

## BEFORE THE VIRGINIA BOARD OF MEDICINE

**IN RE:       TIMOTHY HSU, M.D.**  
**License Number:   0101-257008**  
**Case Number:      180589**

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### ORDER

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#### JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Medicine (“Board”) held an informal conference on September 11, 2019, in Henrico County, Virginia, to inquire into evidence that Timothy Hsu, M.D., may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia.

Timothy Hsu, M.D., appeared at this proceeding and was represented by Julia Krebs-Markrich, Esquire.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Timothy Hsu, M.D., was issued License Number 0101-257008 to practice medicine and surgery on August 18, 2014, which is scheduled to expire on December 31, 2020. At all times relevant to the findings contained herein, said license was current and active.

2. Dr. Hsu violated Virginia Code § 54.1-2915(A)(12), (18), and (19) and 18 VAC 85-20-100(A)(1) and (2) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, or Chiropractic in that, during an office visit on May 1, 2017, Dr. Hsu engaged in verbal and/or physical contact with Patient A, a 28-year-old female, which may reasonably be interpreted as (i) intended for the sexual arousal or gratification of the practitioner, the patient, or both or (ii) romantic involvement with the patient. Specifically:

a. Dr. Hsu, a psychiatrist, began treating Patient A in June 2016 for major depressive disorder, dysthymia, and post-traumatic stress disorder.

b. In January 2017, Dr. Hsu accepted employment in a different city and began the process of transferring all of his patients to other providers. At Patient A's office visit on April 12, 2017, Dr. Hsu informed Patient A that her next appointment would be their final session due to his departure from the practice. He then provided his personal contact information, stating that she could contact him in the interim but that he would not be serving as her treating physician. Dr. Hsu's last day of work at the facility was scheduled for Friday, May 5, 2017.

c. At Patient A's final appointment on Monday, May 1, 2017, she presented Dr. Hsu with a thank-you note and gift card. When Patient A became emotionally distraught, Dr. Hsu stood up, walked around his desk, and hugged her, "stroking" her upper back with his hands in an up/down motion...." According to Patient A and by Dr. Hsu's own admission, Dr. Hsu kissed her face, her lips, and her neck. Dr. Hsu acknowledged that Patient A drew back. Dr. Hsu stated that as he and Patient A walked to the reception area, she asked him, "Why the romantic stuff?" He responded by asking her if she considered herself attractive because it had been an issue in her therapy for chronic suicidality.

d. On May 3, 2017, Dr. Hsu's employer placed him on administrative leave pending an investigation of a complaint regarding Patient A. On May 5, 2017, Dr. Hsu was terminated from his employment for cause. Dr. Hsu reported the May 1, 2017 incident involving Patient A to the Board of Medicine by letter dated Friday, May 5, 2017. In the letter, Dr. Hsu acknowledged that "a breach of professional conduct occurred, due to a lapse in judgement on my part." In a later statement dated July 27, 2017, Dr. Hsu indicated that his "efforts to console and reassure were misunderstood and misinterpreted" by Patient A, and that "the kissing was intended to comfort, arose in the emotion of the moment, was not erotic, and was not intended as sexual."

e. Approximately two weeks after the May 1, 2017 office visit, Patient A reported the return of depressive symptoms and suicidal ideation.

3. Dr. Hsu stated that the appointment with Patient A on May 1, 2017 was scheduled as a 30-minute session and that prior to that appointment, she had been informed that the May 1st visit would be the final visit with Dr. Hsu. Dr. Hsu stated that Patient A's visit was pretty routine until the end of the session when she handed him a thank you card and expressed in a very touching way the difference that his treatment had made for her. He stated that she gave him credit for saving her life and that she burst into tears as he read her card aloud to her. He stated that it was not uncommon for some patients to become tearful during final visits, that it was not his practice to leave his seat, but that Patient A's reaction was more emotional and led him to leave his seat in an effort to comfort her.

4. Dr. Hsu denied that his intent in hugging Patient A was to gain sexual gratification, but rather his intent was to express comfort and concern based on her reaction to his reading her thank you card aloud. Dr. Hsu admitted to hugging other male and female patients but denied kissing a patient before Patient A's final visit. Dr. Hsu acknowledged to the Committee that his actions of hugging and kissing Patient A were a boundary violation.

5. Thomas C. Goldman, M.D., appeared before the Committee and reviewed his January 12, 2018 Report of Psychiatric Examination of Dr. Hsu. Specifically:

- a. See Confidential Exhibit.
- b. See Confidential Exhibit.

6. Dr. Hsu submitted documentation to the Committee of having completed continuing medical education in boundary and accountability courses, including 34 hours of continuing medical education on June 23-25, 2017 at the University of California, Irvine School of Medicine, on a course entitled, *PBI Professional Boundaries and Ethics Course-Extended Edition*. He also submitted documentation of having attended the Onsite Workshops' Living Centered Program on August 4-11, 2017. He stated that he has also undergone psychometric testing.

7. Dr. Hsu stated that he has received a new offer of employment but is waiting for security clearance. In the meantime, he has been performing agency work as a temporary employee. He stated

that his work since the boundary violation has involved inpatient treatment but without direct, one-on-one therapy. He stated that he fully disclosed the boundary violation to all potential employers.

8. Although Dr. Hsu denied seeking any romantic involvement with Patient A, he acknowledged that in the last few minutes of the session with Patient A, he responded in an impulsive and emotional way to an emotional patient who was in distress, in an effort to console her. He stated that he will have to live forever with having to answer for and disclose this matter.

9. Dr. Hsu told the Committee that he has been privileged to work as a physician helping his patients, especially as a physician with patients whose pain and suffering may not be visible to others. Dr. Hsu acknowledged that he violated a basic boundary, and instead of providing comfort, he caused distress to Patient A. Dr. Hsu also acknowledged that his actions have adversely impacted not only Patient A but also his profession and his wife and family. Dr. Hsu stated that he has taken steps to ensure that there will never be a recurrence of this violation, so that he may continue to serve his patients and bring honor to his profession.

10. Dr. Hsu continues in therapy with Dr. Goldman and in counseling with Michael G. Rothenberg, Ph.D., whom Dr. Hsu has been seeing since approximately November 2012, as reflected in Dr. Rothenberg's November 2018 letter.

11. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Dr. Hsu's health records or health services.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Timothy Hsu, M.D., is REPRIMANDED.
2. Dr. Hsu shall ensure that Michael G. Rothenberg, Ph.D., provides written reports to the Board regarding the status of Dr. Hsu's treatment for twelve (12) months following the date of entry of this Order. The reports shall be submitted on a quarterly basis to the Board, with the first report due no




later than December 31, 2019 and subsequent reports due no later than the last day of the months of March, June, and September.

3. Upon receipt of evidence that Dr. Hsu has complied with the foregoing terms of this Order, the Executive Director is authorized to close this matter or refer it to a special conference committee for review.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of medicine and surgery shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
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Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director, Discipline  
Virginia Board of Medicine

ENTERED: 9/25/19

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Virginia Code § 54.1-2400(10), Dr. Hsu may, not later than 5:00 p.m., on **October 28, 2019**, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on **October 28, 2019**, unless a request for a formal administrative hearing is received as described above.