



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

March 17, 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Terence You Jang Sasaki, M.D.
#63325-054
FDC Honolulu
Federal Detention Center
Honolulu, HI 96820

David Quist, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2512
Albany, New York 12237

RE: In the Matter of Terence You Jang Sasaki, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 16-093) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:cah
Enclosure

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

COPY

**IN THE MATTER
OF
TERENCE YOU JANG SASAKI, M.D.**

**DETERMINATION
AND
ORDER**
BPMC #16-093

A hearing was held on February 18, 2016, at the offices of the New York State Department of Health ("Department").¹ Pursuant to § 230(10)(e) of the Public Health Law ("PHL"), JAMES M. LEONARDO, M.D., Ph.D., Chairperson, DAVID F. IRVINE, DHS_c, RPA-C, and ELAINE LOMBARDI WILK, D.O., FACOEP, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. DAWN MacKILLOP-SOLLER, ESQ., ADMINISTRATIVE LAW JUDGE ("ALJ"), served as the Administrative Officer.

The Department appeared by David Quist, Esq. A Notice of Referral Proceeding and Statement of Charges dated July 2, 2015, were served upon Terence You Jang Sasaki, M.D. ("Respondent").² The Respondent represented himself at the hearing. The Hearing Committee received and examined documents from the Department and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charge that Respondent committed professional misconduct, in violation of Education Law ("Educ. Law") § 6530(9)(a)(ii), by his criminal convictions to the felony crimes of Conspiracy to Distribute a

¹ The location of the hearing was 150 Broadway, Suite 510, Menands, New York. The references in brackets refer to exhibits ["Ex."] and transcript page numbers ["T."].

² On the consent of the Department, the Respondent appeared via telephone at the hearing. Copies of the Notice of Referral Proceeding and Statement of Charges are attached to this Determination and Order as Appendix I and were personally served on the Respondent on July 17, 2015 at FCI Fort Dix, 5756 Hartford Street, Fort Dix, New Jersey. As a result, the ALJ found that jurisdiction was established. [Ex. 2].

Controlled Substance and Conspiracy to Commit Money Laundering, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D), 846, and 856(a)(1) and 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(3)(B), and 1956(h), respectively. The Hearing Committee unanimously votes 3-0 to revoke Respondent's license to practice medicine in New York.

BACKGROUND

This case began with an Order by the Commissioner of Health, Howard A. Zucker, M.D., J.D., summarily suspending the Respondent's medical license pursuant to PHL § 230(12)(b). The Department brought the case pursuant to PHL § 230(10)(p), which provides for an expedited hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in the state of New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The Respondent is charged here with professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii) by having been convicted of committing acts constituting crimes under federal law, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D), 846, and 856(a)(1) and 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(3)(B), and 1956(h).

In an effort to effectuate the request to appear at the hearing via telephone made by the Respondent, who had been moved from a federal prison location at Fort Dix, New Jersey, to additional federal prison locations in different states, this matter was adjourned from September 17, 2015 to December 16, 2015, from December 16, 2015 to January 13, 2016, and pending the Respondent's move to a permanent federal prison location in Honolulu, Hawaii, from January 13, 2016 to February 18, 2016. [T. 3-4].

FINDINGS OF FACT

The Findings of Fact were made by the Hearing Committee after a review of the record in this matter. Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence. The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. On August 3, 2001, the Respondent was authorized to practice medicine in New York by the Educ. Department and was issued license number 222310. [Ex. 1, 3].
2. On or about April 24, 2014, in the United States District Court, Northern District of Ohio, the Respondent was adjudicated guilty of the felony crimes of Conspiracy to Distribute a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(D), 846, and 856(a)(1) and Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(3)(B), and 1956(h). The Respondent was convicted and sentenced, on or about April 25, 2014, to 60 months' incarceration, followed by three years of probation, forfeiture in the amount of \$59,133.00, and payment of a \$200.00 monetary assessment. [Ex. 1, 4].

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

Respondent violated New York Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

VOTE: Sustained (3-0)

CONCLUSIONS OF LAW

In the United States District Court, Northern District of Ohio, a federal court, the Respondent was adjudicated guilty, following a trial, to the felony crimes of Conspiracy to Distribute a

Controlled Substance and Conspiracy to Commit Money Laundering, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(D), 846, and 856(a)(1) and 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(3)(B), and 1956(h), respectively. The conduct that is the subject of the Statement of Charges in this action constitutes crimes under federal law. Therefore, the specification of misconduct contained in the Statement of Charges of this proceeding is sustained. The Hearing Committee took note of the Respondent's repeated statements at the hearing that the conduct underlying the convictions never occurred and that an appeal of the criminal case was pending, but could not consider such evidence. Under PHL § 230(10)(p), a conviction having been proven, the evidence and testimony permitted is "strictly limited" to "the nature and severity of the penalty to be imposed on the licensee." The licensee may not re-litigate the facts underlying the conviction. [Ex. B,1,4;T. 12,13,15,27,48,52-56,59,62,64].

The Department presented evidence to show that the crimes that the Respondent was convicted of involved the distribution of controlled substances and the use of money from such conduct unlawfully. This conduct represented to the Hearing Committee the Respondent's lack of integrity and breach of the public's trust in the use of his medical license while engaging in such illegal activity and profiting from it. As such, in considering the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties, the Hearing Committee unanimously concluded that the evidence supports the penalty of revocation of the Respondent's New York medical license.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is

SUSTAINED;

2. Respondent's license to practice medicine in the State of New York is hereby **REVOKED**;

3. This Determination and Order shall be effective upon service on the Respondent. Service shall be either by certified mail or upon the Respondent at her last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Albany, New York
March 17, 2016


James M. Leonardo, M.D., Ph.D.
Chairperson

David F. Irvine, DHEC, RPA-C
Elatne Lombardi Wilk, D.O., FACOEP

TO: Terence You Jang Sasaki, M.D.
#63325-054
FDC Honolulu
Federal Detention Center
Honolulu, HI 96820

David Quist, Esq.
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building – Room 2512
Empire State Plaza
Albany, New York 12237

APPENDIX I

2/16
2:00
1/0

IN THE MATTER
OF
TERENCE YOU JANG SASAKI, M.D.
CO-14-11-6417A

**COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING**

TO: Terence Sasaki, M.D.
#63325-054
FCI Fort Dix
5756 Hartford & Pointville Rd
Fort Dix, NJ 08640

The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **TERENCE YOU JANG SASAKI, M.D.**, Respondent, New York license number 222310, was found guilty of committing an act constituting a felony under federal law.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **TERENCE YOU JANG SASAKI, M.D.**, shall not practice medicine 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.

ANY PRACTICE OF MEDICINE IN VIOLATION OF THIS COMMISSIONER'S ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED BY NEW YORK EDUCATION LAW §6512.

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 17th day of September, 2015, at 10:30 a.m., at Riverview Center, 150 Broadway, Suite 510, Menands (Albany), New York 12204-2719¹, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. The licensee may file a brief and affidavits with the Committee on Professional Conduct. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION:

¹ For GPS purposes, enter "Menands", not "Albany".

(Telephone: 518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than then (10) days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges no less than ten (10) days prior of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health, whose name appears below. You may file a written brief and affidavits with the Committee. Six (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney, indicated below. Pursuant to §301(5) of the State of Administrative Procedure Act, the Department, upon reasonable notice, will provide, at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, disclosure of the evidence that Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence, and a description of physical and/or other evidence that cannot be photocopied.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five (5) days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court

engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusion as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
2 July, 2015


Howard A. Zucker, M.D., J.D.
Commissioner of Health
New York State Department of Health

Inquiries should be addressed to:

David W. Quist
Associate Attorney
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

IN THE MATTER
OF
TERENCE YOU JANG SASAKI, M.D.

STATEMENT
OF
CHARGES

TERENCE YOU JANG SASAKI, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 3, 2001, by the issuance of license number 222310 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 24, 2014 in the United States District Court for the Northern District of Ohio, Respondent was found guilty to, and was accordingly convicted of, Conspiracy to Distribute Controlled Substance and Conspiracy to Commit Money Laundering, in violation of 21 USC secs. 841(a)(1), (b)(1)(D), 846 and 856(a)(1), and 18 USC secs. 1956(a)(1)(A)(i), (3)(B) and (h). Both crimes are felonies. Pursuant to that conviction, Respondent was sentenced on or about April 25, 2014, *inter alia*, to incarceration for a period of 60 months, to be followed by probation for a period of three years, payment of monetary penalties, approximately \$59,000 in restitution, and other conditions.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: July 2, 2015
Albany, New York



MICHAEL A. HISER, ESQ.
Deputy Counsel
Bureau of Professional Medical Conduct