



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3954 • Website: www.med.ohio.gov

November 10, 2004

Hsiang Lee Tseng, M.D.
135A Saturn Avenue
San Francisco, CA 94114

Dear Doctor Tseng:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Siobhan R. Clovis, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 10, 2004, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.
Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5149 9177
RETURN RECEIPT REQUESTED

MAILED 12-15-04

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Siobhan R. Clovis, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 10, 2004, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Hsiang Lee Tseng, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.


Lance A. Talmage, M.D.
Secretary

(SEAL)

November 10, 2004
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

HSIANG LEE TSENG, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on November 10, 2004.

Upon the Report and Recommendation of Siobhan R. Clovis, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

Prior to the Board's consideration of any application for any certificate issued by this Board, Hsiang Lee Tseng, M.D., must have met the following conditions:

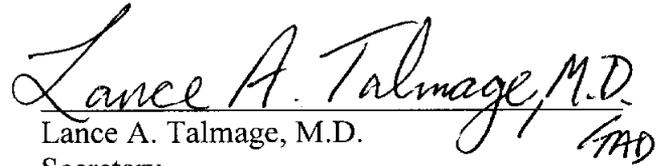
1. **Personal Ethics Course**: Dr. Tseng shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the approval of the Board or its designee.

In addition, at the time Dr. Tseng submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

2. **Community Service**: Dr. Tseng shall provide evidence satisfactory to the Board of successful completion of one hundred (100) hours of community service to be approved by the Board or its designee.

This Order shall become effective immediately upon mailing of notification of approval
by the Board.

(SEAL)


Lance A. Talmage, M.D.
Secretary

November 10, 2004
Date

STATE MEDICAL BOARD
OF OHIO
2004 SEP 21 A 9 21

**REPORT AND RECOMMENDATION
IN THE MATTER OF HSIANG LEE TSENG, M.D.**

The Matter of Hsiang Lee Tseng, M.D., was heard by Siobhan R. Clovis, Esq., Hearing Examiner for the State Medical Board of Ohio, on August 18, 2004.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated June 9, 2004, the State Medical Board of Ohio [Board] notified Hsiang Lee Tseng, M.D., that it had proposed to take disciplinary action against his training certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that Dr. Tseng had provided false information in his May 2003 application for a training certificate.

The Board alleged that the acts, conduct, and/or omissions of Dr. Tseng, individually and/or collectively, constitute ““fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board, as that clause is used in Section 4731.22(A), Ohio Revised Code.”

The Board further alleged that the acts, conduct, and/or omissions of Dr. Tseng, individually and/or collectively, constitute ““making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine or surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.”

Accordingly, the Board advised Dr. Tseng of his right to request a hearing in this matter. (State’s Exhibit 1A).

- B. The Board received a written hearing request from Dr. Tseng on June 28, 2004. (State’s Exhibit 1B).

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Rebecca J. Albers, Assistant Attorney General.

- B. On behalf of the Respondent: Dr. Tseng, having been apprised of his right to attend the hearing or to be represented by counsel, did not appear in person or by representative. Instead, Dr. Tseng presented his defense in writing.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State

Kay Rieve

II. Exhibits Examined

- A. Presented by the State

1. State's Exhibits 1A through 1H: Procedural exhibits.
2. State's Exhibit 2: Certified copies of documents maintained by the Board concerning Hsiang Lee Tseng, M.D.
3. State's Exhibit 3: Copies of documents concerning Dr. Tseng maintained by the County of Santa Clara, State of California, in Case Number B96-28805. (Note: The Hearing Examiner numbered the first three pages. The remaining pages were already numbered.)
4. State's Exhibit 4: Copies of documents concerning Dr. Tseng maintained by the County of Santa Clara, State of California, in Case Number B96-28955. (Note: The Hearing Examiner numbered the first three pages. The remaining pages were already numbered.)
5. State's Exhibit 5: Copy of Section 1203.4, California Penal Code, with annotations. (Note: The Hearing Examiner numbered the pages.)

