

PUBLIC

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

October 12, 2011

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Chang Sum Suh, M.D.

REDACTED

Re: License No. 156595

Dear Dr. Suh:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 11-249. This order and any penalty provided therein goes into effect October 19, 2011.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Henry Jung, Esq.
Jung & Associates, P.C.
470 Park Avenue South, Ste. 4 North
New York, New York 10016

IN THE MATTER
OF
CHANG SAM SUH, M.D.

CONSENT
ORDER
BPMC #: 11-249

Upon the application of (Respondent) Chang Sam Suh, M.D., in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: OCTOBER 12, 2011

REDACTED

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

IN THE MATTER
OF
CHANG SAM SUH, M.D.

CONSENT
AGREEMENT
AND
ORDER

CHANG SAM SUH, M.D., represents that all of the following statements are true:

That on or about October 31, 1983, I was licensed to practice as a physician in the State of New York, and issued License No. 156595 by the New York State Education Department.

My current address is **REDACTED**, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the one (1) Specification, and agree to the following penalty:

Immediately upon issuance of the Consent Order for which I apply, my license to practice medicine shall be limited, pursuant to N.Y. Pub. Health Law § 230-a, to preclude patient contact and any practice of medicine, clinical or otherwise in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to

practice medicine. I shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury, deformity, or physical condition. I shall be precluded from further reliance upon my license to practice medicine to exempt me from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State. Nothing herein, however, shall preclude me from providing "alcohol or substance abuse and dependency" "assessments" and/or "treatment" pursuant to the provisions of Vehicle & Traffic Law §1198-a and Mental Hygiene Law §19.07(g) and solely to the extent that such provisions allow.

I further agree that the Consent Order for which I apply shall impose the following conditions:

- That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined in N.Y. Educ. Law § 6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent

Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

I am aware and agree that, regardless of prior communication, the attorney for the Department, the Director of the Office of Professional Medical Conduct, and the Chairperson of the State Board for Professional Medical Conduct each reserve full discretion to enter into the Consent Agreement that I propose in this application, or to decline to do so.

DATE

09/28/11

REDACTED

CHANG SAM SUH, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 9-28-2011

REDACTED

~~_____
HENRY HONG K. JUNG
Attorney for Respondent~~

REDACTED

DATE: 10/4/11

~~_____
RICHARD J. ZAHNLEUTER
Associate Counsel
Bureau of Professional Medical Conduct~~

DATE: 10/11/11

REDACTED

~~_____
KEITH W. SERVIS
Director
Office of Professional Medical Conduct~~

EXHIBIT A

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
CHANG SAM SUH, M.D.
CO-09-10-6370-A

STATEMENT
OF
CHARGES

CHANG SAM SUH, M.D., Respondent, was authorized to practice medicine in New York State on October 31, 1983, by the issuance of license number 156595 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 12, 2009, in the District Court of Nassau County – Hempstead, Respondent was convicted of 1 Count of Petit Larceny, and was sentenced to 1 year conditional discharge and various fees and surcharges totaling \$250.00, based on Respondent, from on or about January 1, 2004 through January 27, 2008, having submitted claims to Medicaid for psychiatric services “rendered in excess of what was performed,” namely having billed Medicaid and been paid by Medicaid at a rate of \$45 for psychiatric services for sessions lasting more than 37 minutes when the sessions in fact lasted less than 37 minutes and should have billed and paid at a lower rate of \$22.50, resulting in Respondent agreeing to pay Medicaid \$118,000.00 in restitution.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *January 21*, 2011
Albany, New York

REDACTED

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct