25 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
26 Controlled Substances; and Biological Fluid Testing.

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1 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
2 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar
3 days prior to the completion of probation. This term does not include cost recovery, which is due
4 within thirty (30) calendar days of the effective date of the Order, or by a payment plan approved
5 by the Medical Board and timely satisfied. Upon successful completion of probation,
6 Respondent's certificate shall be fully restored.

7 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
8 of probation is a violation of probation. If Respondent violates probation in any respect, the
9 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
10 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
11 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
12 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
13 be extended until the matter is final.

14 15. LICENSE SURRENDER. Following the effective date of this Decision, if
15 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
16 the terms and conditions of probation, Respondent may request to surrender his or her license.
17 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
18 determining whether or not to grant the request, or to take any other action deemed appropriate
19 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
20 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the
21 Board or its designee and Respondent shall no longer practice medicine. Respondent will no
22 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical
23 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

24 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
25 with probation monitoring each and every year of probation, as designated by the Board, which
26 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
27 California and delivered to the Board or its designee no later than January 31 of each calendar
28 year.

17. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2022-091140 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Felix T. Woo. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

8/13/2024

L. Chang MD
LUNG-HSIUNG CHANG, M.D.
Respondent

I have read and fully discussed with Respondent Lung-Hsiung Chang, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

8/14/2024

Felix Woo
FELIX T. WOO
Attorney for Respondent

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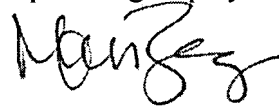
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: August 15, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
Attorneys for Complainant

LA2023604460

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Attorney General of California
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11 In the Matter of the Accusation Against:

Case No. 800-2022-091140

12 **LUNG-HSIUNG CHANG, M.D.**
13 **1528 S. Garfield Ave.**
Alhambra, CA 91801-5017

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. C 39371,**

16 Respondent.

17 **PARTIES**

18 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as
19 the Executive Director of the Medical Board of California, Department of Consumer Affairs
20 (Board).

21 2. On or about August 4, 1980, the Board issued Physician's and Surgeon's Certificate
22 Number C 39371 to Lung-Hsiung Chang, M.D. (Respondent). The Physician's and Surgeon's
23 Certificate was in full force and effect at all times relevant to the charges brought herein and will
24 expire on July 31, 2024, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

1 4. Section 2004 of the Code states:

2 The board shall have the responsibility for the following:

3 (a) The enforcement of the disciplinary and criminal provisions of the Medical
4 Practice Act.

5 (b) The administration and hearing of disciplinary actions.

6 (c) Carrying out disciplinary actions appropriate to findings made by a panel or
7 an administrative law judge.

8 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion
9 of disciplinary actions.

10 (e) Reviewing the quality of medical practice carried out by physician and
11 surgeon certificate holders under the jurisdiction of the board.

12 (f) Approving undergraduate and graduate medical education programs.

13 (g) Approving clinical clerkship and special programs and hospitals for the
14 programs in subdivision (f).

15 (h) Issuing licenses and certificates under the board's jurisdiction.

16 (i) Administering the board's continuing medical education program.

17 5. Section 2220 of the Code states:

18 Except as otherwise provided by law, the board may take action against all
19 persons guilty of violating this chapter. The board shall enforce and administer this
20 article as to physician and surgeon certificate holders, including those who hold
21 certificates that do not permit them to practice medicine, such as, but not limited to,
22 retired, inactive, or disabled status certificate holders, and the board shall have all the
23 powers granted in this chapter for these purposes including, but not limited to:

24 (a) Investigating complaints from the public, from other licensees, from health
25 care facilities, or from the board that a physician and surgeon may be guilty of
26 unprofessional conduct. The board shall investigate the circumstances underlying a
27 report received pursuant to Section 805 or 805.01 within 30 days to determine if an
28 interim suspension order or temporary restraining order should be issued. The board
29 shall otherwise provide timely disposition of the reports received pursuant to Section
30 805 and Section 805.01.