- B. Presented by the Respondent

Respondent's Exhibit 1: August 10, 2004, letter from Dr. Tseng to the Board, with attachments. (Note: The Hearing Examiner numbered the pages.)

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner before preparing this Report and Recommendation.

1. Hsiang Lee Tseng, M.D., attained his medical degree in 2003 from Baylor College of Medicine in Houston, Texas. In May 2003 Dr. Tseng submitted to the Board an application for a training certificate. Dr. Tseng signed the application, thereby certifying the truth of all of the information that he had provided. (State's Exhibit [St. Ex.] 2 at 1, 13, 20)
2. Kay Rieve, Administrative Officer for the Board, testified for the State. She advised that she supervises the Licensure, Records, and Renewal Department of the Board. Ms. Rieve explained that Ohio law requires the Board to process a training certificate application within 120 days. She further explained that, within two to three weeks of receiving an application, an acknowledgment letter is issued to the training program, which allows the physician to begin training pending the final resolution of the physician's training certificate application. (Hearing Transcript [Tr.] at 9-10).

Ms. Rieve testified that, before issuing a training certificate, the Board verifies the information provided by the physician in the physician's application. She stated that, if the application is completed properly, the Board issues the training certificate within 120 days of receiving the application. Ms. Rieve advised that a training certificate is valid for no more than one year, but that the physician may renew the training certificate a maximum of five times. (Tr. at 10, 12-13).

3. Dr. Tseng's application states that he had been enrolled in a training program in emergency medicine at University Hospital in Cincinnati, Ohio. On May 19, 2003, the Board issued an acknowledgment letter which authorized Dr. Tseng to begin his training program. On October 14, 2003, the Board issued Dr. Tseng a training certificate, effective July 1, 2003, through June 30, 2004, the dates of his training program. (St. Ex. 2 at 1, 14, 17-19).
4. Ms. Rieve testified that, on October 22, 2003, the Board had received a letter from Dr. Tseng's training program advising that Dr. Tseng had been dismissed from the program.¹ Ms. Rieve further testified that, because of the dismissal, the Board had rendered Dr. Tseng's training certificate inactive. She explained that a training certificate allows the practice of medicine only in the specific training program for which that certificate was issued. Ms. Rieve advised that Dr. Tseng's training certificate could be reactivated by the Board if he enrolled in another training program in Ohio. (Tr. at 11-12).

¹ The reason for Dr. Tseng's dismissal was not disclosed. The State indicated that the matter remains under Board investigation. (Tr. at 13-14).

5. In his May 2003 application for a Training Certificate, Dr. Tseng answered “No” to the following questions in the “Additional Information” section:

15. Have you ever been convicted or found guilty of a violation of any law, regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

16. Have you ever * * * been summoned into court as a defendant * * *?

(St. Ex. 2 at 6).

6. Contrary to Dr. Tseng’s negative answers to those questions, he had previously been convicted of two counts of Petty Theft in California. Specifically, Dr. Tseng failed to report the following two incidents:

- On June 20, 1996, in the Municipal Court of California, Santa Clara County Judicial District, Dr. Tseng entered a plea of no contest to, and was found guilty of, a charge of Petty Theft, in violation of Sections 484 and 488, California Penal Code, for an offense which occurred on May 6, 1996.
- On June 20, 1996, in the Municipal Court of California, Santa Clara County Judicial District, Dr. Tseng entered a plea of no contest to, and was found guilty of, a second charge of Petty Theft, in violation of Sections 484 and 488, California Penal Code, for an offense which occurred on May 9, 1996.

(St. Ex. 3 at i-ii; St. Ex. 4 at i-ii).

