



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

April 11, 1995

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Celina Poy-Wing, M.D.  
8251 West Broward Boulevard  
#505  
Fort Lauderdale, Florida 33324

RE: License No. 144853

Dear Dr. Poy-Wing:

Effective Date: 04/18/95

Enclosed please find Order #BPMC 95-83 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Karen Hauss, Esq.  
Amabile & Erman, P.C.  
1000 South Avenue  
Staten Island, New York 10314-3407

Michael Hiser, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
CELINA POY-WING, M.D. : BPMC #95-83

-----X

Upon the application of CELINA POY-WING, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, 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.

SO ORDERED,

DATED: 7 April 1995

Charles J. Vacanti

Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
CELINA POY-WING, M.D. : CONSENT  
: ORDER  
-----X

STATE OF FLORIDA )  
SS.:  
COUNTY OF BROWARD )

CELINA POY-WING, M.D., being duly sworn, deposes and says:

That on or about January 2, 1981, I was licensed to practice as a physician in the State of New York, having been issued License No. 144853 by the New York State Education Department.

I understand that the New York State Board for Professional Medical Conduct has charged me with One Specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the specification in full satisfaction of the charges against me.

I hereby agree to the penalty that my license to practice medicine in New York will be suspended for a period of 2 (two) years, with such suspension stayed; and that I will comply with the terms of probation and monitoring set out in Exhibit "B".

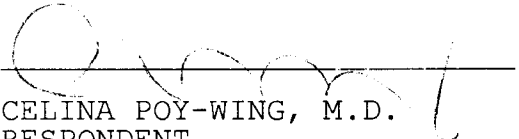
I hereby make this Application to the State Board for

Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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.

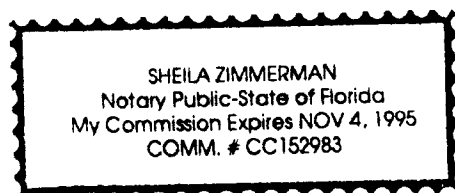
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

  
CELINA POY-WING, M.D.  
RESPONDENT

Sworn to before me this 17<sup>th</sup>  
day of March, 1995.


Sheila Zimmerman  
NOTARY PUBLIC

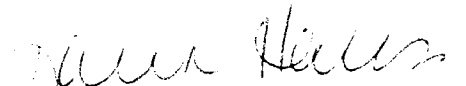



STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
CELINA POY-WING, M.D. : CONSENT  
: ORDER  
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: March 14, 1995   
CELINA POY-WING, M.D.  
Respondent

DATE: March 23, 1995   
KAREN HAUSS, ESQ.  
Attorney for Respondent

DATE: MARCH 24, 1995   
MICHAEL A. HISER, ESQ.  
ASSOCIATE COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: \_\_\_\_\_  
KATHLEEN M. TANNER  
DIRECTOR  
Office of Professional Medical  
Conduct

DATE: 7 April 1995   
CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
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  
CELINA POY-WING, M.D. : CHARGES

-----X

CELINA POY-WING, M.D., the Respondent, was authorized to practice medicine in New York State on January 2, 1981, by the issuance of license number 144853 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 22, 1993, the Board of Medicine of the State of Florida, Department of Business and Professional Regulation ("Florida Board of Medicine") issued an administrative complaint in Case No. 91-05594 against the Respondent. The administrative complaint alleged that Respondent, an obstetrician/gynecologist, provided medical care to a patient identified as "Patient #1" on or about March 16, 1991. The administrative complaint further alleged that Respondent practiced medicine below the standard of care in that Respondent inappropriately applied a vacuum extractor without medical justification and for an excessive period of time, which resulted in multiple complications for Patient #1's newborn. Further, the complaint alleged that Respondent's medical record for Patient #1 failed to indicate a need for vacuum extraction.

B. Based on the preceding, Respondent was alleged to have violated Florida Statutes §§458.331(1)(m), (t), i.e., failing to keep written medical records justifying the course of treatment of the patient, and gross or repeated malpractice.

C. On or about March 15, 1994, Respondent entered into a Consent Agreement in Case No. 91-05594 with the Florida Board of Medicine. In the Consent Agreement, Respondent agreed not to violate Florida Statutes chapters 455, 458, and 893, or the rules promulgated pursuant to those chapters. Respondent also agreed to pay a \$3,000.00 fine. Respondent further agreed to appear before the Florida Board to demonstrate her ability to practice in the field of obstetrics with skill and safety to patients. Finally, Respondent agreed to be placed on probation for a period of 18 months, during which time Respondent was required to practice only under indirect supervision by a monitoring physician.

D. On or about June 3, 1994, the Florida Board of Medicine issued a Final Order in Case No. 91-05594. The Final Order adopted the Consent as proposed, with the amendment that Respondent's probation was lengthened from 18 months to two years. In addition, the Board-approved monitor was required to review 100% of Respondent's cases involving mechanical devices for all labor and delivery patients within one week of the issuance of the order.

E. The conduct resulting in the disciplinary action taken by the Florida Board of Medicine involving the license of the Respondent would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. Law §6530(3) (McKinney Supp. 1995)

(practicing the profession with negligence on more than one occasion); and/or N.Y. Educ. Law §6530(4) (McKinney Supp. 1995) (practicing the profession with gross negligence on a particular occasion); and/or N.Y. Educ. Law §6530(5) (McKinney Supp. 1995) (practicing the profession with incompetence on more than one occasion); and/or N.Y. Educ. Law §6530(6) (McKinney Supp. 1995) (practicing the profession with gross incompetence on a particular occasion); and/or N.Y. Educ. Law §6530(32) (McKinney Supp. 1995) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATION OF MISCONDUCT**  
**HAVING DISCIPLINARY ACTION TAKEN**

Respondent is charged with having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action involving Respondent's license would, if committed in New York State, constitute professional misconduct under the laws of New York State, within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1995), in that Petitioner charges:

1. The facts in Paragraphs A, B, C, D and/or E.

DATED: \_\_\_\_\_, 1995  
Albany, New York

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



**EXHIBIT "B"**

**TERMS OF PROBATION**

**AND MONITORING**

1. CELINA POY-WING, M.D., (hereafter, "Respondent") during the two (2) year period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her profession.
2. The period of probation described hereunder will go into effect the same day as the Consent Order in this case. The twenty-four (24) month period of monitoring will go into effect as described in Paragraphs "6" - "8".
3. Respondent, during the two year period of probation, shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any medical employment and practice, of Respondent's residence and telephone number, or of any changes in Respondent's medical employment, practice, or residence, or telephone number within or without the State of New York.
4. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED. Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees. The proof from DPLS regarding registration fees is to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than 90 days after the period of probation begins.
5. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that (1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register; and that (2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents. The proof of the above is to be submitted no later than 60 days after the period of probation begins.

6. Respondent presently practices medicine in Florida and is not registered to practice medicine in New York. Should Respondent decide to commence the practice of medicine in New York, she will notify the Director of OPMC in writing of this fact at least thirty days before she is to begin practicing in New York. Such notice shall identify the office address from which Respondent will practice medicine in New York.
7. Before Respondent begins the practice of medicine in New York, the Director of OPMC (or designee) must approve a monitor of Respondent's medical practice in New York.
8. For a period of twenty four (24) months after Respondent commences the practice of medicine in New York, beginning with the first day of her practice in New York, Respondent's medical practice shall be monitored by a currently registered, New York licensed physician, who shall be board certified in obstetrics and gynecology.
  - a. The monitoring physician may be selected by the Respondent, subject, however, to the approval of the Director of OPMC. Such monitoring physician shall acknowledge their willingness to comply with these terms of monitoring by executing an acknowledgement provided by the Office of Professional Medical Conduct.
  - b. Such monitoring physician shall be in a position to regularly observe and assess Respondent's medical practice. The monitoring physician shall assess, through conversations with Respondent, and reviews of the records of all of Respondent's operative deliveries (including forceps and vacuum extraction) and any other reasonable means, whether Respondent is practicing medicine in accordance with accepted standards of medical practice.
  - c. In addition, the monitor will review as proctor, through personal observance, all of the Respondent's operative deliveries (including forceps and vacuum extraction) during the first 6 (six) months that Respondent practices in New York.
  - d. The monitoring physician shall submit to OPMC quarterly reports regarding the quality of Respondent's medical practice, and certifying Respondent's compliance with, or detailing her failure to comply with, accepted standards of medical practice. A total of eight (8) quarterly reports will be required, submitted once every three (3) months of the twenty-four (24) month period of monitoring.
  - e. Respondent agrees that the costs of complying with all such terms of monitoring will be her responsibility.

9. During the twenty-four (24) months that Respondent is being monitored under these terms of probation, Respondent shall be required to maintain medical malpractice insurance coverage with limits of no less than two million dollars per occurrence and six million dollars per policy year, as required by Public Health Law section 230(18)(b) (McKinney Supp. 1995).
10. The requirement of monitoring detailed in paragraph "8", above, shall be suspended until such time, if any, Respondent commences the practice of medicine in New York State. Respondent will comply with all other requirements of these terms beginning with the effective date of the Order issued pursuant to this Application, and continuing for two (2) years.
11. Respondent shall comply with all terms, conditions, restrictions, and penalties to which she is subject pursuant to the order of the Board.
12. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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).
13. So long as there is full compliance with every term herein set forth, Respondent may continue to practice her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.