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

In the Matter of the Accusation Against:

Xiushi Liu, M.D.

Physician's & Surgeon's Certificate No. A 109894

Case No. 800-2021-081244

Respondent.

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 February 10, 2025.

IT IS SO ORDERED: January 10, 2025.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

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

1 2 3 4 5 6 7	ROB BONTA Attorney General of California EDWARD KIM Supervising Deputy Attorney General TRINA L. SAUNDERS Deputy Attorney General State Bar No. 207764 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 269-6516 Facsimile: (916) 731-2117 Attorneys for Complainant		
8 9 10	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11 12 13 14	In the Matter of the Accusation Against: XIUSHI (SUZY) LIU, M.D. 51 North 5th Avenue, Ste 202 Arcadia, CA 91006-3712 Physician's and Surgeon's Certificate No. A 109894	Case No. 800-2021-081244 OAH No. 2024020735 STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	
15 16	Respondent.		
17	IT IS HEREBY STIPULATED AND AGRE	EED by and between the parties to the above-	
19	entitled proceedings that the following matters are true:		
20	<u>PARTIES</u>		
21	1. Reji Varghese (Complainant) is the Ex	ecutive Director of the Medical Board of	
22	California (Board). He brought this action solely in his official capacity and is represented in this		
23	matter by Rob Bonta, Attorney General of the State of California, by Trina L. Saunders, Deputy		
24	Attorney General.		
25	2. Respondent Xiushi (Suzy) Liu, M.D. (Respondent) is represented in this proceeding		
26	by attorney Raymond J. McMahon, whose address is 5440 Trabuco Road, Irvine, California		
27	92620.		
28	3. On or about November 4, 2009, the Bo	pard issued Physician's and Surgeon's	

Certificate No. A 109894 to 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. 800-2021-081244, and will expire on September 30, 2025, unless renewed.

JURISDICTION

- 4. Accusation No. 800-2021-081244 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 December 8, 2023. Respondent timely filed her Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 800-2021-081244 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. 800-2021-081244. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent is fully aware of her 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 her; the right to present evidence and to testify on her 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. 800-2021-081244, if proven at a hearing, constitute cause for imposing discipline upon her 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 her 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. 800-2021-081244, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected her Physician's and Surgeon's Certificate, No. A 109894 to disciplinary action.
- 12. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's terms as set forth in the Disciplinary Order below.

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 her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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 she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2021-081244 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

- 16. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.
- 17. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 109894 issued to Respondent Xiushi (Suzy) Liu, M.D., shall be and is Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4), and it is further ordered that Respondent comply with the following attendant terms and conditions:

A. PUBLIC REPRIMAND

The Public Reprimand issued in connection with Accusation No. 800-2021-081244 involves the care and treatment of two patients, and is as follows:

During the period from in or around 2018 through 2019, you violated Business and Professions Code section 2234, subdivision (b) by becoming involved in a romantic relationship with Patient A, and thereafter provided care to Patient B, who was the wife of Patient A, without disclosing that relationship; specifically, you failed to disclose that you were engaged in a personal relationship with Patient B's husband while you treated her, a violation of boundaries, as more fully described in Accusation No. 800-2021-081244.

B. PROFESSIONALISM PROGRAM (ETHICS COURSE)

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than

six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision. Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

C. <u>INVESTIGATION/ENFORCEMENT COST RECOVERY</u>

Within 60 calendar days of the effective date of this Decision, Respondent is hereby ordered to reimburse the Board its cost of investigation and enforcement, including, but not limited to expert review, amended accusations, legal reviews, joint investigations, and subpoena enforcement, in the amount of \$19,589.00 (nineteen thousand, five hundred and eighty-nine dollars). Costs shall be payable to the Medical Board of California.

The filing of bankruptcy by the Respondent shall not relieve Respondent of the responsibility to repay enforcement or investigation costs.

Any failure to fully comply with the terms of this Disciplinary Order shall constitute unprofessional conduct and will subject Respondent's Physician's and Surgeon's Certificate to further disciplinary action.

D. FAILURE TO COMPLY

Failure to comply with any of the terms of this Disciplinary Order shall constitute unprofessional conduct and shall be a basis for further disciplinary action by the Board. In such

ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED: October 11, 2024 Respectfully submitted, **ROB BONTA** Attorney General of California EDWARD KIM Supervising Deputy Attorney General Trina L. Saunders Deputy Attorney General Attorneys for Complainant LA2023601531 Stip Settlement and Disc Order - MBC-Osteopathic docx

