



# 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*

September 23, 1994

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Frederick Zimmer, Esq.  
Associate Counsel  
NYS Department of Health  
Corning Tower - Room 2429  
Albany, New York 12237

Effective Date: 9/30/94

Chak Lam Chow, M.D.  
Route 4, Box 182  
Luray, Virginia 22835

**RE: In the Matter of Chak Lam Chow, M.D.**

Dear Mr. Zimmer and Dr. Chow :

Enclosed please find the Determination and Order (No. 94-195) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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.

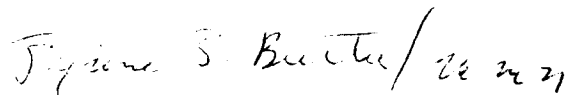
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

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,

A handwritten signature in cursive script that reads "Tyrone T. Butler / 20 24 21".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mmn

Enclosure

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

-----X  
IN THE MATTER : DETERMINATION  
OF :  
CHAK LAM CHOW, M.D. : ORDER  
-----X

NO. BPMC-94-195

A Notice of Hearing and Statement of Charges, both dated May 16, 1994, were served upon the Respondent, Chak Lam Chow, M.D. **THERESE G. LYNCH, M.D. (Chair), SISTER MARY THERESA MURPHY, and MOHAMMAD GHAZI-MOGHADAM, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Frederick Zimmer, Esq., Associate Counsel. The Respondent failed to appear in person and was not represented by counsel. A hearing was held on September 13, 1994. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b) and §6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Chak Lam Chow, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State on June 9, 1975

by the issuance of license number 123870 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. (Pet. Ex. #2).

2. The Board of Medicine of the State of Virginia (hereinafter the "Virginia Board"), the duly authorized professional disciplinary agency of Virginia, by a Consent Order, entered by the Virginia Board on August 28, 1992, found Respondent guilty of committing unprofessional conduct in that he violated various sections of the Code of Virginia. The Virginia Board placed Respondent's license on indefinite probation under terms and conditions including, *inter alia*, that he would be prohibited from prescribing, administering or dispensing all Schedule II & III controlled substances except in a hospital setting, that he would be prohibited from prescribing, administering or dispensing anorectic controlled substances and benzodiazepines and that his right to treat patients with injections of vitamin B-6 and B-12 and with Lasix would be limited to those situations where such treatments were medically indicated and unrelated to any weight loss program. Respondent was also required to fulfill certain continuing medical education requirements. More specifically, Respondent was required to complete 75 hours of coursework regarding the prescription of controlled substances. He was also required to take and pass the SPEX examination. Respondent was also directed to provide a random sampling of patient medical charts for review by a committee of the Virginia Board. (Pet. Ex. #3).

3. The Virginia Board found that Respondent's unprofessional conduct included the indiscriminate and excessive prescription and/or administration to patients of controlled substances (as is more specifically set forth in Findings of Fact 1-19 of the Virginia Consent Order) in violation of Code of Virginia §54.1-2914(A) (3) [prescribing or dispensing any controlled substance with the intent or knowledge that it will be used otherwise than medicinally, or for accepted therapeutic purposes, or with intent to evade any law with respect to the sale, use or disposition of such a drug], §54.1-2914(A) (10) [conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public], and §54.1-2914(A) (13) [performing any act likely to deceive, defraud or harm the public]. (Pet. Ex. #3).

#### CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee concluded that the Department had sustained its' burden of proof in this matter. The preponderance of the evidence indicates that Respondent was disciplined by the Virginia Board following a finding that Respondent was guilty of unprofessional conduct under Virginia law. Moreover, the Hearing Committee concluded that Respondent's conduct, if committed in New York State, would constitute professional misconduct in violation of New York Education Law §6530(2) [practicing the

profession fraudulently]; §6530(3) [practicing the profession negligently on more than one occasion]; §6530(20) [conduct in the practice of medicine which evidences moral unfitness to practice the profession], and §6530(35) [ordering of excessive treatment not warranted by the condition of the patient].

Based upon the foregoing, the Hearing Committee unanimously concluded that the First and Second Specifications of professional misconduct should be sustained.

#### DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The record of the Virginia Board's disciplinary proceeding documents findings that Respondent indiscriminately and excessively prescribed numerous controlled substances to nineteen patients. The Virginia Board found that these prescriptions for potentially dangerous and addictive drugs were issued without accepted therapeutic purpose and were contrary to sound medical judgment. Respondent failed to appear at this hearing and presented no evidence which would tend to mitigate the sanction to be imposed. Under the totality of the





APPENDIX I

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

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IN THE MATTER : NOTICE OF  
OF : REFERRAL  
CHAK LAM CHOW, M.D. , : PROCEEDING

Respondent

-----x

TO: CHAK LAM CHOW, M.D.  
Route 4  
Box 182  
Luray, Virginia 22835

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 13th day of July, 1994 at 2:15 p.m. in the afternoon of that day at the Justice Building, Court of Claims, 7th floor, Hearing Room 1, Albany, New York 12237.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall

be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

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, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before July 6, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before July 8, 1994 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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.

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 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 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, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
May 16, 1994

*Peter D. Van Buren*

PETER D. VAN BUREN  
Deputy Counsel

Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Frederick Zimmer  
Assistant Counsel  
NYS Department of Health  
Division of Legal Affairs  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
CHAK LAM CHOW, M.D. : CHARGES  
Respondent :  
-----X

CHAK LAM CHOW, M.D., the Respondent, was authorized to practice medicine in New York State on June 9, 1975 by the issuance of license number 123870 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

FACTUAL ALLEGATIONS

A. The Board of Medicine of the State of Virginia (hereinafter the "Virginia Board"), the duly authorized professional disciplinary agency of Virginia, by a Consent Order, entered by the Virginia Board on August 28, 1992, found Respondent guilty of committing unprofessional conduct in that he violated various sections of the Code of Virginia. The Virginia Board placed Respondent's license on indefinite

probation under terms and conditions including, among other things, that he would be prohibited from prescribing, administering or dispensing all schedule II & III controlled substances except in a hospital setting, that he would be prohibited from prescribing, administering or dispensing anorectic controlled substances and benzodiazepines and that his right to treat patients with injections of vitamin B-6 and B-12 and with Lasix would be limited to those situations where such treatments are medically indicated and unrelated to any weight loss program. Respondent was also required to fulfill certain Continuing Medical Education requirements which, among other things, required him to complete 75 hours in the prescribing of controlled substances and to pass the SPEX exam. Respondent was also directed to provide a random sampling of patient medical charts for review by a Committee of the Virginia Board.

B. The Virginia Board found in support of its findings of misconduct that Respondent's unprofessional conduct included the indiscriminate and excessive prescription and/or administration to patients of controlled substances (as is more specifically set forth in Findings of Fact 1-19 of the Virginia Consent Order) in violation, of among other sections, Code of Virginia, §54.1-2914(A)3 [prescribing or dispensing any controlled substance with the intent or knowledge that it will be used otherwise than medicinally, or for accepted therapeutic purposes, or with intent to evade any law with respect to the

sale, use or disposition of such a drug], §54.1-2914(A)(10) [conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public] and §54.1-2914 (A)(13) [performing any act likely to deceive, defraud or harm the public].

C. The conduct upon which the Virginia Board found Respondent guilty of misconduct would, if committed in New York State, constitute profession misconduct under the following provisions of New York State law;

1. N.Y. Educ. Law §6530(2) (McKinney Supp. 1994) [practicing the profession fraudulently] and/or

2. N.Y. Educ. Law §6530(3) (McKinney Supp. 1994) [practicing the profession with negligence on more than one occasion]; and/or

3. N.Y. Educ. Law §6530(20) (McKinney Supp. 1994) [conduct in the practice of medicine which evidences moral unfitness to practice medicine]; and/or

4. N.Y. Educ. Law §6530(35) (McKinney Supp. 1994) [ordering of excessive treatment not warranted by the condition of the patient].



#### FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1994) by reason of his having been found guilty of improper professional practice or of professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would if committed in New York State, constitute professional misconduct under the laws of New York State, in that the Petitioner charges:

1. The facts in paragraphs A and B, and C and C.1, C.2., C.3 and/or C.4.

#### SECOND SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530 (9)(d) (McKinney Supp. 1994) by reason of his having had disciplinary action taken against him by the duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State in that the Petitioner charges:

2. The facts in paragraphs A and B, and C and C.1, C.2, C.3 and/or C.4.

DATED: Albany, New York

*May 16, 1994*

*Peter D. Van Buren*

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PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical  
Conduct