

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>SEAN Y. TAKEUCHI, M.D.</b>	*	<b>STATE BOARD OF</b>
<b>Respondent</b>	*	<b>PHYSICIANS</b>
<b>License Number: D66805</b>	*	<b>Case Number: 2221-0132</b>

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland Board of Physicians (the "Maryland Board") received information that Sean Y. Takeuchi, M.D., (the "Respondent") License Number D66805, was disciplined by the Michigan Board of Medicine (the "Michigan Board"). In an Order dated March 17, 2021, the Michigan Board disciplined the Respondent by fine of \$1,000.00.

Based on the above referenced Michigan Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the "Act"), under H. O. § 14-404(a):

- (a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
  - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section.

Disciplinary Panel B ("Panel B") has determined that the acts for which the Respondent was disciplined in Michigan would be grounds for disciplinary action under

H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State.

Based on the action taken by the Michigan Board, the Respondent agrees to enter into this Consent Order with Panel B, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

#### **FINDINGS OF FACT**

Panel B makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about October 26, 2007.
2. In a Consent Order and Stipulation dated March 17, 2021, the Michigan Board found that the Respondent violated section 16221(a) of its Public Health Code based on the Respondent's failure to identify a mass on a patient's right kidney in September 2015.
3. The Michigan Board disciplined the Respondent by fine.

A copy of the Michigan Board Order is attached hereto.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the disciplinary action taken by the Michigan Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(22).

**ORDER**

It is, thus, by Panel B, hereby:

**ORDERED** that the Respondent is hereby **REPRIMANDED**; and it is further **ORDERED** that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee; and it is further **ORDERED** that this Consent Order is a public document. *See* Health Occ. §§1-607, 14-411.1(b)(2) and Gen. Prov. §4-333(b)(6).

***Signature on File***

08/03/2021  
Date

Christine A. Farrelly  
Executive Director  
Maryland Board of Physicians

**CONSENT**

I, Sean Y. Takeuchi, MD, acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

### Signature on File

7/28/21  
Date

Sean Y. Takeuchi, MD  
Respondent

### NOTARY

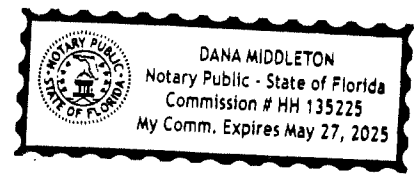
STATE OF FLORIDA  
CITY/COUNTY OF HERNANDO

I HEREBY CERTIFY that on this 28 day of JULY, 2021, before me, a Notary Public of the State and City/County aforesaid, personally Sean Y. Takeuchi, MD, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

DANA MIDDLETON  
Notary Public

My Commission expires: May 27 2025



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF MEDICINE  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SEAN YUTAKA TAKEUCHI, M.D.  
License No. 43-01-106526

Complaint No. 43-19-000452

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on December 2, 2019, charging Sean Yutaka Takeuchi, M.D. (Respondent) with having violated sections 16221(a) and (b)(i) of the Public Health Code, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated section 16221(a) of the Public Health Code.

Accordingly, for this violation, IT IS ORDERED:

Respondent is FINED \$1000 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 43-19-000452 clearly indicated on the check or money order) and shall be payable within 60 days of the effective date of this order. The timely payment of the fine shall be

Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Count II of the complaint, alleging a violation of section 16221(b)(i) of the Public Health Code, is DISMISSED.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective 30 days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on \_\_\_\_\_

MICHIGAN BOARD OF MEDICINE

By \_\_\_\_\_  
Chairperson, Disciplinary Subcommittee

## STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above consent order, supported by Board conferee James Sondheimer, M.D. Dr. Sondheimer or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Sondheimer and the parties considered the following factors in reaching this agreement:

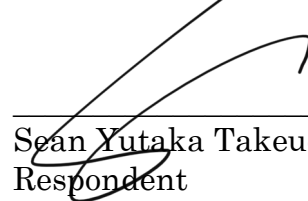
- A. Respondent has been licensed in Michigan since 2014 and has no previous discipline.
- B. Respondent provided documentation of completion of 53.5 hours of continuing education in Radiology, Oncology, and Nephrology between July 2018 and July 2020. Respondent also provided documentation of over 150 hours of continuing education in other areas during that same time frame.