7. Dr. Tseng submitted an August 9, 2004, letter in defense of the allegations against him. In his letter, Dr. Tseng described the Petty Theft convictions as arising from a “college prank gone wrong,” but provided no further explanation supporting that description. (Respondent’s Exhibit [Resp. Ex.] 1 at 2). The police reports of the incidents demonstrate the following:

- Both offenses had occurred at a Stanford University bookstore.
- Dr. Tseng had been a Stanford University student at the time.
- The incidents had occurred only three days apart.
- On both occasions, Dr. Tseng had attempted to steal the same item, a “Soft Windows 3.0 for Power Mac” software package valued at \$229.95.

- On May 6, 1996, Dr. Tseng had attempted to steal the item by hiding the package in his backpack and leaving without paying. On May 9, 1996, he had switched the price tag on the software package with that from a computer game valued at \$29.95. He had then paid for the software package at the lower, fraudulent price. His actions had been monitored by store security, and he had been apprehended shortly after leaving the bookstore.
- Dr. Tseng had admitted, both times, that he had been financially able to purchase the item.
- Dr. Tseng had no previous criminal history.

(St. Ex. 3 at 1-2, 4-8; St. Ex. 4 at 1-2, 4-13).

Both police reports include voluntary statements made by Dr. Tseng to police. Dr. Tseng never advised police that he had been engaged in a “college prank.” The May 6, 1996, police report states that, when asked why he had stolen the item, Dr. Tseng had replied, “It was an impulse thing, I suppose.” (St. Ex. 3 at 6). The May 9, 1996, police report states:

I asked [Dr. Tseng] why he had done what he had done and he replied ‘as I was walking up the stairs from Microdisc I guess the wires just got crossed in my head . . . I don’t know why.’ I then asked the suspect if he had stolen before [and] he replied ‘no.’ I then asked what he meant by that since he had been arrested on Monday and he replied ‘well, I see it as being the same incident . . . the same place, the same merchandise.’

(St. Ex. 4 at 13).

The May 9, 1996, police report also states that Dr. Tseng had claimed that he planned to “see[] his therapist to help him understand why he did what he did.” (St. Ex. 4 at 7).

8. In his August 9, 2004, letter to the Board, Dr. Tseng explained why he had not affirmatively answered questions 15 and 16 in his application for a training certificate:

At the end of the completely uneventful probation period in 1999, I **believe** I filed the appropriate paperwork at the court clerk’s office, and was told at that time that these convictions would be dismissed from the record. Moreover, since that time, I can recall at least four completely clean background checks: Employment screenings at Stanford University and Quattro Consulting (1998², 1999), initial acceptance to Baylor

² Note that this “clean background check” pre-dates Dr. Tseng’s alleged filing of paperwork for a record clearance in 1999.

College of Medicine (1999), and pre-clinical rotation screening at Baylor (2001). These multiple results further reinforced my belief that the record was purged and the matter closed.

It was within this context and mindset that I answered my licensure questions in May, 2003. I had been operating under the belief that my prior transgressions were completely erased and literally a non-issue. I was honestly shocked and surprised when an employment background check conducted by the University of Cincinnati revealed these two prior convictions which I thought no longer existed. I knew then that I had an incomplete understanding of the legal situation and my responsibilities and that I had answered questions 15 and 16 incorrectly on the licensing application. However, I never had, at any time, any intent to purposefully deceive or withhold this information.

(Resp. Ex. 1 at 2). (Emphasis added.)

Dr. Tseng provided no evidence to demonstrate that he had filed any paperwork in 1999 to dismiss his convictions. However, he provided documents to show that, on February 27, 2004, he had obtained record clearances for both convictions, pursuant to Section 1203.4, California Penal Code. (Resp. Ex. 1 at 4-6). The Orders granting record clearances both contain the following admonition:

A Record Clearance Order pursuant to Section 1203.4 of the Penal Code does not relieve you of the obligation to disclose the conviction in response to any direct question in any questionnaire or application * * * for licenser by any State or local agency * * *.

