

**BEFORE THE
BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI**

MISSOURI STATE BOARD OF REGISTRATION FOR THE HEALING ARTS)	
)	
Petitioner,)	
)	
v.)	Case Number: 2018-001205
)	
LOON-TZIAN LO, M.D.)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF REVOCATION IN DEFAULT**

The Missouri State Board of Registration for the Healing Arts (“the Board”), in accordance with law and pursuant to proper notice, took up this matter against Loon-Tzian Lo, M.D., (“Respondent”) during its meeting on the 20th of April 2023, via WebEx videoconference and at 3550 Amazonas Drive, Jefferson City, Missouri 65109, for the purpose of determining whether Respondent’s physician and surgeon license is subject to discipline pursuant to section 334.102.7, RSMo.¹

In reaching the decision stated in this Order, each member of the Board present at the hearing read and considered the Certified Records of Proceedings of the Administrative Hearing Commission (“AHC”) entered on February 24, 2023 and the exhibits entered into evidence. All members of the Board were present and participated in the hearing except for David E. Tannehill, D.O.

The Board was represented by Adam Grayson, Contract Counsel. David Dykas, General Counsel, served as the Board’s legal advisor in this proceeding. Respondent was not present at the hearing, nor was Respondent represented by legal counsel at the hearing. Respondent did not respond to the Notice of Disciplinary Hearing the Board

¹ All references to Missouri statute are to the Revised Statutes of Missouri (RSMo) (Cum. Supp. 2020), unless otherwise stated.

mailed on March 22, 2023.

During the hearing, the Board admitted into the record the decision of the AHC and took official notice of the statutes and regulations referenced therein. The following exhibits were offered by Petitioner and admitted into evidence by the Board: Exhibit 1, an Affidavit of Service of the Subpoena showing individual service on the Respondent on September 24, 2020; Exhibit 2, a Writ of Attachment and Warrant of Commitment in the Circuit Court of Cole County, case number 20AC-CC00417, signed and ordered on December 15, 2020; Exhibit 3, a copy of the original complaint issued on January 30, 2018; Exhibit 4, Notice of Intent to Use Affidavit with certificate of service mailed to the Respondent, with the attached affidavit signed by Ms. Kayci Hollingsworth establishing the last address given to the Board and the current information regarding the Respondent's license; Exhibit 5, Notice of Intent to Use Business Records with certificate of service mailed to the Respondent, with the certified documents from the AHC and the Board..

Being fully advised, the Board now enters its findings of fact, conclusions of law and disciplinary order as set forth below.

FINDINGS OF FACT

1. The Board is an agency of the State of Missouri; created and established pursuant to section 334.120, RSMo for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. Respondent is licensed by the Board as a physician and surgeon, license number 1999137880, which was first issued on November 16, 1999.
3. On July 27, 2022, the Board filed a Complaint with the AHC alleging cause existed to discipline the Respondent.
4. The Board requested in the Complaint that cause existed to discipline the Respondent's license pursuant to sections 334.100.2(4)(m), in that in January 2018, the Board initiated an

investigation of allegations regarding the Respondent's treatment of a patient; that the Board made numerous attempts requesting and commanding the cooperation of the Respondent with the investigation; that said attempts including multiple letters, voicemail messages, email correspondence, visits to the Respondent's business and residential addresses with contact information left by an investigator; and through the issuance of two separate subpoenas. The Respondent contacted the Board on one (1) occasion to verify the identity of the investigator; but otherwise the Respondent did not respond or cooperate with the Board during the investigation.

5. The Board requested in the Complaint that cause existed to discipline the Respondent's license pursuant to sections 334.100.2(4)(n), in that the Board issued two (2) subpoenas to the Respondent to which the Respondent did not comply; to wit: on July 26, 2018, the Board issued a subpoena commanding the Respondent to produce and deliver to the Board any and all medical records pertinent to the investigation; on September 22, 2020, the Board issued a second subpoena commanding the Respondent to produce and deliver to the Board any and all medical records pertinent to the investigation; the second subpoena was served on the Respondent on September 24, 2020; the Respondent complied with neither subpoena. On October 6, 2020, the Board applied to the Cole County Circuit Court for an order to enforce the subpoena issued on September 22, 2020; on December 15, 2020, the Court found the Respondent to be in contempt for the failure to comply with the subpoena; the Court issued a Writ of Attachment and Commitment against the Respondent; the Court determined that the Respondent could be purged of the contempt by producing the documents identified in the subpoena. The Respondent has not complied with the Board's subpoena for the medical records and remains in contempt of the Court.
6. The Complaint requested the AHC make a finding that cause exists to discipline the Respondent's License, such that the Board may take disciplinary action against the physician and surgeon license of the Respondent.

