

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

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

Perry Hsien-Tsung Liu, M.D.

**Physician's and Surgeon's
Certificate No. A 96604**

Case No.: 800-2018-045514

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 22, 2023.

IT IS SO ORDERED: January 23, 2023.

MEDICAL BOARD OF CALIFORNIA



**Laurie Rose Lubiano, J.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 EDWARD K. KIM
Supervising Deputy Attorney General
3 JONATHAN NGUYEN
Deputy Attorney General
4 State Bar No. 263420
Department of Justice
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7 *Attorneys for Complainant*

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

12 In the Matter of the Second Amended
13 Accusation Against:

14 **PERRY HSIEN-TSUNG LIU, M.D.**
15 **9301 Wilshire Blvd #100**
Beverly Hills, CA 90210

16 **Physician's and Surgeon's Certificate**
17 **No. A 96604,**

18 Respondent.

Case No. 800-2018-045514

OAH No. 2021070418

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Jonathan Nguyen, Deputy
25 Attorney General.

26 2. Respondent Perry Hsien-Tsung Liu, M.D. (Respondent) is represented in this
27 proceeding by attorney Derek F. O'Reilly-Jones, Esq., whose address is: 355 South Grand
28 Avenue, Suite 1750, Los Angeles, CA 90071-1562.

1 3. On or about July 28, 2006, the Board issued Physician's and Surgeon's Certificate No.
2 A 96604 to Perry Hsien-Tsung Liu, M.D. (Respondent). The Physician's and Surgeon's
3 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
4 No. 800-2018-045514, and will expire on November 30, 2021, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2018-045514 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on May 20, 2021. Respondent timely filed his Notice of Defense
9 contesting the Accusation.

10 5. A copy of Accusation No. 800-2018-045514 is attached as exhibit A and incorporated
11 herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2018-045514. Respondent has also carefully read,
15 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

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

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

25 **CULPABILITY**

26 9. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 800-2018-045514, if proven at a hearing, constitute cause for imposing discipline upon his
28 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. 800-2018-045514, 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. A 96604 to disciplinary action.

ACKNOWLEDGMENT

12. Respondent acknowledges the Disciplinary Order below, requiring the disclosure of probation pursuant to Business and Professions Code section 2228.1, serves to protect the public interest.

13. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

14. 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.

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 Board, all of the charges and allegations contained in Accusation No. 800-2018-045514 shall be

1 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
2 other licensing proceeding involving Respondent in the State of California.

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

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

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 96604 issued
11 to Respondent PERRY HSIEN-TSUNG LIU, M.D. is revoked. However, the revocations are
12 stayed and Respondent is placed on probation for one (1) year on the following terms and
13 conditions:

14 1. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this
15 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
16 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
17 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
18 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
19 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
20 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
21 completion of each course, the Board or its designee may administer an examination to test
22 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
23 hours of CME of which 40 hours were in satisfaction of this condition.

24 2. **MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the effective
25 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
26 advance by the Board or its designee. Respondent shall provide the approved course provider
27 with any information and documents that the approved course provider may deem pertinent.

28 Respondent shall participate in and successfully complete the classroom component of the course

1 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
2 complete any other component of the course within one (1) year of enrollment. The medical
3 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
4 Medical Education (CME) requirements for renewal of licensure.

5 A medical record keeping course taken after the acts that gave rise to the charges in the
6 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
7 or its designee, be accepted towards the fulfillment of this condition if the course would have
8 been approved by the Board or its designee had the course been taken after the effective date of
9 this Decision.

10 Respondent shall submit a certification of successful completion to the Board or its
11 designee not later than 15 calendar days after successfully completing the course, or not later than
12 15 calendar days after the effective date of the Decision, whichever is later.

13 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
14 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
15 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
16 Respondent shall participate in and successfully complete that program. Respondent shall
17 provide any information and documents that the program may deem pertinent. Respondent shall
18 successfully complete the classroom component of the program not later than six (6) months after
19 Respondent's initial enrollment, and the longitudinal component of the program not later than the
20 time specified by the program, but no later than one (1) year after attending the classroom
21 component. The professionalism program shall be at Respondent's expense and shall be in
22 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

23 A professionalism program taken after the acts that gave rise to the charges in the
24 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
25 or its designee, be accepted towards the fulfillment of this condition if the program would have
26 been approved by the Board or its designee had the program been taken after the effective date of
27 this Decision.

28 Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after the effective date of the Decision, whichever is later.

1 designee not later than 15 calendar days after successfully completing the program or not later
2 than 15 calendar days after the effective date of the Decision, whichever is later.

3 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
4 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
5 Chief Executive Officer at every hospital where privileges or membership are extended to
6 Respondent, at any other facility where Respondent engages in the practice of medicine,
7 including all physician and locum tenens registries or other similar agencies, and to the Chief
8 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
9 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
10 calendar days.

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

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

15 6. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
16 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
17 limited to, expert review, amended accusations, legal reviews, joint investigations, and subpoena
18 enforcement, as applicable, in the amount of \$7,187.50 (seven thousand one hundred eighty-
19 seven dollars and fifty cents). Costs shall be payable to the Medical Board of California. Failure
20 to pay such costs shall be considered a violation of probation.

21 Any and all requests for a payment plan shall be submitted in writing by Respondent to the
22 Board.

23 The filing of bankruptcy by respondent shall not relieve Respondent of the responsibility to
24 repay investigation and enforcement costs.

25 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
26 under penalty of perjury on forms provided by the Board, stating whether there has been
27 compliance with all the conditions of probation.

28 Respondent shall submit quarterly declarations not later than 10 calendar days after the end

1 of the preceding quarter.

2 8. GENERAL PROBATION REQUIREMENTS.

3 Compliance with Probation Unit

4 Respondent shall comply with the Board's probation unit.

5 Address Changes

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

11 Place of Practice

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

15 License Renewal

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

18 Travel or Residence Outside California

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

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

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

28 ~~10. NON-PRACTICE WHILE ON PROBATION.~~ Respondent shall notify the Board or

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

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

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

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

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

26 11. COMPLETION OF PROBATION. Respondent shall comply with all financial
27 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
28 completion of probation. Upon successful completion of probation, Respondent's certificate shall

1 be fully restored.

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

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

19 14. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
20 with probation monitoring each and every year of probation, as designated by the Board, which
21 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
22 California and delivered to the Board or its designee no later than January 31 of each calendar
23 year.

24 15. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
25 a new license or certification, or petition for reinstatement of a license, by any other health care
26 licensing action agency in the State of California, all of the charges and allegations contained in
27 Accusation No. 800-2018-045514 shall be deemed to be true, correct, and admitted by
28 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or

1 restrict license.

2 **ACCEPTANCE**

3 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
4 discussed it with my attorney, Derek F. O'Reilly-Jones, Esq.. I understand the stipulation and the
5 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
6 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
7 bound by the Decision and Order of the Medical Board of California.

8
9 DATED:

3/25/22


PERRY HSIEN-TSUNG LIU, M.D.
Respondent

11 I have read and fully discussed with Respondent Perry Hsien-Tsung Liu, M.D. the terms
12 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
13 Order. I approve its form and content.

14 DATED:

03.25.2022


DEREK F. O'REILLY-JONES, ESQ.
Attorney for Respondent

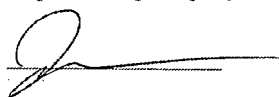
17 **ENDORSEMENT**

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

20 DATED: 3/25/2022

21 Respectfully submitted,

22 ROB BONTA
23 Attorney General of California
24 EDWARD KIM
25 Supervising Deputy Attorney General


26 JONATHAN NGUYEN
27 Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

Second Amended Accusation No. 800-2018-045514

1 ROB BONTA
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2 EDWARD K. KIM
Supervising Deputy Attorney General
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9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Second Amended
Accusation Against:

Case No. 800-2018-045514

SECOND AMENDED ACCUSATION

14 **PERRY HSIEN-TSUNG LIU, M.D.**
15 **9301 Wilshire Blvd., Ste. 100**
Beverly Hills, CA 90210-6100

16 **Physician's and Surgeon's Certificate**
17 **No. A 96604,**

Respondent.

18
19 **PARTIES**

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

23 2. On or about July 28, 2006, the Board issued Physician's and Surgeon's Certificate
24 Number A 96604 to Perry Hsien-Tsung Liu, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on November 30, 2023, unless renewed.

27 **JURISDICTION**

28 3. This Second Amended Accusation is brought before the Board, under the authority of

1 the following laws. All section references are to the Business and Professions Code (Code)
2 unless otherwise indicated.

3 4. Section 2004 of the Code states:

4 The board shall have the responsibility for the following:

5 (a) The enforcement of the disciplinary and criminal provisions of the Medical
6 Practice Act.

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

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

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

11 (e) Reviewing the quality of medical practice carried out by physician and
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,
retired, inactive, or disabled status certificate holders, and the board shall have all the
powers granted in this chapter for these purposes including, but not limited to:

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

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

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

4 6. Section 2227 of the Code provides that a licensee who is found guilty under the
5 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
6 one year, placed on probation and required to pay the costs of probation monitoring, or such other
7 action taken in relation to discipline as the Board deems proper.

8 STATUTES

9 7. Section 2234 of the Code, states:

10 The board shall take action against any licensee who is charged with
11 unprofessional conduct. In addition to other provisions of this article, unprofessional
12 conduct includes, but is not limited to, the following:

13 (a) Violating or attempting to violate, directly or indirectly, assisting in or
14 abetting the violation of, or conspiring to violate any provision of this chapter.