Exhibit A

Accusation No. 800-2021-081244

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1	ROB BONTA	•	
2	Attorney General of California ROBERT MCKIM BELL		
3	Supervising Deputy Attorney General TRINA L. SAUNDERS		
4	Deputy Attorney General State Bar No. 207764	· ·	
5	California Department of Justice 300 South Spring Street, Suite 1702		
6	Los Angeles, California 90013 Telephone: (213) 269-6516		
7	Facsimile: (916) 731-2117 Attorneys for Complainant		
8	BEFORE THE		
9	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11			
12	In the Matter of the Accusation Against:	Case No. 800-2021-081244	
13	XIUSHI (a.k.a. SUZY) LIU, M.D.	ACCUSATION	
14	51 North 5th Avenuc Suite 202 Arcadia, California 91006-3712		
15	Physician's and Surgeon's Certificate A 109894,		
16	Respondent.		
17		.	
18	PARTIES		
19	1 Poi: Varghese (Complainant) brings this Accusation solely in his official capacity as		
20	the		
21	Executive Director of the Medical Board of California, Department of Consumer Affairs		
22	(Board).		
23		ical Board issued Physician's and Surgeon's	
24	G. diG. the Name of A. 100004 to Yinghi (Suzy) I in M.D. (Respondent). The Physician's and		
25	G		
26	Sometimes of Sontamber 30, 2025, unless renewed		
27	//		
28	1		
	(XIUSHI (SUZY) LIU, M.D.) ACCUSATION NO. 800-2021-081244		
	**		

JURISDICTION

- 3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
 - 4, Section 2228.1 of the Code, states:
 - (a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information internet website, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:
 - (1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:
 - (A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729.
 - (B) Drug or alcohol abuse directly resulting in harm to patients or the extent that such use impairs the ability of the licensee to practice safely.
 - (C) Criminal conviction directly involving harm to patient health.
 - (D) Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more.
 - (2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendere or other similar compromise that does not include any prima facie showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.
 - (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.
 - (c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a) if any of the following applies:
 - (1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and

- (3) The licensee who will be treating the patient during the visit is not known to
 - (4) The licensee does not have a direct treatment relationship with the patient.
- (d) On and after July 1, 2019, the board shall provide the following information, with respect to licensees on probation and licensees practicing under probationary licenses, in plain view on the licensee's profile page on the board's
- (1) For probation imposed pursuant to a stipulated settlement, the causes alleged in the operative accusation along with a designation identifying those causes by which the licensee has expressly admitted guilt and a statement that acceptance of
- (2) For probation imposed by an adjudicated decision of the board, the causes
- (3) For a licensee granted a probationary license, the causes by which the

unprofessional conduct. In addition to other provisions of this article, unprofessional

- (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
- (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute
- appropriate for that negligent diagnosis of the patient shall constitute a single
- omission that constitutes the negligent act described in paragraph (1), including, but

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not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

- (d) Incompetence.
- (e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.
 - (f) Any action or conduct that would have warranted the denial of a certificate.
- (g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

COST RECOVERY

5. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

- 6. Respondent Xiushi (Suzy) Liu, M.D. is subject to disciplinary action for gross negligence under section 2234, subdivision (b), of the Code in that she failed to disclose to Patient B¹ that she had a conflict of interest in providing her care, namely that Respondent was involved in a romantic relationship with Patient A, the husband of Patient B. The circumstances are as follows:
- 7. Respondent first met Patient A (the husband) in the Summer of 2014, following her performance of surgery on Patient A's brother. She also met Patient A while treating his parents.
- 8. In 2016, Patient A was documented as having paroxysmal atrial fibrillation. Patient A was referred to Respondent so that she could follow him from a cardiac electrophysiology standpoint.

In order to protect the patients' privacy, the patients at-issue in this charging pleading are Identified by letters (e.g., Patient A). The true names of the referenced patients are known to Respondent and were disclosed during discovery.

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- 9. In November 2017, Patient A underwent medical procedures to treat his condition, including the implanting of a loop recorder on November 30, 2016, for ongoing symptoms of palpitations associated with dizziness. Respondent was Patient A's doctor in both procedures. Respondent spoke with Patient A's wife (Patient B) after each procedure and told her that everything had gone well.
- 10. On December 22, 2017, Patient A underwent an electrophysiology study and radiofrequency ablation with Respondent.
- 11. Thereafter, Patient A underwent continued cardiology follow-up with Respondent, including monitoring of his loop recorder as documented by records from Comprehensive Cardiovascular Specialists. The dates for monitoring of loop recorder included June 29, 2018, August 17, 2018, March 28, 2019, and October 2019. Patient A was having short episodes of paroxysmal atrial fibrillation at those times. Patient A was mostly in normal sinus rhythm at that time. These documents were reviewed and signed by Respondent.
- 12. According to Patient A's medical records, on July 26, 2018, Respondent ordered a stress echocardiogram for Patient A. Patient A underwent the stress echocardiogram.
- 13. Patient A disclosed that he asked Respondent out on a date in 2019, and the two have been dating ever since.
- 14. On August 21, 2019, Patient B, the wife of Patient A, was brought to the Hospital via ambulance from home, secondary to mid-sternal chest pain that was sudden onset and non-radiating. Patient B's pain was eight out of ten initially, and reduced to a four out of ten with aspirin and nitroglycerin spray. Patient B's son and Patient A were at her bedside. Patient B was discharged from the hospital after confirming that she was not having an acute coronary event. Patient B was told that she had an anxiety attack. She had been experiencing stress due to her failing marriage.
 - 5. Patient B received a referral to Respondent for a cardiology evaluation.
- On August 22, 2019, Patient B presented for an initial appointment with Respondent.
 A stress test and echocardiogram were ordered.