By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

/s/ M. Catherine Waskiewicz  
M. Catherine Waskiewicz (P73340)  
Emily A. Jefferson (P81040)  
Assistant Attorneys General  
Attorneys for Complainant  
Dated: February 12, 2021

AGREED TO BY:

  
Sean Yutaka Takeuchi, M.D.  
Respondent

Dated: 2/11/21

Enrico G. Tucciarone  
Enrico G. Tucciarone (P52767)  
Attorney for Respondent  
Dated: February 12, 2021



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF MEDICINE  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SEAN YUTAKA TAKEUCHI, M.D.  
License No. 43-01-106526,  
Respondent.

File No. 43-19-000452

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Forrest Pasanski, Enforcement Division Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Medicine is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed as a medical doctor in the state of Michigan.

3. At all relevant times, Respondent was contracted as a radiologist, for McLaren Central Michigan Community Hospital (McLaren), in Mount Pleasant, Michigan.

4. On September 29, 2015, patient M.J.<sup>1</sup> presented to McLaren for a CT scan of the abdomen and pelvis due to signs of hematuria<sup>2</sup>. Respondent interpreted patient M.J.'s CT scan as showing a normal right kidney.

5. On June 27, 2018, after experiencing continued periodic hematuria, patient M.J. underwent a second CT scan at McLaren. On June 29, 2018, a renal ultrasound was performed on patient M.J. The CT scan and the ultrasound evidenced a right kidney mass measuring 3.7 x 3.0 x 3.4 cm.

6. On October 3, 2018, patient M.J. presented to St. Joseph Mercy Hospital-Oakland in Pontiac, Michigan (St. Joseph) for a partial right renal nephrectomy<sup>3</sup>. Following the partial nephrectomy, the right renal mass was sectioned, and St. Joseph staff diagnosed patient M.J. with a clear cell renal cell carcinoma of the right kidney.

7. As part of the investigation into Respondent's above conduct, the Department obtained an expert who concluded that Respondent was negligent and failed to conform to minimal standards of acceptable and prevailing practice with regard to patient M.J. in the following ways:

- a. A mass was present in the September 29, 2015 CT scan of patient M.J.'s right kidney that was reviewed by Respondent. The mass was not identified by the Respondent in his report, and the mass should have been readily identifiable by an average practicing radiologist under normal conditions.

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<sup>1</sup> Initials are used to protect the patient's identity.

<sup>2</sup> Hematuria is the presence of blood in a person's urine.

<sup>3</sup> Nephrectomy is a surgical removal of one or both of the kidneys.

- b. The mass identified on September 29, 2015, is the same mass identified on the June 27, 2018 CT scan; however, three years later the mass had doubled in size. Not identifying this mass on September 29, 2015, could have created significant health consequences for patient M.J. given the increase in size of the mass.
- c. Any cystic mass that demonstrates increased internal density must be further evaluated or at least followed with imaging studies. The density of the mass on the September 29, 2015, CT scan is not concordant with fluid and, therefore, must be considered solid. A solid renal mass measuring greater than 1.0 cm and less than 4.0 cm must be considered a small renal neoplasm and must be referred for management with biopsy considered. The renal mass found on the September 29, 2015 CT scan measured at least 1.6 cm to 2.0 cm in greatest diameter. Given the size of the mass on the September 29, 2015 CT scan, as well as its solid nature, most, if not all, practicing radiologists should have been able to identify and report its presence.
- d. The Respondent's report of the September 29, 2015 CT scan incorrectly states "Normal right kidney." A mass is present in the right kidney on this examination and should have been identified and discussed in the report with follow-up recommendations and likely a call to the referring physician to report this significant finding.
- e. As the September 29, 2015 CT scan was performed specifically for the clinical complaint of hematuria, it is imperative, and the proper standard of care, to thoroughly investigate the kidneys.
- f. Given the somewhat obvious nature of the mass in the September 29, 2015 CT scan, this appears to be a missed diagnosis by Respondent.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of MCL 333.16221(a).

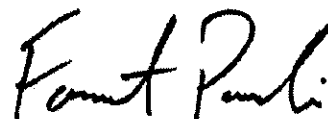
COUNT II

Respondent's conduct, as set forth above, evidences incompetence, defined in MCL 333.16106(1) as "a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs," in violation of MCL 333.16221(b)(i).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: 12-2-19



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Forrest Pasanski, Director  
Enforcement Division  
Bureau of Professional Licensing

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