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

In the Matter of the Accusation Against Tzer-Hwa Chen, M.D. Physician's and Surgeon's Certificate No. A44388 Respondent.	Case No. 800-2020-066481

DECISION

The attached Stipulated Surrender of License and 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 OCT 0 7 2020.

IT IS SO ORDERED SEP 3 0 2020.

MEDICAL BOARD OF CALIFORNIA

By: _____
William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **TZER-HWA CHEN, M.D.** 1119 Chatsworth Place Dr Chesterfield MO 63017-8419 Physician's and Surgeon's Certificate No. A 44388 Respondent.	Case No. 800-2020-066481 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon, Supervising Deputy Attorney General.

2. Tzer-Hwa Chen, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On February 1, 1988, the Board issued Physician's and Surgeon's Certificate No. A 44388 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. 800-2020-066481 and will expire on January 31, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2020-066481 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 September 3, 2020. A copy of Accusation No. 800-2020-066481 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2020-066481. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. 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 be represented by counsel, at his own expense; 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.

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2020-066481, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline.

Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. 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 Surrender 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.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 44388, issued to Respondent Tzer-Hwa Chen, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2020-066481 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. 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 agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2020-066481 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 licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 9/17/2020

TZER-HWA CHEN, M.D.
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 9/22/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against: **Tzer-Hwa Chen, M.D.** 1119 Chatsworth Place Dr. Chesterfield, MO 63017-8419 Physician's and Surgeon's Certificate No. A 44388, Respondent.	Case No. 800-2020-066481 **A C C U S A T I O N**

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On February 1, 1988, the Medical Board issued Physician's and Surgeon's Certificate Number A 44388 to Tzer-Hwa Chen, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2022, unless renewed.

JURISDICTION

3. This Accusation is brought before the Medical Board of California under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein."
>
> "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On April 6, 2020, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation (Illinois Department) issued a Consent Order regarding Respondent's license to practice medicine in Illinois. The Consent Order was based on information that Respondent retired his DEA Registration and terminated his Medicare enrollment in 2019 after the Centers for Medicare & Medicaid Services suspended his payments based on allegations of fraud. Under the terms of the Consent Order, Respondent's Illinois

license was placed on permanent inactive status. A copy of the Consent Order issued by the Illinois Department is attached as Exhibit A.

5. Respondent's conduct and the action of the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, as set forth above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

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 44388, issued to Tzer-Hwa Chen, M.D.;

2. Revoking, suspending or denying approval of Tzer-Hwa Chen, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Tzer-Hwa Chen, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: SEP 03 2020

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, Complainant	)	
v.	)	No. 2020-02135
Tzer-Hwa Chen, M.D. License No. 036-075313. Respondent	)	

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter the "Department") and Tzer-Hwa Chen, M.D., (hereinafter the "Respondent"), through Ronald Jenkins, his attorney, hereby agree to the following:

STIPULATION

Tzer-Hwa Chen, M.D. is duly registered as a Physician and Surgeon in the State of Illinois, License No. 036-075313. Said Illinois Physician and Surgeon License is presently in inactive status. That at all times material to the matter set forth in this Consent Order, the Department of Professional Regulation of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the Department's attention that Respondent has retired his DEA Registration and terminated his Medicare enrollment in 2019 after CMS (Centers for Medicare & Medicaid Services) suspended Respondent's Medicare payments in May 2019 based on the allegations of fraud, all in violation of Section 60/22(A)(12) of the Illinois Medical Practice Act.

On March 3, 2020, the Department filed its Notice to Refuse to Renew Respondent's Illinois Physician and Surgeon License. Subssequently, the Department and

Respondent, through his attorney, engaged in negotiations for an amicable resolution of this matter.

Respondent denies the alleged information, however he acknowledges that should this matter proceed to a contested hearing, the Illinois Medical Disciplinary Board (the "Board") could find a violation of the Medical Practice Act. Respondent has been advised of the right to request a hearing, the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order. The Department and Respondent stipulate that this Consent Order resolves all pending matters with the Department as of the date of the final approval of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that, Tzer-Hwa Chen, M.D. be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interest of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, one of its attorneys, and Tzer-Hwa Chen, M.D., Respondent, through Ronald Jenkins, his attorney, agree to the following:

A. Upon effective date of this Consent Order, Illinois Physician and Surgeon License of Tzer-Hwa Chen, M.D., License No. 036-075313, is hereby placed on permanent inactive status;

B. Respondent agrees that this Order is formal public action reportable to all relevant

authorities and entities responsible for licensing and regulation of healthcare providers;

C. This Consent Order shall become effective after it is approved by the Director of the Division of Professional Regulation.

4/1/2020
DATE

Vladimir Lozovskiy, Attorney for Department

3-27-2020
DATE

Tzer-Hwa Chen, M.D., Respondent

3/30/2020
DATE

Ronald Jenkins, Attorney for Respondent

4/1/2020
DATE

Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 6th day of April, 2020.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, Deborah Hagan, Secretary
DIVISION OF PROFESSIONAL REGULATION

Cecilia Abundis, Acting Director