

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF MEDICAL EXAMINERS
NIANSEN LIU, M.D.)	
RESPONDENT)	CASE NO: 2020028731
)	
CLEVELAND, TENNESSEE)	
TENNESSEE LICENSE NO. 36406)	

CONSENT ORDER

Comes now the Division of Health Related Boards of the Tennessee Department of Health (the "Division"), by and through the Office of General Counsel, and Respondent, Niansen Liu, M.D., (the "Respondent"), who would respectfully move the Tennessee Board of Medical Examiners (the "Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. *See* Tennessee Medical Practice Act, 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 public health, safety, and welfare in every practicable way, including disciplining medical doctors 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, Niansen Liu, M.D., 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.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank and/ or a similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in Tennessee, having been granted medical license number 36406 by the Board on August 21, 2002, which has a current expiration date of January 31, 2024.
2. Respondent is a psychiatrist and practice owner of Cleveland Behavioral Health in Cleveland, Tennessee.
3. The Department reviewed the medical records of at least twenty (20) patients to whom Respondent provided treatment which included prescribing controlled substances. The

Department's review of these medical records found violations which are further described below.

4. Respondent treated certain patients suffering from severe anxiety with benzodiazepines.
5. At times, Respondent prescribed long-term benzodiazepines without sufficiently documenting discussions with patients regarding the risks of the medication and/or its long-term use and/or without consistently documenting the steps he took to monitor patients for signs of substance abuse.
6. Respondent failed to check and/or failed to document that he had checked the Tennessee Controlled Substance Monitoring Database (CSMD) prior to prescribing benzodiazepines.

II. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (Tenn. Code Ann. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

7. The facts stipulated in paragraphs 2 through 6, *supra*, constitute a violation of Tenn. Code Ann. § 63-6-214(b)(1):

Unprofessional ... conduct.

8. The facts stipulated in paragraphs 2 through 6, *supra*, constitute a violation of Tenn. Comp. R. & Regs. Rule 0880-02-.14 (7)(a):

Except as provided in subparagraph (b), it shall be a *prima facie* violation of T.C.A. § 63-6-214 (b) (1), (4), and (12) for a physician to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the Internet or over telephone lines, unless the physician, or his/her licensed supervisee pursuant to

appropriate protocols or medical orders, has first done and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following:

1. Performed an appropriate history and physical examination; and
 2. Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good medical care; and
 3. *Formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and benefits of various treatments options, a part of which might be the prescription or dispensed drug, with the patient; and*
 4. Insured availability of the physician or coverage for the patient for appropriate follow-up care.
9. The facts stipulated in paragraphs 2 through 6, *supra*, constitute a violation of Tenn.

Code Ann. § 53-10-310(e)(1):

When prescribing a controlled substance, all healthcare practitioners, unless otherwise exempted under this part, shall check the controlled substance database prior to prescribing one (1) of the controlled substances identified in subdivision (e)(4) to a human patient at the beginning of a new episode of treatment and shall check the controlled substance database for that human patient at least annually when that prescribed controlled substance remains part of the treatment. An authorized healthcare practitioner's delegate may check the controlled substance database on behalf of the healthcare practitioner. A new episode of treatment means a prescription for a controlled substance that has not been prescribed by that healthcare practitioner within the previous twelve (12) months.

III. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action to protect the health, safety, and welfare of people in the State of Tennessee by ensuring that Medical Doctors follow all legal and ethical requirements for prescribing and dispensing controlled medications and maintain appropriate medical records.

IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

10. Respondent's Tennessee Medical License is hereby **REPRIMANDED**.
11. As a part of the entry of this Consent Order Agreement, Respondent enrolled in and successfully completed in August 2023 the following course:
 - a. The medical course titled, "*Proper Prescribing of Controlled Substances*" offered by Vanderbilt University Medical Center.
 - b. Within ten (10) days of entry of this Consent Order Agreement, Respondent shall mail or deliver formal proof of completion of this course requirement to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, TN 37243**. Respondent may also deliver proof of completion of this course requirement to the **Disciplinary Coordinator** by email to disciplinary.coordinator@tn.gov.
 - c. The Continuing Medical Education ("CME") course hours earned from attendance and completion of this course shall be in addition to the CME hours required to maintain licensure.
12. Respondent is assessed and must pay, pursuant to Tenn. Code Ann. § 63-6-214 and Tenn. Comp. R. & Reg. Rule 0880-02-.12(1)(h), two (2) Type "A" Civil Penalties, in the amount of Five Hundred Dollars (\$500.00) each, representing one civil penalty for the conduct set forth in paragraph five (5) and one civil penalty for the conduct set forth in paragraph six (6) of the *Stipulations of Fact*, above, for a total Civil Penalty of **One**

Thousand Dollars (\$1,000.00).

13. Respondent must pay, pursuant to Tenn. Code Ann. § 63-6-214(k) and Rule 0880-02-.12(1)(j) of the Tenn. Comp. R. & Regs., the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. Said costs shall not exceed three thousand dollars (\$3,000.00).

IV. NOTICE

14. 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.
15. Any and all civil penalties must be paid in full within twenty-four (24) months of the effective date of this Order. Any and all costs shall be paid in full within twenty-four (24) months from the issuance of the Assessment of Costs. Civil penalties and costs shall be paid by submitting a **certified check, cashier's check, or money order** payable to the State of Tennessee by mail. Proof of compliance regarding CMEs or any other submitted documents can be submitted via electronic means (e-mail) to disciplinary.coordinator@tn.gov. All disciplinary terms submitted, including CMEs, civil penalties and/or cost payments, must include Respondent's name and Case No. 2020028731, on the instrument. All payments can be mailed or delivered to:

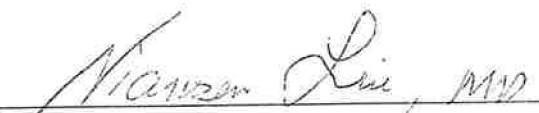
**Office of General Counsel
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, TN 37243**

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 26th day of September, 2023.




Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:




Niansen Liu, M.D.
M.D. License No. 36406
Respondent

September 1st, 2023
DATE



Stephen D. Barham (BPR # 019292)
Attorney for Respondent
Chambliss, Bahner, & Stophel, P.C.
Liberty Tower
605 Chestnut Street
Suite 1700
Chattanooga, Tennessee 37450
(423) 757-0239

9/1/2023
DATE



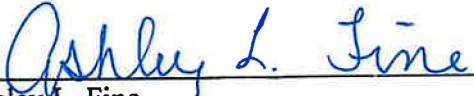
Ashley L. Fine (B.P.R. # 037436)
Attorney for the State
Senior Associate General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

9/26/2023
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon Respondent, Niansen Liu, M.D., by and through Counsel, Stephen D. Barham, Attorney for Respondent, Chambliss, Bahner, & Stophel, P.C., Liberty Tower, 605 Chestnut Street, Suite 1700, Chattanooga, Tennessee 37450, certified mail number 9589071052700676146849 return receipt requested and by regular mail, with sufficient postage thereon to reach its destination.

This 26th day of September, 2023.



Ashley L. Fine
Senior Associate General Counsel