15 (b) Gross negligence.

16 (c) Repeated negligent acts. To be repeated, there must be two or more
17 negligent acts or omissions. An initial negligent act or omission followed by a
18 separate and distinct departure from the applicable standard of care shall constitute
19 repeated negligent acts.

20 (1) An initial negligent diagnosis followed by an act or omission medically
21 appropriate for that negligent diagnosis of the patient shall constitute a single
22 negligent act.

23 (2) When the standard of care requires a change in the diagnosis, act, or
24 omission that constitutes the negligent act described in paragraph (1), including, but
25 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
26 licensee's conduct departs from the applicable standard of care, each departure
27 constitutes a separate and distinct breach of the standard of care.

28 (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.

///

///

1 8. Section 2266 of the Code states:

2 The failure of a physician and surgeon to maintain adequate and accurate
3 records relating to the provision of services to their patients constitutes unprofessional
4 conduct.

5 **COST RECOVERY**

6 9. Section 125.3 of the Code states:

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

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

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

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

28 (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

1 to be available upon appropriation by the Legislature.

2 (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.

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

5 **FACTUAL ALLEGATIONS**

6 10. On or about April 30, 2018, Patient A,¹ a 77 year-old female, sought a consultation
7 with Respondent regarding the appearance of her abdomen. Patient A previously had surgery on
8 her abdomen with other physicians that included a tummy tuck, liposuction, and fat grafting.
9 Respondent examined Patient A and noted that Patient A had prominent love handles, mons
10 pubis² nodules, and asymmetry of the abdomen. Respondent did not record Patient A's height or
11 weight during this visit and made no notes regarding the soft tissue of Patient A's inner thighs.

12 11. A surgery was scheduled for Patient A for May 25, 2018, at the Summit Surgical
13 Center in Beverly Hills, California. Billing documentation for the surgery listed the procedure as
14 abdominoplasty³ and liposuction⁴ of the inner thighs. Patient A underwent a medical pre-
15 operation evaluation by Dr. M. on May 7, 2018, which included blood work and an
16 electrocardiogram. Dr. M. described Patient A as medically stable and low risk for surgery.

17 12. Prior to the surgery, Patient A signed a copy of the American Society of Plastic
18 Surgery (ASPS) consent form for liposuction, however the document was not dated or witnessed
19 by a third party. Respondent's office records for Patient A do not contain any other consent
20 forms.

21 13. On or about May 25, 2018, Patient A underwent liposuction of the abdomen, mons
22 pubis, and inner thighs, in addition to plication⁵ of the rectus muscles, despite the surgery center
23 consent form only specifying abdominoplasty and liposuction of the abdomen and inner thighs.

24 ¹ Patient's name is anonymized for privacy concerns.

25 ² The mons pubis is an area of fatty tissue that covers the pubic bone.

26 ³ An abdominoplasty is a surgical procedure that flattens the abdomen by removing extra
fat and skin, and tightening muscles in the abdominal wall. This surgical procedure is commonly
known as a "tummy tuck."

27 ⁴ Liposuction is a surgical procedure that uses a suction technique to remove fat from
specific areas of the body such as the abdomen, hips, thighs, buttocks, arms or neck.

28 ⁵ Plication is a procedure in which muscles are tightened as part of the abdominoplasty
procedure.

1 Just prior to the surgery, Patient A signed a consent form provided by the surgical center listing
2 abdominoplasty as part of the procedure. It was a standardized form employed by the surgery
3 center and contained no specific information regarding abdominoplasty.

4 14. After the surgery, Patient A was picked up by a friend with the plan to be cared by
5 Patient A's daughter with whom she was living. The same evening of the surgery, Patient A
6 experienced pain with nausea and vomited, with the nausea persisting until the next day. On or
7 about May 27, 2018, the second post-operative day, Patient A experienced a large vomiting
8 episode and was later found unresponsive by her daughter, who called 911. Paramedics arrived at
9 Patient A's residence and found her unresponsive at 12:15 p.m. on May 27, 2018, and determined
10 that Patient A had died.

11 15. On or about May 30, 2018, an autopsy was performed on Patient A by the Medical
12 Examiner's Office. The autopsy findings documented perforation in the jejunum⁶ and the
13 omentum⁷ in the left upper abdominal cavity. The Medical Examiner's Office also describe in
14 their report: (1) the presence of succus entericus⁸ in the local area of the perforation; (2) a tract
15 through the left rectus abdominis;⁹ and (3) several defects in the peritoneum¹⁰ and omentum
16 indicating multiple passes of the liposuction cannula. The final cause of death was determined by
17 the Medical Examiner's Office to be acute peritonitis¹¹ secondary to small bowel perforation
18 during liposuction.