- 17. Patient B's echocardiogram was documented on August 30, 2019. It showed normal cardiac function and no valvular abnormalities.
- 18. Patient B's stress echocardiogram performed August 26, 2019 was negative for ischemia.
- 19. The cardiac monitor done in August 2019 did not demonstrate significant arrhythmias and the EKG demonstrated normal sinus rhythm.
- 20. On September 10, 2019, Patient B was seen for a follow-up visit. On testing, Patient B was noted to have sinus tachycardia secondary to anxiety. Counseling was provided to Patient B. Patient B was educated to get a Kardia device and to email the results to her doctor. Patient B had declined a Holter monitor. Follow-up was scheduled for six months later.
- 21. Respondent prescribed the medication Virtussin A/C to Patient A, which was filled on September 17, 2019.
 - 22. Per the Respondent, she began dating Patient A in late September 2019.
- 23. On October 31, 2019, Patient B had a follow-up visit with Respondent. Patient B's chart documents that she was still experiencing palpitations, mostly noted in the a.m. Patient B had a heart rate that got up to the 130s upon waking up in the morning. Patient B's diagnosis was documented as tachycardia. Discussion included sinus tachycardia likely secondary to anxiety. No significant tachycardia was noted. It was documented that Patient B was symptomatic, so low-dose Corlanor 5 mg daily would be initiated. It was also documented that Patient B had atypical chest pain, hypercholesterolemia gastroparesis and insomnia. A plan for follow-up in two months was documented.
- 24. In the middle of the year in 2020, Patient B discovered that Respondent and her husband (Patient A) were involved in a romantic relationship that included Respondent spending multiple nights in the marital home of Patients A and B. Upon learning of the relationship between Respondent and her husband, Patient B discontinued her treatment with Respondent.
 - 25. Patients A and B divorced in August of 2021.
- 26. Respondent failed to disclose to Patient B a conflict of interest that could impair her ability to provide appropriate care or could cause Patient B to doubt the quality of care that

Respondent was providing. Namely, Respondent provided treatment to Patient B and did not disclose that she was involved in a romantic relationship with Patient B's husband.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

- 27. Respondent Xiushi (Suzy) Liu, M.D. is subject to disciplinary action for unprofessional conduct under section 2234 of the Code in that she engaged in an intimate romantic relationship with Patient A while she was his treating physician. The circumstances are as follows:
 - 28. Paragraphs 7 through 26 are incorporated here as though fully set forth herein.
- 29. Respondent was Patient A's treating physician between 2017 through the present. On July 26, 2018, Respondent ordered a stress echocardiogram for Patient A. On September 17, 2019, Patient A filled a prescription for Virtussin A/C, written to Patient A by Respondent. The ordering of these tests and medications occurred in the setting of a physician providing recommendations to a patient based on symptoms and an examination. The stress echocardiogram from 2018 and the medication filled on September 2019 are consistent with a doctor-patient relationship existing between Respondent and Patient A in 2018 and 2019. Becoming involved in a romantic/intimate relationship while treating Patient A constitutes an extreme departure from the standard of care.

PRAYER

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

- 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 109894, issued to Respondent Xiushi (Suzy) Liu, M.D.;
- 2. Revoking, suspending or denying approval of Respondent Xiushi (Suzy) Liu, M.D. authority to supervise physician assistants and advanced practice nurses;
- 3. Ordering Respondent Xiushi (Suzy) Liu, M.D. to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;

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1	4. If placed on probation, ordering Respondent Xiushi (Suzy) Liu, M.D. to provide		
2	patient notification in accordance with Business and Professions Code section 2228.1; and		
3	5. Taking such other and further action as deemed necessary and proper.		
4			
5	DATED: DEC 0 8 2023 REJI VARGHESE		
6	Executive Director Medical		
7	Board of California Department of Consumer Affairs State of California		
8	Complainant		
9	Ompraman		
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	(XIUSHI (SUZY) LIU, M.D.) ACCUSATION NO. 800-2021-081244		