

New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

December 20, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Chong Y. Hong, M.D.
c/o Avery Hong
1548 Warren Road
Lakewood, Ohio 44107

RE: License No. 121531

Dear Dr. Hong:

Enclosed please find Order #BPMC 02-376 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 20, 2002.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,



Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

**IN THE MATTER
OF
CHONG YEAL HONG, M.D.**

**SURRENDER
of
LICENSE**

BOMC No. 02-376

Chong Yeal Hong, M.D., representing that all of the following statements are true, deposes and says:

That on or about September, 16, 1974 I was licensed to practice as a physician in the State of New York, and issued License No. 121531 by the New York State Education Department.

My current address is c/o Avery Hong, 1548 Warren Road, Lakewood, Ohio 44107 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 specifications of professional misconduct.

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

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the specification of misconduct, in full satisfaction of the charges against me.

I ask the Board to accept the Surrender of my License.

I understand that if the Board does not accept this Surrender, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this application 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 accepts the Surrender of my License, the Chair of the Board shall issue a Surrender 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 Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to accept this Surrender of License of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

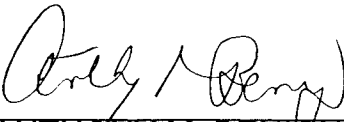
DATED 1/22/02



CHONG YEAL HONG, M.D.
RESPONDENT

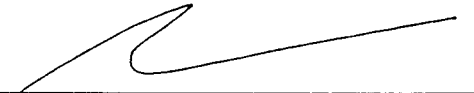
The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

DATE: 12/2/02



ANTHONY M. BENIGNO
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 12/05/02



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

**IN THE MATTER
OF
CHONG YEAL HONG, M.D.**

**SURRENDER
ORDER**

Upon the application of (Respondent) Chong Yeal Hong, M.D. to Surrender his license as a physician in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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.

DATED: 12/16/02



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional Medical Conduct

IN THE MATTER
OF
CHONG YEAL HONG, M.D.

STATEMENT
OF
CHARGES

CHONG YEAL HONG, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 16, 1974, by the issuance of license number 121531 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 25, 1997, the New York State Board for Professional Medical Conduct issued Consent Order #BPMC 97-199 hereto attached as Exhibit 1, wherein CHONG YEAL HONG, M.D., Respondent, plead no contest to practicing medicine with negligence on more than one occasion. The Order imposed a condition requiring Respondent to maintain current registration of his license until the full term of the order had run and all probation terms had been completed and satisfied. Respondent's term of probation has not been completed. Respondent's registration expired on September 30, 1999. Respondent has not re-registered to practice medicine.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law § 6530(29) by reason of his having violated a condition imposed upon him pursuant to Section 230 of the Public Health Law, by BPMC Order #97-199, in that Petitioner charges:

1. The facts in paragraph A.

DATED: *December 2*, 2002
Albany, New York


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

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

-----X

IN THE MATTER : CONSENT
OF : AGREEMENT
CHONG YEAL HONG, M.D. : AND ORDER
: BPMC # 97-199

-----X

CHONG YEAL HONG, M.D., says:

On or about September 16, 1974, I was licensed to practice as a physician in the State of New York, having been issued license number 121531 by the New York State Education Department.

My current address is HC-64 Box 190, Miller Road, Wellsville, New York 14895 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I plead no contest to the one specification.

I hereby agree to the following penalty:

- a) a permanent limitation on my medical license precluding the practice of surgery, with the exception of performing outpatient repair of lacerations and such other procedures for which I obtain prior approval from the Director of the Office of Professional Medical

Conduct or her designee, such approval to be given in the sole discretion of the Director of the Office of Professional Medical Conduct;

- b) a five year suspension of my medical license, which suspension shall be stayed with probation in accordance with the terms set forth in Exhibit B hereto.

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

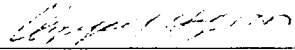
I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me; such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without

prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

I make this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



CHONG YEAL HONG, M.D.
RESPONDENT

Subscribed before me this _____ day of _____, 1997.

NOTARY PUBLIC

MARGARET DONCIA MARTE
Notary Public
My Commission Expires _____

AGREED TO:

DATE:

July 29 1997

Charles F. Crimi, Jr.
CHARLES F. CRIMI, JR., ESQ.
Attorney for Respondent

DATE:

Timothy J. Mahar
TIMOTHY J. MAHAR
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE:

Aug. 11, 1997

Anne F. Saile
ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of CHONG YEAL HONG, M.D. (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

DATED: August 14, 1997

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
CHONG YEAL HONG, M.D. : CHARGES

-----X

CHONG YEAL HONG, M.D., M.D., the Respondent, was authorized to practice medicine in New York State on September 16, 1974 by the issuance of license number 121531 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided medical care and treatment to Patient A, then 28 years old (patients are identified by name in Appendix A hereto), at his office located at 12 Martin Street, Wellsville, New York (hereinafter office) and at the Jones Memorial Hospital in Wellsville, New York from approximately August 22, 1991 through August 29, 1991 for right groin pain, among other conditions. On August 28, 1991, Respondent performed an exploratory procedure of Patient A's right groin. Respondent's medical care and treatment of Patient A deviated from accepted standards of medical care in the following respects:

1. Respondent failed to appropriately perform an exploratory procedure of Patient A's groin on August 28, 1991.

B. Respondent provided medical care to Patient B at the Jones Memorial Hospital from approximately March 10, 1989 through March 20, 1989 for a crushing injury to Patient B's left index finger. Respondent's medical care of Patient B deviated from accepted standards of care in the following respects:

1. Respondent failed to timely and/or appropriately treat Patient B with antibiotics.

C. Respondent provided medical care to Patient C at his office and at Jones Memorial Hospital from approximately July 10, 1990 through February 20, 1991. On July 10, 1990, Respondent performed an appendectomy and a segmental resection of the sigmoid colon with an end to end anastomosis for a free perforation of the sigmoid colon. On July 24, 1990, Respondent performed a double bowel loop colostomy on Patient C. Respondent's care of Patient C deviated from accepted standards of medical care in the following respects:

1. Respondent failed to perform a colostomy on July 10, 1990.

FIRST SPECIFICATION
NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(3) (McKinney Supp. 1997) by reason of his

practicing the profession of medicine with negligence on more than one occasion, in that the Petitioner charges:

1. The facts set forth in paragraphs: A and A.1, B and B.1, C and C.1.

DATED: _____, 1997
Albany, New York

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

EXHIBIT "B"

TERMS OF PROBATION

CHONG YEAL HONG, M.D.

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action;
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Respondent shall notify OPMC if at any time he engages in the active practice of medicine other than performing physical examinations for Med New York P.C., located at 8100 Oswego Road, Suite 125, Clay Medical Building, Liverpool, New York, either in a private practice or institutional setting. Such notice shall be provided in writing to the Director of OPMC at least 30 days prior to beginning such practice.
9. In the event that Respondent engages in the practice of medicine outside of his current practice of performing physical examinations for Med New York P.C., such practice shall be monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no less than twenty) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation from accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health

Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.

10. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.