7. A service card was filed with the AHC on August 29, 2022, showing that on August 25, 2022, the Respondent was served with a copy of the Complaint.
8. On January 18, 2023, the AHC entered a default decision against the Respondent.
9. In its Default Decision, the AHC found that more than thirty days had elapsed since the Respondent was served; and that the Respondent did not file an answer or otherwise respond to the complaint.
10. In its Default Decision, the AHC determined and ordered that the Board is entitled to the relief as requested in the Complaint.
11. The Board finds the Notice of Disciplinary Hearing was properly mailed March 22, 2023, to the Respondent, pursuant to sections 536.063 and 536.067, RSMo, to initiate the disciplinary hearing.
12. The Board finds that a Notice of Intent to Use Affidavit was filed in this matter on April 19, 2023, and mailed to Respondent's last address on file with the Board on April 19, 2023.
13. The Board finds that a Notice of Intent to Use Business Records, containing the Certified Records of the Proceeding by the AHC, as required by section 536.070, RSMo., was filed in this matter on April 19, 2023, and mailed to Respondent's last address on file with the Board on April 19, 2023.
14. The Board finds Respondent has submitted no response and has stated no defense in the hearing pending before the Board. The Board finds no evidence has been offered constituting good cause for Respondent's failure to plead.
15. The Board finds the discipline imposed is necessary to protect the public.

CONCLUSIONS OF LAW

16. The Board has jurisdiction to take disciplinary action against Respondent's license pursuant to sections 334.100.2(4)(m) and 334.100.2(4)(n) RSMo., which state:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(m) Failure of any applicant or licensee to cooperate with the board during any investigation;

(n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

17. Respondent's failure to plead or otherwise defend against the Complaint filed in this matter requires the Board to issue a default order without further proceedings, pursuant to sections 324.045 and 536.067, RSMo:

324.045.1 Notwithstanding any provision of chapter 536, in any proceeding initiated by the division of professional registration or any board, committee, commission, or office within the division of professional registration to determine the appropriate level of discipline or additional discipline, if any, against a licensee of the board, committee, commission, or office within the division, if the licensee against whom the proceeding has been initiated upon a properly pled writing filed to initiate the contested case and upon proper notice fails to plead or otherwise defend against the proceeding, the board, commission, committee, or office within the division shall enter a default decision against the licensee without further proceedings. The terms of the default decision shall not exceed the terms of discipline authorized by law for the division, board, commission, or committee. The division, office, board, commission, or committee shall provide the licensee notice of the default decision in writing.

536.067. (5) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section upon a

properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the holder of a license, registration, permit, or certificate of authority without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

18. The Board finds a default decision pursuant to sections 324.045 and 536.067, RSMo is required in this matter because a contested case was correctly commenced, pursuant to section 536.063, RSMo, with the filing of the Certified Records of Proceedings of the AHC; notices were provided to Respondent pursuant to sections 536.067 and 536.070, RSMo; and Respondent failed to plead or otherwise respond to the allegations set forth in the Amended First Complaint and the AHC Default Decision.
19. The Board finds Respondent is in default and no good cause exists why the Board should not proceed to issue an Order.
20. Section 334.102.7(3), RSMo, provides that "Upon a finding that cause exists to discipline a licensee's license the board may impose any discipline otherwise available when disciplining licensees of that same profession."
21. Pursuant to section 334.100.5, RSMo, in any order of revocation, the Board "may provide that [Respondent] may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation."

ORDER OF REVOCATION

22. Upon the foregoing findings of fact and conclusions of law, it is the Order of the Missouri State Board of Registration for the Healing Arts that the physician and surgeon license issued to Respondent, Loon-Tzian Lo MD, license number 1999137880, is hereby **REVOKED**.
23. Respondent shall not apply for reinstatement of her license for a period of five (5) years from

the effective date of this Order.

24. Respondent shall immediately cease practicing in the state of Missouri; and within fifteen (15) days of the effective date of this Order, she shall return her pocket card and license to the Board.
25. If Respondent is licensed in other jurisdictions, she shall forward written notice of this disciplinary action to the licensing authorities of those jurisdictions within thirty (30) days of the effective date of this Order. Respondent shall submit a copy of the written notice to the Board contemporaneously with sending it to the relevant licensing authority. If Respondent is not licensed in other jurisdictions, she shall notify the Board of that fact, in writing, within thirty (30) days of the date of this Order.
26. Respondent shall, within thirty (30) days of the effective date of this Order, forward written notice of this disciplinary action to all employers, hospitals, nursing homes, out-patient centers, clinics and any other facility where Respondent practices or has privileges. Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Respondent does not have an employer, staff privileges or practice at any facility, she shall notify the Board of that fact, in writing, within thirty (30) days of the date of this Order.
27. Respondent shall, within thirty (30) days of the effective date of this Order, forward written notice of this disciplinary action to any allied health care professionals that Respondent supervises. Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Respondent does not supervise any allied health professionals, she shall notify the Board of that fact, in writing, within thirty (30) days of the date of this Order.
28. For purposes of this Order and unless otherwise specified herein, all reports, documentation, evaluations, notices or other materials that Respondent is required to submit to the Board shall be forwarded to the Missouri State Board of Registration for the Healing Arts, Attention:

Enforcement, P.O. Box 4, Jefferson City, Missouri 65102.

29. Respondent is advised that her compliance with the terms of this Order and the discharge of her professional obligation to transfer her patients' care and records to other providers will be assessed by the Board for compliance with section 324.042, RSMo.
30. This document shall be maintained by the Board as an open and public record as provided in Chapters 324, 334 and 610, RSMo, and the Board will report this action to the National Practitioner Data Bank and the Federation of State Medical Boards.

SO ORDERED, EFFECTIVE THIS 5th DAY OF JUNE, 2023.



James Leggett, Executive Director
Missouri State Board of Registration for the Healing Arts