31 (b) Investigating the circumstances of practice of any physician and surgeon
32 where there have been any judgments, settlements, or arbitration awards requiring the
33 physician and surgeon or his or her professional liability insurer to pay an amount in
34 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
35 respect to any claim that injury or damage was proximately caused by the physician's
36 and surgeon's error, negligence, or omission.

37 (c) Investigating the nature and causes of injuries from cases which shall be
38 reported of a high number of judgments, settlements, or arbitration awards against a
39 physician and surgeon.

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1 8. Section 826 of the Code states:

2 The proceedings under Sections 821 and 822 shall be conducted in accordance with
3 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
4 Government Code, and the licensing agency and the licentiate shall have all the rights and
5 powers granted therein.

6 **STATUTORY PROVISIONS**

7 9. Section 820 of the Code states:

8 Whenever it appears that any person holding a license, certificate or permit
9 under this division or under any initiative act referred to in this division may be
10 unable to practice his or her profession safely because the licentiate's ability to
11 practice is impaired due to mental illness, or physical illness affecting competency,
12 the licensing agency may order the licentiate to be examined by one or more
13 physicians and surgeons or psychologists designated by the agency. The report of the
14 examiners shall be made available to the licentiate and may be received as direct
15 evidence in proceedings conducted pursuant to Section 822.

16 10. Section 822 of the Code states:

17 If a licensing agency determines that its licentiate's ability to practice his or her
18 profession safely is impaired because the licentiate is mentally ill, or physically ill
19 affecting competency, the licensing agency may take action by any one of the
20 following methods:

21 (a) Revoking the licentiate's certificate or license.

22 (b) Suspending the licentiate's right to practice.

23 (c) Placing the licentiate on probation.

24 (d) Taking such other action in relation to the licentiate as the licensing agency
25 in its discretion deems proper.

26 The licensing section shall not reinstate a revoked or suspended certificate or
27 license until it has received competent evidence of the absence or control of the
28 condition which caused its action and until it is satisfied that with due regard for the
public health and safety the person's right to practice his or her profession may be
safely reinstated.

11. Section 824 of the Code states:

The licensing agency may proceed against a licentiate under either Section 820, or
822, or under both sections.

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COST RECOVERY

12. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

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1 (j) This section does not apply to any board if a specific statutory provision in
2 that board's licensing act provides for recovery of costs in an administrative
disciplinary proceeding.

3 **FACTUAL ALLEGATIONS**

4 13. On or about August 17, 2022, the Board received an 805 report from Beverly
5 Hospital. An 805 report is a report that is required to be filed by a hospital if a licentiate, among
6 other things, resigns his or her membership or staff privileges after receiving notice of a pending
7 investigation initiated for a medical disciplinary cause or reason. (Bus. & Prof. Code, § 805,
8 subds. (a)(7), (c)(1).)

9 14. The 805 report indicated that Respondent, an ophthalmologist, resigned from the
10 medical staff at Beverly Hospital, effective August 8, 2022, pending formal action from the
11 Medical Executive Committee (MEC). The pending action was related to a right eye cataract
12 extraction with lens implant performed by Respondent on June 3, 2021, which raised concerns
13 regarding his care and his physical ability to continue performing surgery, as well as his cognitive
14 abilities.

15 15. It was reported that during the surgery, Respondent used a total of four (4) lenses
16 (dropped the first lens, broke the second lens, the third lens did not fit, and the fourth lens was
17 successfully inserted). It was also reported that his hands were unsteady (shaking), and that the
18 procedure took over an hour to complete. Respondent denied that the case raised care concerns
19 and explained that the prolonged procedure was due to difficulties with the developmentally-
20 disabled patient complying with instructions. Respondent was asked to attend a Well Being
21 Committee evaluation to determine if he was physically fit and safe to continue performing
22 surgical procedures. Respondent was required by Beverly Hospital to participate in a Physician
23 Assessment and Clinical Education (PACE) Fitness for Duty Evaluation (FDE).

24 16. Respondent participated in the PACE FDE on or about December 10 and 21, 2021.
25 The evaluation consisted of four (4) components: a) physical examination; b) neuropsychological
26 evaluation; c) ophthalmology oral examination; and 4) cataract surgery simulation.

