



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

January 20, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ann Hroncich, Esq.
Associate Counsel
NYS Department of Health
5 Penn Plaza
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Robert Gottlieb, Esq.
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Ronald R. Sussman, Esq.
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Maximo C. Chua
373 Route 111
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James F. Farrel, Jr., Esq.
888 Veterans Memorial Highway
Hauppauge, New York 11788-2919

RE: In the Matter of Maximo C. Chua, M.D.

Dear Parties:

Enclosed please find the Interim Order signed by the Commissioner in the above referenced matter. Copies of this Interim Order have been sent to all other parties in this matter.

Very truly yours,

Tyrone T. Butler, Director
Bureau of Adjudication

TTB/lar
Enclosure

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

-----X
IN THE MATTER :
 :
OF : INTERIM ORDER
 :
MAXIMO C. CHUA, M.D. :
 :
-----X

I have reviewed the Interim Report of the Hearing Committee on the issue of Imminent Danger in this matter, the Committee's finding that Maximo C. Chua, M.D., Respondent, does present an imminent danger to the health of the people of the State of New York, and the Hearing Committee's recommended action that the Summary Order be modified and remain in effect as detailed in the attached interim report.

Now, upon reading and filing the transcript of the hearing, the exhibits, and other evidence introduced at the hearing, the conclusions and recommendations of the Hearing Committee as set forth in the hearing committee's interim report dated: January 14, 1994,

I HEREBY ORDER THAT:

The Summary Order, dated November 16, 1993, imposed upon Respondent, Maximo C. Chua, M.D., shall be modified as set forth in the hearing committee's recommendation issued in the Interim Report dated: January 14, 1994, and attached hereto.

DATED: Albany, New York

January 19, 1994



MARK R. CHASSIN, M.D.
Commissioner of Health
State of New York

TO: Ann Hroncich, Esq.
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Bureau of Professional Medical Conduct
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STATE OF NEW YORK ; DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
: IN THE MATTER :
: OF : INTERIM REPORT
: MAXIMO C. CHUA, M.D. :
: -----X

Pursuant to Section 230(12) of the Public Health Law, following the completion of the parties' cases as to the question whether Respondent's continued practice of medicine in the state of New York constitutes an imminent danger to the public, the Hearing Committee has been asked to consider whether to retain, vacate, or modify the Order of the Commissioner of Health summarily suspending Respondent's license to practice medicine. More particularly, the Hearing Committee has been asked to consider whether Respondent may, pending the Committee's final determination of all issues in this matter, continue his practice of acupuncture.

As there have been no charges concerning Respondent's practice of acupuncture, no evidence has been presented as to imminent danger with respect to that practice. Accordingly, the Hearing Committee finds that Respondent's continued practice of acupuncture presents no imminent danger to the public. The Hearing Committee recognizes, however, that Respondent is not licensed to practice acupuncture in the state of New York except as an incident of his medical licensure. The

Committee also recognizes that it has no authority to grant Respondent a separate license for the practice of acupuncture within the state.

However, in order to permit Respondent to resume his practice of acupuncture, the Hearing Committee recommends, by vote of 3 to 0, to the Commissioner that his Order suspending Respondent's license to practice medicine be modified pending the Hearing Committee's final determination in this matter to the extent that Respondent be permitted to practice acupuncture as defined by New York Education Law, section 8211, with the following provisions:

1. The Hearing Committee recommends that, pursuant to Education Law section 8211 (b), Respondent do the following:

a) Advise each acupuncture patient as to the importance of consulting a licensed physician as to the patient's condition;

b) keep on file with the patient's records the following form attesting to the patient's notice of such advise, in duplicate, with one copy to be retained by the patient, signed and dated by both Respondent and the patient:

WE, THE UNDERSIGNED, DO AFFIRM THAT (THE PATIENT) HAS BEEN ADVISED BY (RESPONDENT) TO CONSULT A LICENSED PHYSICIAN REGARDING THE CONDITION OR CONDITIONS FOR WHICH SUCH PATIENT SEEKS ACUPUNCTURE TREATMENT.

(Signature)

(Date)

(Signature)

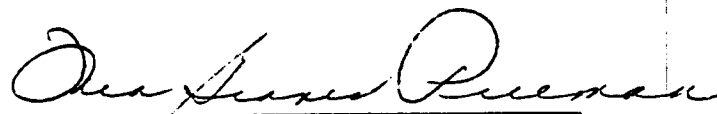
(Date)

2. The Hearing Committee further recommends that there be clear notice to the public for the limitations imposed upon Respondent's medical practice. To that end, the Hearing Committee recommends that there be prominently displayed in Respondent's office a notice that his practice is limited to acupuncture.

3. Finally, in order to ensure compliance with the terms of this modification, the Hearing Committee recommends that Respondent's practice and records be subject to unannounced inspection by a representative of the New York State Department of Health.

DATED: New York, New York

January 14, 1994



Thea Graves Pellman

Chairperson

Robert S. Bernstein, M.D.

Hilda Ratner, M.D.