

**These charges are only allegations
which may be contested by the licensee
in an administrative hearing.**

IN THE MATTER

OF

CHAN WIN, M.D.

AKA

KENNY C. WIN, M.D.

STATEMENT

OF

CHARGES

CHAN WIN, M.D., aka Kenny C. Win, M.D. the Respondent, was authorized to practice medicine in New York State on or about November 7, 1995, by the issuance of license number 201300 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about March 12, 2021, the Medical Board of California issued an Order, adopting a Stipulated Surrender of License and Order as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California. The Stipulated Surrender was executed on March 5, 2021 and incorporated by reference a First Amended Accusation dated March 3, 2021. In the Stipulated Surrender, the Respondent did not contest that, at an administrative hearing, the Complainant could establish a *prima facie* case with respect to each and every charge and allegation in the First Amended Accusation.

- B. The First Amended Accusation alleged that Respondent committed gross negligence by failing to: “recognize and/or properly manage” the patient’s acute asthma attack; take proper precautions in discontinuing the patient’s two asthma medications at the same time; restart the asthma medications or their equivalents when indicated by the patient’s condition; and use step up therapy in the treatment and management of the patient’s asthma.
- C. The First Amended Accusation also alleged that Respondent committed repeated negligent acts by: failing to order objective testing regarding the patient’s asthma and respiratory status “including but not limited to peak expiratory flow rate and pulmonary function testing,” and failing to consider and/or document the consideration of other underlying causes of the patient’s anxiety other than mental illness, including the possibility of the patient’s inability to breathe.

1. The conduct resulting in the California Medical Board Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

- a. N.Y. Education Law § 6530 (3) (Practicing the profession with negligence on more than one occasion), as alleged in the facts of:
- i. Paragraph A-C.
- b. N.Y. Education Law § 6530 (4) (Practicing the profession with gross negligence on a particular occasion), as alleged in the facts of:
- i. Paragraph A-C.

SPECIFICATION OF CHARGES

HAVING A DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely N.Y. Educ. Law §6530 (3) and (4), as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: March 22, 2022
New York, New York



Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct