

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ANDREW C. TSEN, M.D.**

4 Holder of License No. 21592
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-19-0527A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION WITH PRACTICE
RESTRICTION; AND CONSENT TO
THE SAME**

7 Andrew C. Tsen, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation with
9 Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 21592 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-0527A after receiving a disciplinary
17 action alert (DAR) regarding action taken against Respondent's license to practice
18 medicine in another state.

19 4. Effective May 2, 2019, Respondent entered into a Stipulated Interim Order
20 with the Oregon Medical Board ("Oregon Board") prohibiting Respondent from performing
21 mitral valve robotic surgery on any patient pending the outcome of the Oregon Board's
22 investigation.

23 5. Effective April 1, 2021 Respondent entered into a Stipulated Order with the
24 Oregon Board that terminated the Interim Stipulated Order. The Stipulated Order prohibits
25 Respondent from performing robotic mitral valve surgery on any patient. Additionally, the
Stipulated Order requires Respondent to obtain a Oregon Board pre-approved practice

1 mentor who is a board-certified cardiovascular surgeon for pre-procedure review any mitral
2 valve surgery, and provide other practice mentoring assistance.

3 **CONCLUSIONS OF LAW**

4 a. The Board possesses jurisdiction over the subject matter hereof and over
5 Respondent.

6 b. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1401(27)(p) (“Action that is taken against a doctor of
8 medicine by another licensing or regulatory jurisdiction due to that doctor’s mental or
9 physical inability to engage safely in the practice of medicine, the doctor’s medical
10 incompetence or for unprofessional conduct as defined by that jurisdiction and that
11 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
12 paragraph. The action taken may include refusing, denying, revoking or suspending a
13 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
14 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
15 probation by that jurisdiction.”).

16 **ORDER**

17 IT IS HEREBY ORDERED THAT:

- 18 1. Respondent is issued a Letter of Reprimand.
19 2. Respondent is placed on Probation with the following terms and conditions:

20 a. **Compliance with Stipulated Order**

21 Respondent shall comply with the terms and conditions of the Oregon Board’s
22 Stipulated Order. Respondent shall provide a copy of this Order to the Oregon Board and
23 execute any and all authorizations necessary to allow the Oregon Board to communicate
24 directly with Board staff regarding Respondent’s compliance with the Oregon Board’s
25 Stipulated Order, including immediately communicating to the Board any concerns

1 regarding Respondent's safety to practice medicine. Respondent shall immediately report
2 to the Board any violation of the Oregon Board's Stipulated Order. Respondent shall
3 cause the Oregon Board to provide quarterly written reports to the Board regarding
4 Respondent's compliance with the Oregon Board's Stipulated Order. Respondent shall be
5 responsible for all costs related to the Stipulated Order and any costs related to the
6 preparation of the quarterly reports.

7 **b. Practice Restriction and Monitor**

8 Respondent's practice is restricted in that he shall not practice medicine in Arizona
9 as defined by A.R.S. §32-1401(22) except as stated herein: Respondent shall be
10 prohibited from performing robotic mitral valve surgery in the State of Arizona.
11 Respondent shall notify the Board no less than 30 days prior to treating any Arizona
12 patients, and provide Board staff with notification regarding Respondent's intended
13 practice setting and scope of practice. Thereafter, Respondent shall promptly provide
14 written notice to Board staff prior to any change in practice settings or employment.

15 Respondent shall obtain a Board staff pre-approved Practice Monitor prior to
16 performing any mitral valve surgeries or surgical procedures involving mitral valve repair.
17 Respondent shall provide the Practice Monitor with a copy of this Order, as well as the
18 Oregon Board's Stipulated Order and February 25, 2021 Complaint and Notice of
19 Proposed Disciplinary Action. If the Practice Monitor is approved by Board Staff,
20 Respondent shall promptly provide the Board with a written statement from the Practice
21 Monitor confirming review of these documents and agrees to provide monitoring as
22 required by this Order.

23 The Practice Monitor shall be responsible for reviewing indications and operative
24 plans, including a review of imaging, with Respondent prior to any mitral valve surgery,
25 whether in conjunction with another procedure or not. Such review is also required for any

1 emergency involving mitral valve repair, except if impracticable due to the nature of the
2 emergency. In the event that this pre-procedure review is not performed for this reason, it
3 shall be completed within 24 hours of procedure completion.

4 Respondent shall agree to allow the Practice Monitor to view his interactions with
5 any and all patients as deemed appropriate by the Practice Monitor. The Practice Monitor
6 shall provide written reports to the Board on a quarterly basis or at any time the Practice
7 Monitor has concerns regarding Respondent's safety to practice. Prior to completion of
8 the quarterly reports, the Practice Monitor shall meet with Respondent to review
9 Respondent's morbidity and mortality rates for all valve surgery, and include discussion of
10 any pertinent adverse occurrences in the Practice Monitor's report. Respondent shall be
11 responsible for all costs related to the Practice Monitor and the preparation of the quarterly
12 reports.

13 **c. Obey All Laws**

14 Respondent shall obey all state, federal and local laws, all rules governing the
15 practice of medicine in Arizona, and remain in full compliance with any court ordered
16 criminal probation, payments and other orders.

17 **d. Probation Termination**

18 Prior to the termination of Probation, Respondent must submit a written request to
19 the Board for release from the terms of this Order. Respondent's request for release will
20 be placed on the next pending Board agenda, provided a complete submission is received
21 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for
22 release must provide the Board with evidence establishing that he has successfully
23 satisfied all of the terms and conditions of this Order and has received a complete and
24 unconditional release from the terms of the Oregon Board's Stipulated Order. The Board
25 has the sole discretion to determine whether all of the terms and conditions of this Order

1 have been met or whether to take any other action that is consistent with its statutory and
2 regulatory authority.

3 3. The Board retains jurisdiction and may initiate new action against
4 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

5 DATED AND EFFECTIVE this 24th day of August, 2021.
6

7 ARIZONA MEDICAL BOARD

8 By Patricia E. McSorley
9 Patricia E. McSorley
10 Executive Director

11 **CONSENT TO ENTRY OF ORDER**

12 1. Respondent has read and understands this Consent Agreement and the
13 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
14 acknowledges he has the right to consult with legal counsel regarding this matter.

15 2. Respondent acknowledges and agrees that this Order is entered into freely
16 and voluntarily and that no promise was made or coercion used to induce such entry.

17 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
18 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
19 this Order in its entirety as issued by the Board, and waives any other cause of action
20 related thereto or arising from said Order.

21 4. The Order is not effective until approved by the Board and signed by its
22 Executive Director.

23 5. All admissions made by Respondent in this Order are solely for final
24 disposition of this matter and any subsequent related administrative proceedings or civil
25 litigation involving the Board and Respondent. Therefore, said admissions by Respondent

1 are not intended or made for any other use, such as in the context of another state or
2 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
3 State of Arizona or any other state or federal court.

4 6. Notwithstanding any language in this Order, this Order does not preclude in
5 any way any other State agency or officer or political subdivision of this state from
6 instituting proceedings, investigating claims, or taking legal action as may be appropriate
7 now or in the future relating to this matter or other matters concerning Respondent,
8 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
9 acknowledges that, other than with respect to the Board, this Order makes no
10 representations, implied or otherwise, about the views or intended actions of any other
11 state agency or officer or political subdivisions of the State relating to this matter or other
12 matters concerning Respondent.

13 7. Upon signing this agreement, and returning this document (or a copy thereof)
14 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
15 the Order. Respondent may not make any modifications to the document. Any
16 modifications to this original document are ineffective and void unless mutually approved
17 by the parties.

18 8. This Order is a public record that will be publicly disseminated as a formal
19 disciplinary action of the Board and will be reported to the National Practitioner's Data
20 Bank and on the Board's web site as a disciplinary action.


21 9. If any part of the Order is later declared void or otherwise unenforceable, the
22 remainder of the Order in its entirety shall remain in force and effect.

23 10. If the Board does not adopt this Order, Respondent will not assert as a
24 defense that the Board's consideration of the Order constitutes bias, prejudice,
25 prejudgment or other similar defense.

1 11. Any violation of this Order constitutes unprofessional conduct and may result
2 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("[v]iolating a formal order, probation,
3 consent agreement or stipulation issued or entered into by the board or its executive
4 director under this chapter.") and 32-1451

5 12. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he
6 cannot act as a supervising physician for a physician assistant while his license is on
7 probation.

8 13. Respondent has read and understands the conditions of probation.

9
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11 _____
ANDREW C. TSEN, M.D.

DATED 7/12/21

12
13 EXECUTED COPY of the foregoing mailed
this 24th day of August, 2021 to.

14 Andrew C. Tsen, M.D
15 Address of Record

16
17 ORIGINAL of the foregoing filed
this 24th day of August, 2021 with:

18 Arizona Medical Board
19 1740 West Adams, Suite 4000
Phoenix, Arizona 85007

20
21 
22 _____
Board staff