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23 ⁶ The jejunum is the part of the small intestine between the duodenum and ileum.

24 ⁷ The omentum is a curtain of fatty tissue that hangs down from the stomach and liver and
wraps around the intestines, and is known to play a role in immune responses and metabolism.

25 ⁸ Succus entericus is a clear to pale yellow watery secretion from the glands lining the
small intestine walls, commonly known as intestinal juice. Intestinal juice contains hormones,
digestive enzymes, mucus, and other substances to neutralize hydrochloric acid coming from the
stomach.

26 ⁹ The left rectus abdominis is the left abdominal muscle.

27 ¹⁰ The peritoneum is tissue that lines the inner wall of the abdomen and covers and
supports most of the abdominal organs.

28 ¹¹ Peritonitis is an inflammation or infection of the peritoneum. Secondary peritonitis can
result from a rupture or perforation in the abdomen.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 16. Respondent Perry Hsien-Tsung Liu, M.D. is subject to disciplinary action under Code
4 section 2234, subdivision (b), in that Respondent was grossly negligent. The circumstances are as
5 follows:

6 17. The facts and circumstances as set forth in paragraphs 10 through 15 inclusive above,
7 are incorporated by reference herein as if fully set forth.

8 18. Respondent's acts and/or omissions as set forth in paragraphs 10 through 15, whether
9 proven individually, jointly, or in any combination thereof, constitute gross negligence.

10 19. Respondent was grossly negligent in his care of Patient A. Prior to the surgery,
11 Patient A's medical records contain inadequate documentation of informed consent about the
12 abdominoplasty procedure. Respondent's pre-operative treatment plan for Patient A's abdomen
13 comprises of only two sentences. There is no consent for abdominoplasty in Patient A's records
14 from Respondent's office and abdominoplasty is not referenced in Respondent's operative report.
15 There is consent for liposuction in Patient A's records from Respondent's office. Although there
16 is a signed consent form from Summit Surgical Center dated May 25, 2018, which lists
17 abdominoplasty as part of the procedure, the form contained mostly boilerplate language and
18 contained no specific information regarding abdominoplasty.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Failure to Maintain Adequate and Accurate Medical Records)**

21 20. Respondent Perry Hsien-Tsung Liu, M.D. is subject to disciplinary action under Code
22 section 2266 in that Respondent failed to maintain adequate and accurate records related to the
23 provision of medical services to Patient A. The circumstances are as follows:

24 21. The facts and circumstances as set forth in paragraphs 10 through 15, inclusive above,
25 are incorporated by reference herein as if fully set forth.

26 22. Respondent failed to adequately document his medical care for Patient A when he
27 failed to have Patient A properly complete the ASPS consent form. Although the consent form is
28 initialed on each page and signed on the last page, the form was not dated and was not signed as

1 witnessed by a third party. The ASPS consent form was incomplete.

2 23. Respondent failed to adequately document: (1) whether Patient A was adequately
3 prepared to recover at home; (2) whether Patient A or her daughter were aware of when the first
4 post-operative visit was going to occur; and (3) whether aftercare information was conveyed to
5 Patient A's daughter.

6 24. Respondent failed to adequately document liposuction on Patient A's inner thighs
7 prior to the surgery. Respondent's medical records for Patient A make no reference to the fat on
8 Patient A's inner thighs or that Respondent recommended liposuction to Patient A in that area of
9 her body. Respondent's medical records for Patient A lack sufficient information analyzing or
10 pertaining to treatment of Patient A's thighs. As such, Respondent's medical records for Patient
11 A lack informed consent regarding liposuction on Patient A's inner thighs.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(General Unprofessional Conduct)**

14 25. Respondent Perry Hsien-Tsung Liu, M.D. is subject to disciplinary action under Code
15 section 2234, in that Respondent's actions and/or omissions represent unprofessional conduct,
16 generally. The circumstances are as follows:

17 26. The facts and circumstances as set forth in paragraphs 10 through 24, inclusive above,
18 are incorporated by reference herein as if fully set forth.

19 27. The allegations of the First and Second Causes for Discipline are incorporated herein
20 by reference as if fully set forth.

21 **PRAYER**

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

24 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 96604,
25 issued to Respondent Perry Hsien-Tsung Liu, M.D.;

26 2. Revoking, suspending or denying approval of Respondent Perry Hsien-Tsung Liu,
27 M.D.'s authority to supervise physician assistants and advanced practice nurses;

28 3. Ordering Respondent Perry Hsien-Tsung Liu, M.D. to pay the Board the costs of the

1 investigation and enforcement of this case, and if placed on probation, to pay the Board the costs
2 of probation monitoring; and

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

4 DATED: MAR 25 2022
5


6 WILLIAM PRASIFKA
7 Executive Director
8 Medical Board of California
9 Department of Consumer Affairs
10 State of California
11 *Complainant*

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