

EFFECTIVE AS A FINAL ORDER

FILED

DATE: 3.25.24

MAR 04 2024

KS State Board of Healing Arts

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

In the Matter of)

) **KSBHA Docket No. 24-HA** 00032

) **Wayne W. Liou, M.D.**
) **Kansas License No. 04-31908**
)

SUMMARY ORDER

NOW ON THIS 4th day of March, 2024, this matter comes before Susan Gile, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings under K.S.A. 77-537.

Under K.S.A 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within 15 days of service. Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Wayne W. Liou, M.D. ("Licensee") is or has been entitled to engage in the practice of medicine and surgery in Kansas, having been issued License No. 04-31908 on June 9, 2006, and having last renewed such license on May 24, 2023. Licensee's license to practice medicine and surgery in Kansas is currently Active.

2. Licensee's last mailing address known to the Board is: **CONFIDENTIAL**
CONFIDENTIAL . Licensee's last known e-mail address known to the Board is:
CONFIDENTIAL

Wayne W. Liou, M.D.
License No. 04-31908
Summary Order

3. On or about March 15, 2023, the Wisconsin Medical Examining Board (the “Wisconsin Board”) issued a Final Decision and Order against Licensee. The Wisconsin Board found Licensee “departed from the standard of minimally competent medical practice” regarding his reading of a CT cervical spine with contrast. (Bd. Exh. 1 – Wisconsin Board’s Final Decision and Order).

4. Per the Wisconsin Board’s Final Decision and Order, Licensee was disciplined as follows:

- a. Licensee was publicly reprimanded;
- b. Licensee was required to successfully complete three hours of education on the topic of imaging and neurological emergencies in the spine; and
- c. Licensee was assessed the costs of the investigation. (*Id.*)

5. Since the Wisconsin Board entered its Final Decision and Order, Licensee has been publicly disciplined in at least five other jurisdictions – including Tennessee, Texas, Mississippi, Pennsylvania, and Massachusetts – as a result of the discipline imposed by the Wisconsin Board. (Bd. Ex. 2 – Additional Disciplinary Documents).

Applicable Law

6. Under K.S.A. 65-2836(j), a licensee’s license may be revoked, suspended, or limited, or the licensee may be publicly censured or placed under probationary conditions where “The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.”

Conclusions of Law

7. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

8. The Board finds Licensee violated K.S.A. 65-2836(j), in that Licensee was censured or had other disciplinary action taken by the proper licensing authorities of Wisconsin, Tennessee, Texas, Mississippi, Pennsylvania, and Massachusetts.

9. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to non-parties.

IT IS HEREBY ORDERED that Licensee's license to practice medicine and surgery in Kansas is **PUBLICLY CENSURED**.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 4th day of March, 2024.

**KANSAS STATE BOARD
OF HEALING ARTS**

Susan Gile

Susan Gile
Executive Director

Wayne W. Liou, M.D.
License No. 04-31908
Summary Order

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Susan Gile, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **FINAL ORDER** by depositing the same in the United States Mail, postage prepaid, on this 25th day of MARCH 2024, addressed and emailed to:

Wayne W. Liou, M.D.

CONFIDENTIAL

Licensee

And a copy was hand-delivered to:

Matthew Gaus, Deputy Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
Matthew.gaus@ks.gov

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Staff Signature

EXHIBIT 1

Wisconsin Final Decision and Order

**WISCONSIN DEPARTMENT OF
SAFETY AND PROFESSIONAL SERVICES**



**Wisconsin Department of Safety and Professional Services
Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPTS website: An individual who believes that information on the website is inaccurate may contact DSPTS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
WAYNE W. LIOU, M.D., :
RESPONDENT. : **ORDER 0008434**

Division of Legal Services and Compliance Case No. 21 MED 356

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Wayne W. Liou, M.D.
Eden Prairie, MN 55344

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Wayne W. Liou, M.D., **CONFIDENTIAL** is licensed in the state of Wisconsin to practice medicine and surgery, having license number 48691-20, first issued on October 19, 2005, with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is in Eden Prairie, Minnesota 55344.

2. At all times relevant to this proceeding, Respondent practiced as a radiologist and provided remote/teleradiology services to a hospital in Wisconsin (Hospital).

3. On September 17, 2014, a forty-nine-year-old male patient (Patient A) was admitted to the Hospital after presenting to the emergency room with complaints of numbness and

tingling to extremities, left arm paresthesia, an abnormal EKG with left ventricular hypertrophy, and a concurrent viral upper respiratory infection.

4. Patient A underwent a CT cervical spine with contrast, among other imaging studies. Respondent performed a preliminary interpretation of the CT on an emergent basis. Respondent's findings included "no significant spinal central canal or neural foraminal stenoses." Respondent's impression was:

No evidence of acute cervical bony injury, no regions of abnormal enhancement and nonspecific mild fat stranding in the medial lower left neck near the thoracic inlet suggesting scarring, edema, or inflammation.

5. On September 18, 2014, the Hospital's in-house radiologist reviewed and interpreted the same CT cervical spine that Respondent had interpreted, and found:

FINDINGS: There is left C7-T1 facet joint widening and severe erosive changes. There is a multiloculated posterior perifacet abscess measuring 3 x 1.5 x 2 cm extending from C6-7 to T1-2. There is sclerosis and narrowing of the left C6-7 and T1-2 facet joints without frank erosive changes... There is disc space narrowing, marginal spurring facet joint narrowing can sclerosis from C4-5 to C6-7. Atlantoaxial articulation intact. Neural foramina appear patent.

IMPRESSION: Left C7-T1 septal joint arthritis with perifacet abscess and inflammatory changes.

6. Respondent failed to report that the CT showed narrowing of the spinal canal and/or compression of the cord, as well as the existence of fluid collection around the facet. These findings should have been recognized and noted regardless of history provided to Respondent. This failure departed from the standard of minimally competent medical practice.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 48691-20) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall, at his own expense, successfully complete three (3) hours of education on the topic of imaging and neurological emergencies in the spine, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - d. This limitation shall be removed from Respondent's license and registration after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$780.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license and registration (no. 48691-20), or Respondent's right to renew his license and registration, may, in

the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wacker, MD
A Member of the Board

3/15/2023
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WAYNE W. LIOU, M.D.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0008434

Division of Legal Services and Compliance Case No. 21 MED 356

Respondent Wayne W. Liou, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

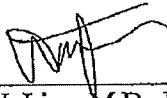
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

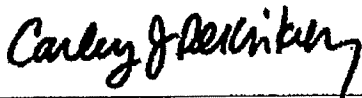
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Wayne W. Liou, M.D., Respondent
Eden Prairie, MN 55344
License No. 48691-20

02/25/2023

Date



Carley Peich Kiesling, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

2/27/2023

Date

EXHIBIT 2

Reciprocal Action in Other States

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE
)	BOARD OF MEDICAL EXAMINERS
WAYNE W. LIOU, M.D.)	
RESPONDENT)	CASE NUMBER: 2023009851
)	
EDEN PRAIRIE, MN)	
TENNESSEE LICENSE NO.:40212)	

CONSENT ORDER

Comes now the Division of Health-Related Boards of the Tennessee Department of Health ("State"), by and through the Office of General Counsel, and Respondent Wayne W. Liou, M.D., ("Respondent"), and respectfully moves the Tennessee Board of Medical Examiners ("Board") for approval of this Consent Order effecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical professionals licensed to practice in the State of Tennessee. *See Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter "TENN. CODE ANN. §") 63-6-101, et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining individuals who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee ("TENN. COMP. R. & REGS.")

Respondent, by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that

process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted license number 40212 by the Board on February 13, 2006, which currently has an expiration date of August 31, 2024.
2. On or about March 15, 2023, the Wisconsin Medical Examining Board entered into a Final Decision and Order with the Respondent based on departing from or failing to conform to the standard of minimally competent medical practice.
3. Specifically, at all times relevant to the Final Decision and Order, Respondent practiced as a radiologist and provided remote/teleradiology services to a hospital in Wisconsin.
4. On September 17, 2014, a forty-nine-year-old male patient was admitted to the hospital after presenting to the ER with complaints of numbness and tingling to the extremities, left arm paresthesia, an abnormal EKG with left ventricular hypertrophy, and a concurrent viral upper respiratory infection.
5. The patient underwent a CT cervical spine with contrast, among other imaging studies. Respondent performed a preliminary interpretation of the CT on an emergent basis. Respondent's findings included, "no significant spinal central canal or neural foraminal stenoses." Respondent's impression was:

No evidence of acute cervical bony injury, no regions of abnormal enhancement and nonspecific mild fat standing in the medical lower left neck near the thoracic inlet suggesting scarring, edema, or inflammation.

6. On September 18, 2014, the hospital's in-house radiologist reviewed and interpreted the same CT cervical spine that Respondent had interpreted, and found:

FINDINGS: There is a left C7-T1 facet joint widening and severe erosive changes. There is a multiloculated posterior perifacet abscess measuring 3x 1.5x 2 cm extending from C6-7 to T1-2. There is sclerosis and narrowing of the left C6-7 and T1-2 facet joints without frank erosive changes... There is disc space narrowing, marginal spurring facet joint narrowing can sclerosis from C4-5 to C6-7. Atlantoaxial articulation intact. Neural foramina appear patent.

IMPRESSION: Left C7-T1 septic joint arthritis with perifacet abscess and inflammatory changes.

7. Respondent failed to report that the CT showed narrowing of the spinal canal and/or compression of the cord, as well as the existence of fluid collection around the facet. These findings should have been recognized and noted. This failure departed from the standard of minimally competent medical practice.
8. Respondent's Wisconsin medical license was reprimanded. Respondent was also ordered to successfully complete three hours of education on the topic of imaging and neurological emergencies in the spine, including taking and passing any exam offered for the courses. Respondent was also ordered to pay costs.

GROUND FOR DISCIPLINE

The preceding Stipulations of Fact are sufficient to establish that Respondent has violated the following statutes or rules which are part of the Act, TENN. CODE ANN. § 63-6-101, *et seq.* and TENN. COMP. R & REGS., 0880-02-.19., for which disciplinary action before and by the Board is authorized:

9. Respondent's actions as articulated in paragraphs two (2) through eight (8) of the Stipulations of Fact, *supra*, constitute a violation of Tennessee law, pursuant to TENN. CODE ANN. § 63-6-214(b)(20), which states:

Disciplinary action against a person licensed to practice medicine by another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict, or condition licensure or renewal and/or discipline a person licensed in this state.

POLICY STATEMENT

The Tennessee Board of Medical Examiners takes the following action in order to protect the health, safety, and welfare of people in the State of Tennessee and ensure that the public confidence in the integrity of the medical profession is preserved.

ORDER


NOW THEREFORE, Respondent agrees to the following:

10. The Tennessee medical license of, Wayne W. Liou, M.D., license number 40212 is hereby **REPRIMANDED** effective from the date of entry of this Order.
11. Respondent shall comply with all terms and conditions of the March 15, 2023, Final Decision and Order of the Wisconsin Medical Examining Board and any violation will be considered to be a violation of this Order.
12. Respondent shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-02-.12(1)(j) of the *Official Compilation Rules and Regulations of the State of Tennessee*, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of

costs shall be two thousand dollars (\$2,000.00). Any and all costs shall be paid in full within sixty (60) days from the issuance of the Assessment of Costs by submitting a certified check, cashier's check, or money order payable to the State of Tennessee, which shall be mailed or delivered to the disciplinary coordinator at the address listed above. A notation shall be placed on said check that it is payable for the costs of Wayne W. Liou, M.D., Complaint No. 2020009851.


13. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 16th day of May, 2023.



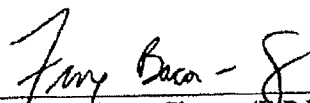
President
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:



Wayne W. Liou, M.D.
Respondent

04/19/2023
Date



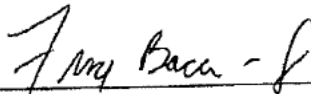
Francine Baca-Chavez (B.P.R. # 031864)
Deputy General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

5/16/23
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Consent Order has been served upon Respondent Wayne W. Liou, M.D., **CONFIDENTIAL** **CONFIDENTIAL** by delivering same in the United States Mail, Certified Number **CONFIDENTIAL** return receipt requested, and United States First Class Mail, with sufficient postage thereon to reach its destination and via email to **CONFIDENTIAL**

This 17th day of May, 2023.



Francine Baca-Chavez
Deputy General Counsel

LICENSE NO. TM00062

IN THE MATTER OF
THE LICENSE OF
WAYNE LIU, M.D.

BEFORE THE

TEXAS MEDICAL BOARD

WAIVER ORDER

On the 9 day of June, 2023, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of Wayne Liou, M.D. (Respondent). This Order was drafted by Elliott O'Day.

AGREEMENTS

1. Staff is authorized to offer this Waiver Order to resolve this Complaint.
2. Respondent expressly agreed to waive their right to an Informal Settlement and instead agrees to the entry of this Waiver Order.
3. The jurisdiction of the Board over this matter, including the entry of this Waiver Order, is undisputed.
4. Respondent had a Final Decision and Order entered by the Wisconsin Medical Board based on a failure to report a CT showing narrowing of the spinal canal and/or compression of the cord and existence of fluid collection around the fact.
5. Staff asserts the allegation in Paragraph No. 4 is a violation of §164.051(a)(9) of the Act.
6. Respondent does not admit or deny the Board staff's allegation or claimed violations.
7. Section 164.002(d) of the Act provides that this Waiver Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

TERMS

1. This Waiver Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Respondent shall pay an administrative penalty in the amount of \$780 within 90 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

3. Respondent shall comply with all terms, conditions, and requirements of the agreement entered on or around March 15, 2023 with the Wisconsin Medical Examining Board and shall document such compliance with the Board. Respondent agrees to provide documentation showing compliance with the terms, conditions, and requirements of the probation agreement to the Compliance Department of the Board within a reasonable time, and shall sign any authorization required for the Board to obtain such documentation of compliance.

4. Any violation of the terms of this Waiver Order, including failure to cooperate, shall be a basis for disciplinary action by the Board. Respondent agrees that any proceeding related to this Waiver Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

5. This Waiver Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the terms required in Paragraph Nos. 1, 2, and 3.

THIS WAIVER ORDER IS A PUBLIC RECORD.

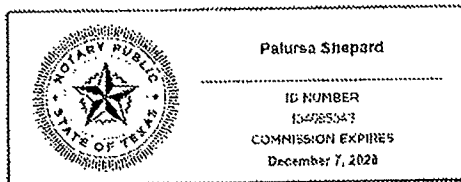
(SIGNATURE PAGES FOLLOW)

I, WAYNE LIU, M.D., HAVE READ AND UNDERSTAND THE FOREGOING WAIVER ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS WAIVER ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 2nd May, 2023.

Wayne Wei-Teh Liou

Wayne Liou, M.D.
Respondent



State of Texas

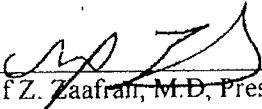
County of Parker

Sworn to and subscribed before me
on 05/02/2023 by Wayne Wei-Teh Liou.

Palursa Shepard

Notarized online using audio-video communication

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 9 day
of June, 2023.



Sherif Z. Zaafran, M.D., Presiding Officer
Texas Medical Board

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF PHYSICIAN'S LICENSE
OF
WAYNE WEI-TEH LIOU, M.D.
CONSENT ORDER

WHEREAS, Wayne Wei-Teh Liou, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 19256, issued March 13, 2006, for the practice of medicine in the State of Mississippi;

WHEREAS, on March 15, 2023, the Wisconsin Medical Examining Board, hereinafter referred to as the "Wisconsin Board," entered a Final Decision and Order, accepting the Stipulation of Licensee in regard to engaging in unprofessional conduct as defined in Wisconsin Administrative Code § Med 10.03 (2)(b), by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk to a patient or the public whether or not the act or omission resulted in actual harm to any person;

WHEREAS, as a part the Wisconsin Board Order, Licensee's Wisconsin medical license became Limited and was Reprimanded, and he was further required to complete three (3) hours of education on the topic of imaging and neurological emergencies in the spine;

WHEREAS, on April 19, 2023, after Licensee completed the aforementioned requirements, the Wisconsin Board issued a subsequent Order, returning Licensee's Wisconsin medical license back to full, unrestricted status;

WHEREAS, pursuant to Miss. Code Ann. § 73-25-29 (9) (1972), the aforementioned actions by the Wisconsin Board constitute action against Licensee's ability to practice in another jurisdiction, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board, or take any other action in relation to his license as the Board may deem proper under the circumstances;

WHEREAS, Licensee wishes to avoid a hearing before the Mississippi State Board of Medical Licensure and, in lieu thereof, has consented to certain conditions on his license to practice medicine in the State of Mississippi.

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby formally **REPRIMAND** Licensee, subject to the following terms and conditions:

1. Licensee understands that nothing in this Order shall constitute a restriction or limitation on his license and therefore holds an unrestricted license in Mississippi.
2. Licensee understands and expressly acknowledges that, should Licensee challenge or dispute any provision or statement in this agreement during the Board approval process, this Consent Order will automatically be rendered null and void, and this matter shall be set for a full evidentiary hearing at the convenience of the Board.
3. Licensee shall obey all federal, state, and local laws, and all rules and regulations governing the practice of medicine. Any further acts of misconduct will result in further action.

4. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. § 73-25-30, said amount not to exceed \$10,000. Licensee shall be advised of the total assessment by separate written notification and shall tender to the Board a certified check or money order made payable to the Mississippi State Board of Medical Licensure, on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail to Licensee's current mailing address.

Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of this Consent Order, the Board shall have the right, pursuant to a full evidentiary hearing, to revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action determined as necessary by the Board.

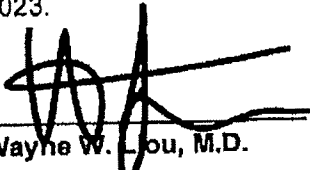
This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Licensee further acknowledges that he may be required to personally appear before the Board on the scheduled hearing date to answer any questions which the Board may have. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto

by the Board, including Licensee's answers to questions, shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

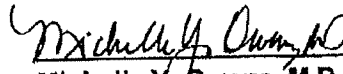
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the Federation of State Medical Boards, and the Board makes no representation as to action, if any, which any other agency or jurisdiction may take in response to this Order.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. § 73-25-27, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, **WAYNE WEI-TEH LIOU, M.D.** nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order.

EXECUTED, this the 16 day of June, 2023.


Wayne W. Liou, M.D.

ACCEPTED AND APPROVED this the 27th day of July, 2023, by the Mississippi State Board of Medical Licensure.


Michelle Y. Owens, M.D.
Board President

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Wayne Wei-Teh Liou, MD,
Respondent

Case No. 23-49-008781

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and **Wayne Wei-Teh Liou, MD** ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act"), *as amended*, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("Mcare") Act, act of March 20, 2002, P.L. 154, No. 13, *as amended*, 40 P.S. §§ 1303.101-1303.910; and/or 63 Pa.C.S. Chapter 31 ("Chapter 31"), 63 Pa.C.S. §§ 3101-3118.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD428652, which was originally issued on March 22, 2006, and which is currently set to expire on December 31, 2024.

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Department of State

STIPULATED FACTS

3. Respondent admits the following:

a. Absent additional Board action, Respondent's license may be continually renewed or reactivated upon the filing of the required documentation and payment of the applicable fees.

b. Respondent's address is: **CONFIDENTIAL**
CONFIDENTIAL,

c. At all relevant and material times, Respondent was authorized to practice as a physician in the State of Wisconsin.

d. On or about March 15, 2023, the Wisconsin Medical Examining Board ("Wisconsin Board") issued a Final Decision and Order In the Matter of Disciplinary Proceedings Against Wayne W. Liou, M.D., Respondent at Order No. 8434.

e. A true and correct copy of the Final Decision and Order referenced in paragraph 3d is attached as **Exhibit A** and is incorporated by reference.

f. The Wisconsin Board issued a reprimand and ordered Respondent to complete three (3) hours of continuing medical education, along with other terms and conditions.

g. At all relevant and material times, Respondent was authorized to practice as a physician in the State of Tennessee.

h. On or about May 16, 2023, the Tennessee Board of Medical Examiners ("Tennessee Board") approved a Consent Order In the Matter of: Wayne W. Liou, M.D., Respondent at Case No 2023009851.

i. A true and correct copy of the Consent Order referenced in paragraph 3h is attached as **Exhibit B** and is incorporated by reference.

j. The Tennessee Board issued a reprimand to the Respondent, along with other terms and conditions..

AUTHORITY OF THE BOARD

4. The Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; impose a civil penalty upon Respondent under section 908 of the Mcare Act, 40 P.S. §§ 1303.908, or 63 Pa.C.S. § 3108(b)(4); and/or impose the costs of investigation upon Respondent under 63 Pa.C.S. § 3108(b)(5).

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. **VIOLATION:** Respondent violated the Act at section 41(4), 63 P.S. §422.41(4), in that Respondent had a license or other authorization to practice the profession disciplined by the proper licensing authority of another state.

b. **PUBLIC REPRIMAND:** A public reprimand shall be placed on Respondent's disciplinary record with the Board.

c. This Order constitutes disciplinary action by the Board. This Order will be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action.

d. This case shall be deemed settled and discontinued upon the Board issuing an order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that this Consent Agreement and Order shall be admitted into evidence, without objection, in any proceeding before the Department of State.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter and the following rights related to that hearing: to be represented by counsel; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any adverse final decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges the right to consult with and be represented by private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. Respondent had an opportunity to consult with, and has been advised by Attorney Susan J. Russell regarding this Consent Agreement.

WAIVER OF CLAIMS

9. Should the Board vote not to adopt the Order proposed in this Consent Agreement, the presentation and consideration of this Consent Agreement shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. Respondent expressly waives the right to raise any claims or issues, including any and all constitutional claims or issues, which may arise or have arisen during the review, presentation and deliberation of this Consent Agreement. These claims or issues include, but are not limited to, bias, the commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Board, in its discretion, recommending a different sanction based upon the facts set forth in the Consent

Agreement. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at a hearing unless otherwise separately stipulated.

LIMITS ON MODIFICATION OF ORDER

10. Respondent agrees not to seek modification of the Order adopting and implementing this Consent Agreement without first obtaining the express written permission from the prosecution division. Any modification is at the sole discretion of the Board.

AGREEMENT NOT BINDING UNTIL APPROVED

11. This Consent Agreement is between the Commonwealth and Respondent. The Office of General Counsel has approved this Consent Agreement as to form and legality. The disciplinary provisions of this Consent Agreement do not take effect unless and until the Board issues an order adopting this Consent Agreement.

ENTIRE AGREEMENT

12. This Consent Agreement contains the entire agreement between the parties. There are no other terms, obligations, covenants, representations, statements, or conditions, oral or otherwise, of any kind whatsoever concerning this agreement.


AGREEMENT DOES NOT PREVENT FUTURE DISCIPLINE

13. Nothing in this Order shall preclude the prosecution division of the Department of State from filing charges, or the Board from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement.

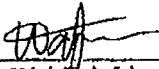
VERIFICATION OF FACTS AND STATEMENTS

14. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent


understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.


Keith E. Bashore
Prosecuting Attorney

DATED: 1/5/24


Wayne Wei-Yeh Liou, M.D.
Respondent

DATED: 12 28 2023


Susan J. Russell
Attorney for Respondent

DATED: 1/5/23



STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
WAYNE W. LIU, M.D., :
RESPONDENT. : **ORDER 0008434**

Division of Legal Services and Compliance Case No. 21 MED 356

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Wayne W. Liou, M.D.
Eden Prairie, MN 55344

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Wayne W. Liou, M.D., **CONFIDENTIAL** is licensed in the state of Wisconsin to practice medicine and surgery, having license number 48691-20, first issued on October 19, 2005, with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is in Eden Prairie, Minnesota 55344.
2. At all times relevant to this proceeding, Respondent practiced as a radiologist and provided remote/teleradiology services to a hospital in Wisconsin (Hospital).
3. On September 17, 2014, a forty-nine-year-old male patient (Patient A) was admitted to the Hospital after presenting to the emergency room with complaints of numbness and

tingling to extremities, left arm paresthesia, an abnormal EKG with left ventricular hypertrophy, and a concurrent viral upper respiratory infection.

4. Patient A underwent a CT cervical spine with contrast, among other imaging studies. Respondent performed a preliminary interpretation of the CT on an emergent basis. Respondent's findings included "no significant spinal central canal or neural foraminal stenoses." Respondent's impression was:

No evidence of acute cervical bony injury, no regions of abnormal enhancement and nonspecific mild fat stranding in the medial lower left neck near the thoracic inlet suggesting scarring, edema, or inflammation.

5. On September 18, 2014, the Hospital's in-house radiologist reviewed and interpreted the same CT cervical spine that Respondent had interpreted, and found:

FINDINGS: There is left C7-T1 facet joint widening and severe erosive changes. There is a multiloculated posterior perifacet abscess measuring 3 x 1.5 x 2 cm extending from C6-7 to T1-2. There is sclerosis and narrowing of the left C6-7 and T1-2 facet joints without frank erosive changes... There is disc space narrowing, marginal spurring facet joint narrowing can sclerosis from C4-5 to C6-7. Atlantoaxial articulation intact. Neural foramina appear patent.

IMPRESSION: Left C7-T1 septic joint arthritis with perifacet abscess and inflammatory changes.

6. Respondent failed to report that the CT showed narrowing of the spinal canal and/or compression of the cord, as well as the existence of fluid collection around the facet. These findings should have been recognized and noted regardless of history provided to Respondent. This failure departed from the standard of minimally competent medical practice.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 48691-20) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall, at his own expense, successfully complete three (3) hours of education on the topic of imaging and neurological emergencies in the spine, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - d. This limitation shall be removed from Respondent's license and registration after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$780.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license and registration (no. 48691-20), or Respondent's right to renew his license and registration, may, in

the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephan A. Wacker, MD
A Member of the Board

3/15/2023
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WAYNE W. LIOU, M.D.,
RESPONDENT.

STIPULATION

ORDER 0008434

Division of Legal Services and Compliance Case No. 21 MED 356

Respondent Wayne W. Liou, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

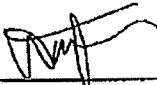
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Wayne W. Liou, M.D., Respondent
Eden Prairie, MN 55344
License No. 48691-20

02/25/2023

Date



Carley Peich Kiesling, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

2/27/2023

Date

**EXHIBIT
B**

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE
)	BOARD OF MEDICAL EXAMINERS
WAYNE W. LIU, M.D.)	
RESPONDENT)	CASE NUMBER: 2023009851
)	
EDEN PRAIRIE, MN)	
TENNESSEE LICENSE NO.:40212)	

CONSENT ORDER

Comes now the Division of Health-Related Boards of the Tennessee Department of Health ("State"), by and through the Office of General Counsel, and Respondent Wayne W. Liou, M.D., ("Respondent"), and respectfully moves the Tennessee Board of Medical Examiners ("Board") for approval of this Consent Order effecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical professionals licensed to practice in the State of Tennessee. *See Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter "TENN. CODE ANN. §") 63-6-101, et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining individuals who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee ("TENN. COMP. R. & REGS.")

Respondent, by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that

process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted license number 40212 by the Board on February 13, 2006, which currently has an expiration date of August 31, 2024.
2. On or about March 15, 2023, the Wisconsin Medical Examining Board entered into a Final Decision and Order with the Respondent based on departing from or failing to conform to the standard of minimally competent medical practice.
3. Specifically, at all times relevant to the Final Decision and Order, Respondent practiced as a radiologist and provided remote/teleradiology services to a hospital in Wisconsin.
4. On September 17, 2014, a forty-nine-year-old male patient was admitted to the hospital after presenting to the ER with complaints of numbness and tingling to the extremities, left arm paresthesia, an abnormal EKG with left ventricular hypertrophy, and a concurrent viral upper respiratory infection.
5. The patient underwent a CT cervical spine with contrast, among other imaging studies. Respondent performed a preliminary interpretation of the CT on an emergent basis. Respondent's findings included, "no significant spinal central canal or neural foraminal stenoses." Respondent's impression was:

No evidence of acute cervical bony injury, no regions of abnormal enhancement and nonspecific mild fat standing in the medical lower left neck near the thoracic inlet suggesting scarring, edema, or inflammation.

6. On September 18, 2014, the hospital's in-house radiologist reviewed and interpreted the same CT cervical spine that Respondent had interpreted, and found:

FINDINGS: There is a left C7-T1 facet joint widening and severe erosive changes. There is a multiloculated posterior perifacet abscess measuring 3x 1.5x 2 cm extending from C6-7 to T1-2. There is sclerosis and narrowing of the left C6-7 and T1-2 facet joints without frank erosive changes... There is disc space narrowing, marginal spurring facet joint narrowing can sclerosis from C4-5 to C6-7. Atlantoaxial articulation intact. Neural foramina appear patent.

IMPRESSION: Left C7-T1 septic joint arthritis with perifacet abscess and inflammatory changes.

7. Respondent failed to report that the CT showed narrowing of the spinal canal and/or compression of the cord, as well as the existence of fluid collection around the facet. These findings should have been recognized and noted. This failure departed from the standard of minimally competent medical practice.
8. Respondent's Wisconsin medical license was reprimanded. Respondent was also ordered to successfully complete three hours of education on the topic of imaging and neurological emergencies in the spine, including taking and passing any exam offered for the courses. Respondent was also ordered to pay costs.

GROUNDS FOR DISCIPLINE

The preceding Stipulations of Fact are sufficient to establish that Respondent has violated the following statutes or rules which are part of the Act, TENN. CODE ANN. § 63-6-101, *et seq.* and TENN. COMP. R & REGS., 0880-02-.19., for which disciplinary action before and by the Board is authorized:

9. Respondent's actions as articulated in paragraphs two (2) through eight (8) of the Stipulations of Fact, *supra*, constitute a violation of Tennessee law, pursuant to TENN. CODE ANN. § 63-6-214(b)(20), which states:

Disciplinary action against a person licensed to practice medicine by another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict, or condition licensure or renewal and/or discipline a person licensed in this state.

POLICY STATEMENT

The Tennessee Board of Medical Examiners takes the following action in order to protect the health, safety, and welfare of people in the State of Tennessee and ensure that the public confidence in the integrity of the medical profession is preserved.

ORDER


NOW THEREFORE, Respondent agrees to the following:

10. The Tennessee medical license of, Wayne W. Liou, M.D., license number 40212 is hereby **REPRIMANDED** effective from the date of entry of this Order.
11. Respondent shall comply with all terms and conditions of the March 15, 2023, Final Decision and Order of the Wisconsin Medical Examining Board and any violation will be considered to be a violation of this Order.
12. Respondent shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-02-.12(1)(j) of the *Official Compilation Rules and Regulations of the State of Tennessee*, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of

costs shall be two thousand dollars (\$2,000.00). Any and all costs shall be paid in full within sixty (60) days from the issuance of the Assessment of Costs by submitting a certified check, cashier's check, or money order payable to the State of Tennessee, which shall be mailed or delivered to the disciplinary coordinator at the address listed above. A notation shall be placed on said check that it is payable for the costs of Wayne W. Liou, M.D., Complaint No. 2020009851.

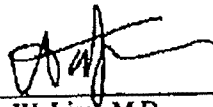
13. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 16th day of May, 2023.



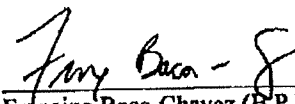
President
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:



Wayne W. Liou, M.D.
Respondent

04/19/2023
Date



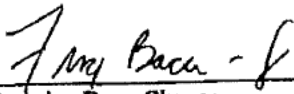
Francine Baca-Chavez (B.P.R. # 031864)
Deputy General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

5/14/23
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Consent Order has been served upon Respondent Wayne W. Liou, M.D., **CONFIDENTIAL** **CONFIDENTIAL** by delivering same in the United States Mail, Certified Number **CONFIDENTIAL** return receipt requested, and United States First Class Mail, with sufficient postage thereon to reach its destination and via email to **CONFIDENTIAL**

This 17th day of May, 2023.



Francine Baca-Chavez
Deputy General Counsel

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Wayne Wei-Teh Liou, M.D.,
Respondent

Case No. 23-49-008781

ORDER

AND NOW, this 30th day of January, 2024, the **STATE BOARD OF MEDICINE** ("Board") approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

Arion R. Claggett

**ARION R. CLAGGETT
ACTING COMMISSIONER**

For the Board:

For the Commonwealth:

For the Respondent:

Date of mailing:

Liou2349008781cao121523keb.docx

**BY ORDER:
STATE BOARD OF MEDICINE**

Mark B. Woodland

**MARK B. WOODLAND, M.S., M.D.,
CHAIR**

Shana Walter, Esquire (A-L) or Dana M.
Wucinski, Esquire (M-Z)

Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

Susan J. Russell, Esquire
Post & Post LLC
200 Berwyn Park, Suite 102
920 Cassatt Road
Berwyn, PA 19312

February 8, 2024

DOS Prothonotary:
Feb 07 2024

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2024-006

In the Matter of

Wayne W. Liou, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Wayne W. Liou, M.D. ("Respondent") and the Board of Registration in Medicine ("Board") (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 C.M.R. 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket number 23-165.

Findings of Fact

1. The Respondent graduated from the Wayne State University School of Medicine in 1996. He is certified by the American Board of Medical Specialties in Diagnostic Radiology. The Respondent has been licensed to practice medicine in Massachusetts under license number 226630 since 2005.

2. The Respondent is licensed to practice medicine in many other states, including Wisconsin, Tennessee, and Texas. On March 15, 2023, the Wisconsin Medical Examining Board ("WI Board") imposed discipline on the Respondent's license in Wisconsin due to Respondent's violation of Wisconsin law governing the practice of medicine.

3. Specifically, the WI Board disciplined the Respondent for unprofessional conduct by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

4. The WI Board disciplined the Respondent for the following conduct:

- a. On September 17, 2014, a forty-nine-year-old male patient ("Patient A") was admitted to the hospital in Wisconsin where Respondent practiced as a radiologist and provided remote/teleradiology services.
- b. Patient A was admitted to the hospital after presenting to the emergency room with complaints of numbness and tingling to extremities, left arm paresthesia, an abnormal EKG with left ventricular hypertrophy, and a concurrent viral upper respiratory infection.
- c. Patient A underwent a CT cervical spine with contrast, among other imaging studies. Respondent performed a preliminary interpretation of the CT on an emergent basis. Respondent's finding included "no significant spinal central canal or neural foraminal stenoses." Respondent's impression was "no evidence of acute cervical bony injury, no regions of abnormal enhancement and nonspecific mild fat stranding in the medial lower left neck near the thoracic inlet suggesting scarring, edema, or inflammation."
- d. On September 18, 2014, the hospital's in-house radiologist reviewed and interpreted the same CT cervical spine that Respondent interpreted, and found, "There is left C7-T1 facet joint widening and severe erosive changes. There is a multiloculated posterior perifacet abscess measuring 3 x 1.5 x 2 cm extending from C6-7 to T1-2. There is sclerosis and narrowing of the left C6-7 and T1-2

facet joints without frank erosive changes... There is disc space narrowing, marginal spurring facet joint narrowing can [sic] sclerosis from C4-5 to C6-7. Atlantoaxial articulation intact. Neural foramina appear patent." The in-house radiologist's impression was, "Left C7-T1 septic joint arthritis with perifacet abscess and inflammatory changes."

e. Respondent's failure to report that the CT showed narrowing of the spinal canal and/or compression of the cord, as well as the existence of fluid collection around the facet departed from the standard of minimally competent medical practice.

5. The WI Board imposed a reprimand and ordered Respondent to complete three hours of education on the topic of imaging and neurological emergencies in the spine.

6. Based on the WI Board's action, the Tennessee Board of Medical Examiners reprimanded Dr. Liou's medical license.

7. Based on the WI Board's action, the Texas Medical Board reprimanded Dr. Liou's medical license and assessed him a monetary penalty.

Conclusions of Law

A. Respondent violated 243 C.M.R. 1.03(5)(a)(12) by being disciplined by the WI Board for reasons substantially the same as those set forth in G.L. c. 112, § 5 or 243 C.M.R. 1.03(5). More specifically, the reason discipline was imposed by the WI Board is substantially the same as Respondent having violated:

1. 243 C.M.R. 1.03(5)(a)(3) by engaging in conduct which places into question the Respondent's competence to practice medicine, including but not limited to gross misconduct in the practice of medicine, or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated

occasions.

Order

The Respondent's medical license is hereby reprimanded. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

Execution of this Consent Order

Complaint Counsel and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel and the Respondent are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order, in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.


As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order within ten (10) days by certified mail, return receipt requested, electronic mail, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any

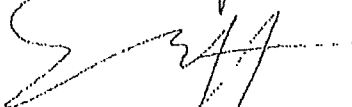
kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. If the Respondent chooses to utilize electronic mail to notify any of the aforementioned designated entities, the Respondent shall obtain written confirmation of their receipt of a complete copy of this Consent Order from those designated entities. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Wayne W. Liou, M.D.
Licensee

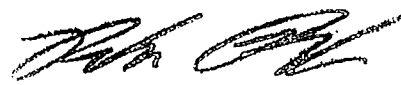
Jan 22 2024
Date



Erik R. Bennett, Esq.
Complaint Counsel

1/29/2024
Date

So ORDERED by the Board of Registration in Medicine this 8th day of February 2024.



Booker T. Bush, M.D.
Board Chair