



*New York State Board for Professional Medical Conduct*

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

**PUBLIC**

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

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

Anne F. Saile, Director  
*Office of Professional Medical Conduct*

William P. Dillon, M.D.  
*Chair*

Denise M. Bolan, R.P.A.  
*Vice Chair*

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

December 10, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Ma Aye Myint, M.D.  
1906 Magnolia Drive  
Monterey Park, CA 91754

RE: License No.: 161385

Dear Dr. Myint:

Enclosed please find Order #BPMC 99-307 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 17, 1999.**

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

cc: Henry R. Fenton, Esq.  
11845 West Olympic Boulevard  
Suite 775  
Los Angeles, CA 90064

Robert Bogan, Esq.

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

-----X

IN THE MATTER  
OF  
MA AYE MYINT, M.D.

SURRENDER  
ORDER  
BPMC #99-307

-----X

MA AYE MYINT, M.D., says:

On or about February 11, 1985, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 161385 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 agree that such order shall be effective as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, or upon transmission via facsimile to me or my attorney, whichever is earliest.


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

Date: Nov 15, 1999

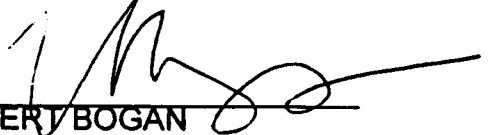
  
\_\_\_\_\_  
MA AYE MYINT, M.D.  
Respondent

AGREED TO:

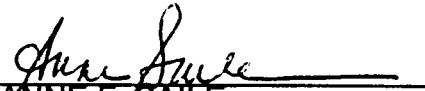
Date: 11-17-99 1999

  
HENRY R. FENTON, ESQ.  
Attorney for the Respondent

Date: 19 NOV, 1999

  
ROBERT BOGÁN  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: November 19 1999

  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

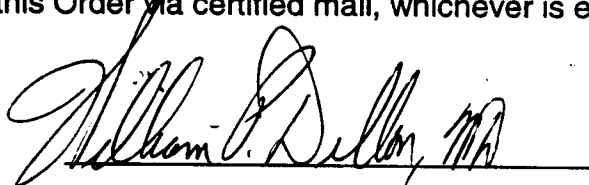
Upon the proposed agreement of MA AYE MYINT, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; 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 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 via certified mail, whichever is earliest.

DATED: 12/7/99



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

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

**IN THE MATTER  
OF  
MA AYE MYINT, M.D.**

STATEMENT  
OF  
CHARGES

MA AYE MYINT, M.D., the Respondent, was authorized to practice medicine in New York state on February 11, 1985, by the issuance of license number 161385 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 6, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by a Decision (hereinafter, "California Decision"), revoked the Respondent's certificate to practice medicine for one year, stayed the revocation, placed her on two (2) years probation, and order a \$3,000 reimbursement based on gross negligence in that she failed to perform a thorough preoperative history and physical examination of a patient, she failed to properly determine the risks of anesthesia based upon a preoperative examination of a patient, she failed to make an independent decision of the best course of anesthesia management, she failed before surgery to attempt endotracheal intubation, and she failed to record accurate "real time" notes on the anesthesia record.

B. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3)(practicing the profession with negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross negligence);
5. New York Education Law §6530(16)(failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or
6. New York Education Law §6530(32) (record keeping).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education §6530(9)(b) by having been found guilty of improper professional practice or 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/or B.

#### **SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken against him by a 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/or B.

DATED: *Oct. 19*, 1999  
Albany, New York

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