

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

TIMOTHY HSU, M.D.
License No. 43-01-042857,
Respondent.

File No. 43-19-002148

CONSENT ORDER

On December 26, 2019, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

Respondent neither admits nor denies the facts alleged in the Complaint but agrees that the Michigan Board of Medicine's Disciplinary Subcommittee (DSC) shall treat the allegations as true for purposes of this Consent Order and Stipulation (Order), which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations.

The DSC has reviewed this Order and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true for purposes of this Order and constitute violation(s) of MCL 333.16221(b)(x) and (f).

Accordingly, IT IS ORDERED that for the cited violation(s) of the Public Health Code:

Respondent is REPRIMANDED.

Respondent is FINED \$1,000.00, to be paid to the State of Michigan within 90 days of the effective date of this Order. Respondent shall **direct payment** to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display **File Number 43-19-002148**.

If Respondent fails to comply with the terms and conditions of this Order, Respondent's license shall be automatically SUSPENDED for a minimum of one day. If, within six months of the suspension of the license, Respondent complies with the terms of this Order, the license shall be automatically reinstated.

If Respondent's license remains suspended for more than six months, Respondent must apply for reinstatement of the license. If Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with sections MCL 333.16245 and 333.16247.

This Order shall be effective 30 days from the date signed by the DSC, as set forth below.

MICHIGAN BOARD OF MEDICINE

By:  for
Chairperson, Disciplinary Subcommittee

Dated: September 16, 2020

STIPULATION

1. Respondent neither admits nor denies the facts alleged in the Complaint, but agrees that the Disciplinary Subcommittee shall treat the allegations as true for purposes of this Order, which findings shall have the same force and effect as if evidence and arguments were presented in support of the allegations.

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, and this action will be reported to the National Practitioner Data Bank and any other entity as required by state or federal law.

4. Factors taken into consideration in the formulation of this Order are:

- a. The Complaint was based upon a Virginia Medical Board disciplinary order, entered on September 25, 2019, that reprimanded Respondent and required his treating therapist to submit reports regarding his ongoing therapy arising out of his conduct toward a patient during the patient's last therapy session;

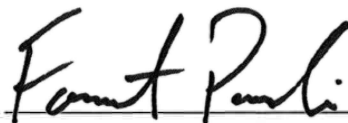
- b. The Virginia Medical Board characterized the isolated, one-time event as a non-sexual boundary violation;
- c. During a compliance conference, Respondent described the steps that he has put in place to avoid any future boundary violations from occurring;
- d. Respondent provided his National Practitioners Data Bank self-report that shows no history of discipline (other than the subject Virginia matter), malpractice, or hospital staff privileging matters during the more than 40 years since receiving his M.D. degree;
- e. Respondent submitted letters from his treating psychiatrist, his treating psychologist, and a forensic psychiatrist who conducted a comprehensive fitness for duty examination, all of which indicate Respondent is safe to practice without limitations;
- f. Respondent completed the PBI Professional Boundaries and Ethic Course – Extended Edition on June 23-25, 2017, and the quarterly PBI Maintenance and Accountability Seminars from September 23, 2017, through January 23, 2020;
- g. Per a March 20, 2020 letter by the Virginia Medical Board, Respondent has fully complied with the terms and conditions of the Virginia disciplinary order, Respondent has a full and unrestricted license to practice in Virginia, and the matter was closed on March 20, 2020.
- h. Respondent submitted numerous letters of support by fellow psychiatrists including letters from the Medical Directors of five (5) State of Virginia mental health facilities.

5. Michael D. Chafty, M.D., a member of the Board who supports this proposal, and the Department's representative are free to discuss this matter with the DSC and recommend acceptance of the resolution set forth in this Order.

6. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the DSC in this matter.

7. This proposal is conditioned upon acceptance by the DSC. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

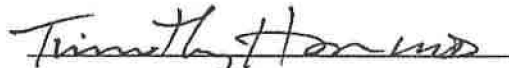
AGREED TO BY:



Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Dated: 7-24-2020

AGREED TO BY:



Timothy Hsu, M.D.
Respondent

Dated: 7/15/2020

Approved as to form by:



Robert S. Iwrey (P48688)
Attorney for Respondent

Dated: 7/15/2020

sde

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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Forrest Pasanski, Enforcement Division Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Medicine is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice medicine in the state of Michigan and holds a controlled substance license.

3. On September 25, 2019, the Virginia Medical Board (Virginia Board) executed an Order that reprimanded Respondent and required Respondent's treating therapist to submit quarterly reports to the Virginia Board for one year regarding the status of Respondent's ongoing therapy. The Virginia Board Order was based on Respondent's

conduct toward a patient during the patient's last therapy session with Respondent on May 1, 2017. At the end of the session, the patient became emotional while she presented Respondent with a thank-you note and gift card. In response, Respondent hugged and kissed the patient on her face, lips, and neck. A copy of the Virginia Board Order, marked Exhibit A, is attached and incorporated.

4. Respondent failed to notify the Department of the action taken by the Virginia Board within 30 days from the date of the action.

COUNT I

The action by the Virginia Board, as set forth above, constitutes a final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, in violation of MCL 333.16221(b)(x).

COUNT II

Respondent's conduct, as set forth above, evidences a failure to notify the Department of the disciplinary action by the Virginia Board within 30 days from the date of the action, as required by MCL 333.16222(4), in violation of MCL 333.16221(f).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure.

Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: 12-26-19



Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Attachment

sde