(Resp. Ex. 1 at 5-6).

In his August 9, 2004, letter to the Board, Dr. Tseng advised that he now understands that he must report his convictions in “government licensing applications.” (Resp. Ex. 1 at 3).

9. Also in his August 9, 2004, letter, Dr. Tseng maintained that, in October 2003, after realizing that he had answered questions in his application incorrectly, he had “proactively notified the Board in writing of [his] mistakes * * * and explained [his] position.” Ms. Rieve testified that the Board had never received any such correspondence from Dr. Tseng. (Tr. at 11; Resp. Ex. 1 at 2).
10. In his August 9, 2004, letter, Dr. Tseng wrote of mitigating circumstances in his case:

In summary, this situation stemmed from my incomplete and mistaken understanding of the past legal proceedings, multiple uneventful

background checks over the last 5 years that served to reinforce my misunderstandings, and an incorrect understanding of my subsequent responsibilities to disclose these matters. This in no way impacted my delivery of patient care as a resident physician and I have no reason to believe that anyone was harmed by my mistake. Once my mistakes were brought to my attention, I have responded with complete openness and have taken proactive action including notifying the Board on my own accord of this situation in October, 2003, and taking the steps to correctly understand my legal situation and responsibilities. I completely regret my errors in my licensure application and as a result of them, any unintentional deception or misrepresentation. I now completely and correctly understand my legal responsibilities in this matter and I assure the Board that I will never make these errors again in any future situation.

(Resp. Ex. 1 at 3).

FINDINGS OF FACT

1. In May 2003, Hsiang Lee Tseng, M.D., submitted an application for a training certificate to practice medicine and surgery in the State of Ohio. By signing the application, Dr. Tseng certified that the information provided therein was true.

The Board issued Dr. Tseng a training certificate, effective July 1, 2003, through June 30, 2004.

2. In his application, Dr. Tseng answered "No" to question 15 in the "Additional Information" section, which asks:

Have you ever been convicted or found guilty of a violation of any law, regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

Further, Dr. Tseng answered "No" to question number 16 in the "Additional Information" section, which asks, in part:

Have you ever * * * been summoned into court as a defendant * * *?

In fact, on June 20, 1996, in the Municipal Court of California, Santa Clara County Judicial District, Dr. Tseng appeared pursuant to two charges of Petty Theft, one of which had occurred on May 6, 1996, and the other on May 9, 1996. Dr. Tseng entered a plea of no contest to, and was found guilty of, both charges, in violation of Sections 484 and 488, California Penal Code.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Hsiang Lee Tseng, M.D., as set forth in Findings of Fact 1 and 2, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.
2. The acts, conduct, and/or omissions of Dr. Tseng, as set forth in Findings of Fact 1 and 2, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

* * * * *

Dr. Tseng's letter to the Board appears dishonest because, in the letter, he provides no support for the dubious claims that his convictions were the result of a "college prank" and that, in 1999, he had filed the paperwork required to clear his criminal record. Further, Dr. Tseng claimed to have "proactively" reported the convictions to the Board in October 2003, but the Board received no such correspondence from him.

The dishonesty in Dr. Tseng's letter leads to the conclusion that the false answers in his application were not just mistakes, but rather an intentional attempt to conceal his criminal convictions. Dr. Tseng's pattern of deceit compels the conclusion that Dr. Tseng's training certificate should be permanently revoked.

PROPOSED ORDER

It is hereby ORDERED that:

The training certificate of Hsiang Lee Tseng, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon mailing of notification of approval by the Board.



Siobhan R. Clovis, Esq.
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 10, 2004

REPORTS AND RECOMMENDATIONS

Ms. Sloan announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Fred Andrew Brindle, M.D.; William W. Hunter, Jr., M.D.; Alberto Leon, M.D.; Jack E. Slingluff, D.O.; Peter Steven Stanos, D.O.; and Hsiang Lee Tseng, M.D. A roll call was taken:

ROLL CALL:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

Ms. Sloan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

Ms. Sloan noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further

adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Ms. Sloan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

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Ms. Sloan left the meeting at this time and Dr. Davidson assumed the Chair.