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1 17. Following a thorough evaluation, the PACE evaluators concluded that Respondent
2 "appears to have cognitive deficits that could impact his ability to practice safely. Although he
3 was able to demonstrate an adequate ability to perform cataract procedures, [the evaluators]
4 presume his cognitive deficits will continue to worsen and therefore impact his ability to provide
5 safe patient care." As such, Respondent's practice should be restricted. The evaluators found
6 Respondent FIT with ACCOMMODATION(S).

7 18. In PACE, Fit with Accommodations means the results indicate that presence of
8 illness exists that interferes with the physician's ability to safely perform some, but not all, of his
9 or her duties. When a physician is found to be Fit with Accommodation(s), the specific
10 limitations for each functional area of concern will be described, and recommendations are
11 provided for possible methods of accommodation. Re-evaluation may be recommended
12 depending on the prognosis of present illness(es).

13 19. On or about February 21, 2023, Respondent underwent a physical examination by a
14 Board-appointed neurology expert, Dr. S.P. Dr. S.P. noted that Respondent was driven to the
15 appointment by his brother because Respondent can drive an automobile only for short distances.
16 Based on his review of the materials provided to him and his examination of Respondent, Dr. S.P.
17 opined that Respondent has mild cognitive impairment (MCI) with vision and hearing difficulty,
18 and that it will be difficult for him to function effectively in the operating room (OR). Dr. S.P.
19 agreed with the PACE recommendation for a repeat neuropsychological test and a health
20 evaluation with formal hearing and vision testing yearly with his advanced age. Dr. S.P.
21 concluded that Respondent had a physical illness or condition that impacted his ability to safely
22 engage in the practice of medicine without restrictions.

23 20. On or about March 24, 2023, Respondent underwent a mental examination by a
24 Board-appointed psychiatry expert, Dr. S.C. Based on his review of the materials provided to
25 him and his examination of Respondent, Dr. S.C.'s diagnostic impression was that Respondent
26 had an unspecified neurocognitive disorder. Dr. S.C. identified mild deficits in cognitive
27 performance, consistent with the PACE evaluation. Although Dr. S.C. noted that mild deficits on
28 cognitive screening in a single point in time were not adequate to support a diagnosis of a specific

1 cognitive disorder, Dr. S.C. found that Respondent's total score on the MoCA on his evaluation
2 was identical to that on the PACE evaluation and showed abnormal results . Dr. S.C. was unable
3 to definitively state that Respondent's cognitive deficits are the primary contributor to potential
4 difficulties with performing certain surgeries, but he concluded that the potential impact of
5 Respondent's cognitive deficits on Respondent's ability to practice medicine and perform
6 surgeries could be better addressed with direct assessment of skills specific to his current and
7 future medical and surgical duties. Finally, Dr. S.C. noted Respondent's cardiovascular illness
8 and prediabetes are risk factors for cognitive disorder, and that Respondent's cognitive deficits
9 warrant regular interval monitoring.

10 **CAUSE FOR DISCIPLINE**

11 **(Ability to Practice Medicine Safely is Impaired)**

12 21. Respondent Lung-Hsiung Chang, M.D. is subject to disciplinary action under section
13 822 of the Code in that Respondent's ability to practice medicine safely is impaired. The
14 circumstances are as follows:

15 22. The facts and allegations set forth in paragraphs 13 through 20 are incorporated by
16 reference as if fully set forth.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Medical Board of California issue a decision:

20 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 39371,
21 issued to Respondent Lung-Hsiung Chang, M.D.;

22 2. Revoking, suspending or denying approval of Respondent Lung-Hsiung Chang,
23 M.D.'s authority to supervise physician assistants and advanced practice nurses;

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1 3. Ordering Respondent Lung-Hsiung Chang, M.D., to pay the Board the costs of the
2 investigation and enforcement of this case, and if placed on probation, the costs of probation
3 monitoring; and

4 4. Taking such other and further action as deemed necessary and proper.

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6 DATED: **FEB 26 2024**



REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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