

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of

TAI-MIN CHEN, M.D.

(Certificate No. 07369R)

Respondent

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INVESTIGATIVE FILE

NO. 01-I-028

STIPULATION AND AGREEMENT
FOR VOLUNTARY SURRENDER
OF MEDICAL LICENSE

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THIS STIPULATION AND AGREEMENT is made and executed by TAI-MIN CHEN, M.D. ("Dr. Chen"), a physician who has been licensed to practice medicine in the State of Louisiana¹, with and in favor of the Louisiana State Board of Medical Examiners ("Board").

1. *Acknowledgments and Stipulations:* Dr. Chen hereby acknowledges, stipulates and agrees that:

a) The above-entitled proceeding was docketed for investigation by the Board following receipt of information indicating that the Medical Licensing Board of Indiana ("Indiana Board") had taken disciplinary action against Dr. Chen.

(i) Effective May 7, 2001, the Indiana Board permanently revoked Dr. Chen's license to practice medicine in the State of Indiana. Evidence of such revocation is in the form of "Findings of Fact and Order"

¹Although Dr. Chen failed to renew his Louisiana license in 1999 and as of September 30, 2000, his license is considered "inactive," he is entitled to renew his license for a period of four (4) years from the date of last renewal, according to the Louisiana Administrative Code 46:XLV§419.

dated May 7, 2001 and signed by the Executive Director of the Health Professionals Bureau of the Medical Licensing Board of Indiana (Exhibit "A").

- (ii) The revocation is based on the Indiana Board's conclusion that Dr. Chen had violated various provisions of the Indiana Code in that he had "continued to practice although unfit due to his failure to keep abreast of current professional theory or practice," failed to "exercise reasonable care and diligence in the treatment of patients based upon generally accepted scientific principles, methods, treatments and current professional theory and practice," had a pattern or course of repeated conduct "demonstrating failure to exercise such reasonable care and diligence as is ordinarily exercised by practitioners in the same or similar circumstances in the same or similar locality," and "engaged in material deception in order to obtain a license to practice medicine."
 - (iii) As set forth in Exhibit "A", the Indiana Board's finding that Dr. Chen "engaged in material deception in order to obtain a license to practice medicine" was based on the fact that his privileges were restricted at St. Joseph Medical Center in Fort Wayne Indiana on or about February 21, 1991; February 24, 1992; June 22, 1992; December 7, 1992; December 4, 1995; April 8, 1996; December 2, 1996; and April 7, 1997, yet he failed to disclose this in response to questions about his hospital privileges on the renewal application form for his Indiana medical license. Likewise, on his applications for renewal of his Louisiana medical license in 1991, 1992, 1993, 1994, 1995, 1996, 1997, and 1998, Dr. Chen answered "no" to the questions "Were you the subject of disciplinary action or inquiry by a hospital or medical staff?" and "Were you the subject of any type of disciplinary action or inquiry by any licensing authority, institution, society, etc.?"
- b) Inasmuch as Dr. Chen has been licensed to practice medicine in the State of Louisiana, an investigation was conducted on behalf of the Louisiana State Board of Medical Examiners through its Medical Consultant/Director of Investigations. The Medical Consultant/Director of Investigations' review and analysis of this matter confirmed to his satisfaction that just cause existed for recommending that a formal Administrative Complaint be filed against Dr. Chen's license pursuant to the Louisiana Medical Practice Act, LSA-R.S. 37:1261, *et seq.* based on the following causes:
- (i) "The refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine or osteopathy in

that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate" as authorized by LSA-R.S. 37:1285(A)(29); and

- (ii) "Fraud, deceit, or perjury in obtaining any diploma, license, or permit pertaining to this Part," as well as "Providing false testimony before the Board or providing false sworn information to the Board," as authorized by LSA-R.S. 37:1285(A)(3) and (4).
- c) As evidenced by his subscription hereto, Dr. Chen acknowledges the substantial accuracy of the foregoing information and hereby acknowledges, stipulates, and agrees that such information, if established at a formal administrative hearing, would provide lawful cause under the Louisiana Medical Practice Act for the Board to revoke Dr. Chen's license to practice medicine in the State of Louisiana, or for such other action as the Board may deem appropriate, pursuant to LSA-R.S. 37:1285.
- d) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act (LSA-R.S. 49:950-65), Dr. Chen would be entitled, prior to final disciplinary action against his medical license, to formal notice and opportunity for an evidentiary hearing on specified allegations set forth in a formal administrative complaint. At such hearing, Dr. Chen would be entitled to be represented by legal counsel, to call witnesses and present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to the applicable provisions (LSA-R.S. 49:955-965) of the Louisiana Administrative Procedure Act. Dr. Chen, nonetheless, hereby waives his right to notice of charges, formal adjudication, and written decision, and, pursuant to LSA-R.S. 49:955(D), consents to entry of this Stipulation and Agreement and its Acceptance set forth hereinafter. By his subscription hereto, Dr. Chen acknowledges that the Board's jurisdiction to completely adjudicate the matters under investigation has attached and such jurisdiction will continue notwithstanding Dr. Chen's residency in the State of Indiana or any other state, and that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of the Board's investigation or this document in any court.
- e) As Dr. Chen is currently neither located nor practicing medicine in the State of Louisiana, in lieu of further administrative proceedings against Dr. Chen's license, Dr. Chen and the Board mutually desire to enter into an agreement providing for Dr.

Chen's immediate surrender of his license to practice medicine in the State of Louisiana. By his subscription hereto, Dr. Chen hereby authorizes the Board's Medical Consultant/Director of Investigations, as well as his legal counsel assisting him in connection herewith, to present this Stipulation and Agreement to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, without prejudice to further proceedings by the Board should this Stipulation and Agreement not be accepted and approved by the Board, and he waives any objection to such disclosures under LSA-R.S. 49:960.

2. *Voluntary Surrender of Medical License:* In recognition of the Acknowledgments and Stipulation, set forth hereinabove, toward a final disposition of the investigation now pending in this matter, and in lieu of possible prosecution of formal administrative proceedings, Dr. Chen hereby agrees to voluntarily surrender to the Board, for cancellation, his license to practice medicine in the State of Louisiana, as evidenced by Certificate No. 07369R, such surrender to be effective as of the date the Louisiana State Board of Medical Examiners accepts and approves this Stipulation and Agreement for Voluntary Surrender of Medical License.

3. *Effect of Surrender of License:* Dr. Chen acknowledges, stipulates and agrees that the voluntary surrender of his medical license effected hereby in the presence of an administrative investigation shall have, and be deemed by the Board to have, the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Dr. Chen further acknowledges, stipulates and agrees that notice of Dr. Chen's surrender of his medical license pursuant hereto, together with a certified copy of this Stipulation and Agreement, may be provided by the Board to the medical licensing agency of any state that may request information concerning the status of Dr. Chen's Louisiana medical license, to the Federation of State Medical Boards of the United States, Inc. and the National Practitioner Data Bank, and to other persons, firms, associations, corporations and entities who state reasonable and legitimate need for such information as determined in the sole discretion of the Board.

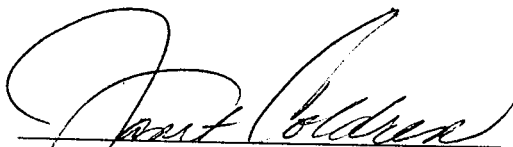
4. *Return to Louisiana:* Dr. Chen further acknowledges, covenants, stipulates, and agrees that should he return to Louisiana for the purpose of practicing medicine or otherwise seek reissuance of his license to practice medicine in the State of Louisiana, he must first present himself before the Board. The Board has, and does reserve, the right to convene a formal administrative hearing regarding the reissuance of said license. At that time, the Board may choose to impose additional sanctions, conditions or requirements in order for Dr. Chen to reapply for or to be granted a license to practice medicine in the State of Louisiana.

5. *Public Record:* This Stipulation and Agreement shall be deemed and treated as a public record in all respects.

IN WITNESS WHEREOF, TAI-MIN CHEN, M.D., has subscribed this Stipulation and Agreement, in duplicate original, this 23 day of Aug, 2001.



TAI-MIN CHEN, M.D.

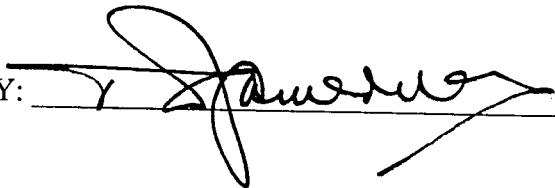


WITNESS

ACCEPTANCE

25 th ACCEPTED AND APPROVED by the Louisiana State Board of Medical Examiners, this day of Sept, 2001.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

BY: 

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NUMBER 98 MLB 0048

STATE OF INDIANA,

Petitioner,

v.

TAI-MIN CHEN, M.D.,
License Number 010 5619,

Respondent.

FILED

MAY 07 2001

HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Medical Licensing Board of Indiana ("Board") held a an administrative hearing on April 26 and 27, 2001 at the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning an amended disciplinary complaint filed by the State against the Indiana medical license of Tai-Min Chen, M.D. ("Respondent") on January 2, 2000.

The State of Indiana was represented by Deputy Attorney General Kimberly J. Brown. Respondent appeared in person and by counsel, Karen Springer, of Fort Wayne, Indiana.

The Board, after considering the evidence and taking official notice of its file in this case, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Respondent, who practices neonatal medicine at Lutheran Hospital, 7950 West Jefferson Blvd. Fort Wayne, Indiana 46804, is a duly licensed physician in the State of Indiana, holding medical license number 01035619.

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EXHIBIT

"A"

2. Respondent treated infant twins Je. and Ju. B. for complications of prematurity from the date of their birth on May 17, 1990, until Je.'s death on June 9, 1990 and Ju.'s discharge from the hospital on September 2, 1990.

3. During the course of his care and treatment of Je. B., Respondent failed to adequately monitor and assess the status of her health, including but not limited to failure to timely diagnose and intervene in the presence of infection and dysrhythmia.

4. During the course of his care and treatment of Ju. B., Respondent failed to ensure that an eye examination was conducted, resulting in untreated retinopathy of prematurity leading to blindness.

5. In his care and treatment of Je. and Ju. B., Respondent failed to aggressively monitor, diagnose, and treat the infants for multiple complications of prematurity.

6. Respondent provided neonatal medical care for infant A.M. who was born by emergency cesarean section on January 6, 1994, at 27 weeks gestation.

7. Respondent treated infant A.M. for complications of prematurity, including but not limited to Hyaline Membrane Disease, respiratory distress syndrome ("RDS"), and pulmonary interstitial emphysema from January 7 until her death on January 20, 1994.

8. During the course of his care and treatment of A.M., Respondent failed to adequately monitor, support, and assess the status of her health, including but not limited to failure to institute appropriate feedings and order head ultrasound testing.

9. Respondent provided neonatal care to infant boy M. from April 4 until mid-August, 1994, when the patient's care was transferred to another physician.

10. During the course of his care and treatment of infant M., Respondent failed to institute proper nutrition, leading to poor weight gain and increased compromise of respiratory status.

11. In the course of his care and treatment of infant M., Respondent failed to properly appreciate, diagnose, and treat severe respiratory distress, including but not limited to failure to monitor arterial blood gases and failure to obtain an echocardiogram to rule out patent ductus arteriosus ("PDA") in a timely fashion.

12. In the course of his care and treatment of infant M., Respondent failed to properly assess, monitor, and treat serious problems regarding infection and multiple complications of prematurity.

13. Respondent provided neonatal care to infant As.M. from May 20 until June 28, 1995, for complications of prematurity.

14. During the course of his care and treatment of As.M., Respondent failed to adequately monitor, assess, and evaluate her for multiple complications of prematurity, including but not limited to failure to obtain timely arterial blood gases and failure to institute appropriate nutritional support.

15. Respondent undertook the neonatal care and treatment of infant J.K. from the time of his birth on August 20 until discharge from the hospital on December 18, 1995.

16. Respondent delayed institution of appropriate nutritional support for J.K. Once he began to provide nutrition, Respondent provided J.K. with nutrition in amounts below recommended levels for the duration of the patient's hospitalization.

17. During the course of his medical care of J.K., Respondent failed to properly monitor, assess, and treat the infant for multiple complications of prematurity, including but not

limited to lack of follow up of known critical heart defects, inappropriate ventilator treatment, no follow up regarding a low thyroid level, and lack of follow up in areas of potential infection.

18. Respondent undertook the neonatal care and treatment of infant S.M. for complications of prematurity from the time of her birth on November 10, 1996 until her discharge from the hospital on June 14, 1997.

19. Respondent failed to give an adequate dose of surfactant replacement on the first day of life to treat S.M.'s severe respiratory distress syndrome.

20. Respondent failed to timely diagnose and treat S.M. for a large patent ductus arteriosus, and failed to follow up on the known PDA with documentation of closure or repair.

21. Due to Respondent's failure to properly treat S.M.'s RDS and PDA, she was predisposed to chronic lung disease, which she then developed. After diagnosing S.M. with chronic lung disease, Respondent failed to adequately manage and treat the lung condition.

22. In the course of his medical treatment of S.M., Respondent failed to monitor, assess, diagnose, and treat her for multiple complications of prematurity, including but not limited to failure to institute appropriate ventilator management, and failure to appreciate and treat necrotizing enterocolitis in a timely manner.

23. Respondent treated infant J.G. from February 4 through May 24, 1997, for complications of prematurity, including but not limited to severe RDS, intracranial hemorrhage with hydrocephalus, PDA, pulmonary hemorrhage, and jaundice.

24. Respondent failed to adequately treat severe RDS in J.G.

25. Respondent failed to monitor, intervene, and treat prolonged, severe acidosis in J.G.

26. Respondent failed to timely test for and diagnose patent ductus arteriosus in J.G. After diagnosing the PDA, Respondent failed to adequately treat the condition.

27. Respondent failed to adequately monitor, intervene, and treat J.G. for high blood sugars at a critical time in the infant's illness.

28. In his care and treatment of J.G., Respondent failed to aggressively monitor, diagnose, and treat the patient for multiple life-threatening complications of prematurity.

29. The Findings in paragraphs 1 through 28 establish a pattern or course of repeated conduct by Respondent which demonstrate a failure to exercise such reasonable care and diligence as is ordinarily exercised by practitioners in the same or similar circumstances in the same or similar locality.

30. Respondent became a member of the medical staff at St. Joseph Medical Center in Fort Wayne, Indiana in 1987.

31. Respondent's privileges were restricted or suspended by St. Joseph Center about the following dates: February 21, 1991; February 24, 1992; June 22, 1992; and December 7, 1992.

32. On or about May 13, 1993, Respondent signed his application for renewal of his medical license in Indiana and caused that application to be submitted to the Health Professions Bureau.

33. Respondent answered "no" to the question. "In the last two years have you been denied staff membership or privileges in any hospital or health care facility or have such membership or privileges been revoked, suspended, or subjected to any restrictions, probation or other type of discipline?"

34. On or about May 2, 1995, Respondent signed his application for renewal of his medical license in Indiana and caused that application to be submitted to the Health Professions Bureau.

35. Respondent continued his failure to disclose the restrictions or suspensions previously imposed against his privileges at St. Joseph, by answering "no" to the question: "In the last two years have you been denied staff membership or privileges in any hospital or health care facility or have such membership or privileges been revoked, suspended, or subjected to any restrictions, probation or other type of discipline?"

36. A malpractice action was filed on or about July 25, 1994, involving Respondent's care and treatment of Infant A.M.

37. Respondent answered incorrectly to the question: "In the last two years have you had a malpractice judgment against you, settled a malpractice action, or do you have any malpractice actions currently pending?". Respondent marked "no" and wrote in "I reported last year". Respondent failed to disclose that the malpractice action filed on or about July 25, 1994, was pending.

38. Respondent's privileges were restricted or suspended by St. Joseph on or about the following dates: December 4, 1995; April 8, 1996; December 2, 1996; and April 7, 1997.

39. The malpractice actions involving Respondent's care and treatment of Je. B. and Ju. B. were settled on or about January 15, 1996.

40. On or about April 25, 1997, Respondent signed his application for renewal of his medical license in Indiana and caused that application to be filed with the Health Professions Bureau.

41. Respondent answered "no" to the question: "Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action?"

42. Respondent answered "no" to the question: "Since you last renewed have you been denied staff membership or privileges in any hospital or health care facility or have such membership or privileges been revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?"

43. Respondent continued his failure to disclose any of the restrictions or suspensions previously imposed upon his privileges by St. Joseph.

44. On or about May 15, 1999, Respondent signed his application for renewal of his medical license in Indiana and caused that application to be filed with the Health Professions Bureau.

45. Respondent continued his failure to disclose any of the restrictions or suspensions imposed upon his privileges by St. Joseph between 1991, and 1997.

46. Respondent continued his failure to disclose the malpractice settlement involving his care and treatment of patients Je. B. and Ju. B..

CONCLUSIONS OF LAW

1. The Respondent has continued to practice although unfit due to his failure to keep abreast of current professional theory or practice, in violation of Indiana Code 25-1-9- (a)(4)(B).

2. The Respondent has knowingly violated a state statute or rule regulating the profession in question, in violation of Indiana Code 25-1-9-4(a)(3), *to wit*: 844 IAC 5-2-5 a practitioner shall exercise reasonable care and diligence in the treatment of patients based upon

generally accepted scientific principles, methods, treatments, and current professional theory and practice.

3. The Respondent has continued to practice although unfit to practice due to professional incompetence, in violation of Indiana Code §25-1-9-4(a)(4)(A), as defined by 844 IAC 5-1-1: a pattern or course of repeated conduct by a practitioner demonstrating failure to exercise such reasonable care and diligence as is ordinarily exercised by practitioners in the same or similar circumstances in the same or similar locality.

4. The Respondent has engaged in fraud or material deception in order to obtain a license to practice medicine, in violation of Indiana Code §25-1-9-4(a)(1)(A).

ORDER

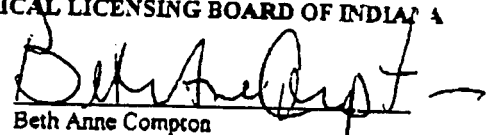
Based upon the above Findings of Fact, by a vote of 3-2-0, the Board issues the following Order:

1. Respondent's license to practice medicine is hereby **PERMANENTLY REVOKED**. Respondent is ordered to immediately cease the practice of medicine in Indiana and surrender all indicia of licensure, including wall licenses and pocket cards.

SO ORDERED: this 7th day of May, 2001.

MEDICAL LICENSING BOARD OF INDIANA

By:


Beth Anne Compton
Executive Director
Health Professions Bureau

copies to:

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