HSIANG LEE TSENG, M.D.

Dr. Davidson directed the Board's attention to the matter of Hsiang Lee Tseng, M.D. She advised that no objections were filed to Hearing Examiner Clovis' Report and Recommendation. She advised that only Dr. Talmage served as Secretary in this matter.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. CLOVIS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF HSIANG LEE TSENG, M.D. DR. ROBBINS SECONDED THE MOTION.

Dr. Davidson stated that she would now entertain discussion in the above matter.

Dr. Kumar at this time spoke against the Proposed Order of permanent revocation. He noted that Dr. Tseng held a training certificate. At the time he was investigated by his residency program, it was found that, as a college student, he was involved in petty theft of a software product on two different occasions. As far as Dr. Tseng was concerned, he passed through the employment agreement and background check. Dr. Kumar stated that he should have answered, "yes," to the question on the application, but he doesn't believe that this rises to the level that Dr. Tseng can't be completely trusted. He stated that the Board has had other cases where physicians lied during their residency programs and were suspended. Dr. Kumar stated that he doesn't believe that what Dr. Tseng did during his college years, whether it was a prank or not, was severe enough for the death penalty.

Dr. Kumar stated that he has not drafted an alternative order. He noted that one of the problems is that Dr. Tseng doesn't hold a current license anyway. As soon as his residency program let him go, his training certificate automatically expired, so he is revoked as far as the Board is concerned. Dr. Kumar stated that more important are conditions to be put into place for reapplication. Dr. Kumar stated that he would like to see an ethics course requirement, as well as community service.

Dr. Buchan agreed with Dr. Kumar. He added that, unfortunately, Dr. Tseng is not present to represent

himself, nor was there any discussion to the contrary by Dr. Tseng or his counsel. Dr. Buchan suggested revoking his license, deleting the word, "permanent," from the Order. Should Dr. Tseng apply for an Ohio license down the road, the Board may then consider his application. However, at this point, without further evidence of Dr. Tseng's fitness to practice, he would suggest a simple revocation.

DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF HSIANG LEE TSENG, M.D., TO REMOVE THE WORD, "PERMANENTLY." DR. STEINBERGH SECONDED THE MOTION.

Dr. Egner spoke against the motion, saying that what the Board is doing is punishing Dr. Tseng for not showing up for this meeting. Dr. Egner stated that she looks for the time to appear before the Board and talk to the Board as a positive. Generally, she feels it helps them, although she acknowledged that there are times when the physician is hurt by his appearance. Most of the time, however, it's positive for the Board to have a face-to-face meeting with the physician. She hates to make a more severe penalty simply because the physician did not appear before the Board. Dr. Egner stated that a revocation, although non-permanent, is more severe than she thinks this case warrants. She added that such a sanction would follow this physician too long and too severely.

Dr. Egner stated that Dr. Tseng did something stupid in college, but she commented on the percentage of college students that do something stupid. Dr. Egner stated that she accepts Dr. Tseng's argument that he thought his record had been expunged. Dr. Egner stated that she can't vote for permanent revocation, and she wouldn't vote for revocation because she thinks it has too many long-term repercussions for Dr. Tseng. Dr. Egner suggested requiring an ethics class. She added that she does like the idea of community service. She thinks that that would be enough for her.

Dr. Kumar agreed with Dr. Egner, noting that Dr. Tseng's training certificate is already suspended now. What Dr. Egner suggested are conditions he will have to meet to get things back on track.

A vote was taken on Dr. Buchan's motion to amend:

Vote:	Dr. Egner	- nay
	Dr. Bhati	- nay
	Dr. Buchan	- aye
	Dr. Kumar	- nay
	Mr. Browning	- nay
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Davidson	- nay

The motion failed.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER BY SUBSTITUTING AN ORDER

REQUIRING DR. TSENG TO COMPLETE AN ETHICS COURSE TO BE APPROVED BY THE BOARD, AND 100 HOURS OF COMMUNITY SERVICE TO BE APPROVED BY THE SECRETARY AND SUPERVISING MEMBER, PRIOR TO REAPPLYING. DR. KUMAR SECONDED THE MOTION.

Dr. Steinbergh stated that she doesn't understand. She's reading the Report and Recommendation that states that Dr. Tseng has a training certificate that was effective from July 1, 2003 through June 30, 2004. June 30, 2004 is now past. Does he have an Ohio medical license?

Mr. Dilling stated that he does not.

Dr. Bhati stated that the proposed amendment is telling Dr. Tseng what he must do before the Board would consider granting him a license or another training certificate.

A vote was taken on Dr. Egner's motion to amend:

Vote:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- abstain
	Dr. Davidson	- aye

The motion carried.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. CLOVIS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF HSIANG LEE TSENG, M.D. DR. KUMAR SECONDED THE MOTION. A vote was taken:

Vote:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Davidson	- aye

The motion carried.



State Medical Board of Ohio

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June 9, 2004

Hsiang Lee Tseng, M.D.
c/o University of Cincinnati
C.O.M. – Emer Med Dept.
231 Albert Sabin Way ML#769
Cincinnati, OH 45267

Dear Doctor Tseng:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your training certificate to practice medicine and surgery, or to limit, revoke, permanently revoke, suspend, refuse to register or reinstate any other certificate to practice medicine and surgery in Ohio, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) In or about May of 2003, you submitted an Application for Training Certificate to practice medicine and surgery in the State of Ohio [Application]. The Board issued you a training certificate to be effective July 1, 2003, through June 30, 2004. By signing the Application, you certified that the information provided therein was true.
- (2) You answered “No” in response to question number 15 in the “Additional Information” section of your Application, which asks:

Have you ever been convicted or found guilty of a violation of any law, regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

Further, you answered “No” in response to question number 16 in the “Additional Information” section of your Application, which asks, in part:

Have you ever ... been summoned into court as a defendant...?

In fact, on or about June 20, 1996, in the Municipal Court of California, Santa Clara County Judicial District, you appeared pursuant to a charge of Petty Theft, occurring on or about May 6, 1996, entered a plea of no contest to the charge and were found guilty of Petty Theft, in violation of California Penal Code

Mailed 6/10/04

Sections 484 and 488. Additionally, on or about June 20, 1996, in the Municipal Court of California, Santa Clara County Judicial District, you appeared pursuant to a second charge of Petty Theft, which occurred on or about May 9, 1996, entered a plea of no contest to the charge and were found guilty of Petty Theft, in violation of California Penal Code Sections 484 and 488.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your training certificate to practice medicine and surgery, or to limit, revoke, permanently revoke, suspend, refuse to register or reinstate, any other certificate to practice medicine and surgery in Ohio, or to reprimand you or place you on probation.

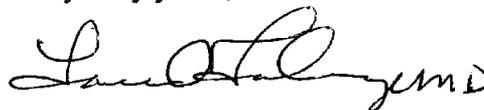
Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not

Hsiang Lee Tseng, M.D.
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accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 1569
RETURN RECEIPT REQUESTED

Hsiang Lee Tseng, M.D.
6234 Savannah Avenue
Cincinnati, OH 45224

CERTIFIED MAIL # 7000 0600 0024 5140 1576
RETURN RECEIPT REQUESTED

Hsiang Lee Tseng, M.D.
1528 Los Montes Drive
Burlingame, CA 94010

CERTIFIED MAIL # 7000 0600 0024 5140 1583
RETURN RECEIPT REQUESTED