

**These charges are only allegations which
may be contested by the licensee in an
administrative hearing.**

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

IN THE MATTER

OF

KANG LU, M.D.

STATEMENT

OF

CHARGES

KANG LU, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 9, 2011, by the issuance of license number 263519 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 5, 2020, the Commonwealth of Massachusetts Board of Registration in Medicine (hereinafter "Massachusetts Board") issued a Final Decision and Order which revoked Respondent's license to practice medicine. This disciplinary action was based on findings that Respondent was convicted of a crime in Canada, fraudulently renewed his certificate of registration, violated laws and regulations of the Commonwealth, and engaged in conduct that undermines the integrity of the medical profession.

B. The conduct resulting in the Massachusetts 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(2) (Practicing the profession fraudulently).

C. On or about November 16, 2014, Respondent filed a License Renewal with the New York State Education Department for his New York medical license for the period of January 1, 2015 to December 31, 2016. In this renewal application, Respondent answered "no" to the question, "Since your last registration application, are criminal charges pending against you in any court?" even though that on September 12, 2014, Respondent was criminally charged with carrying a dangerous weapon in violation of M.G.L. c 268 §10(b) and refusing to identify himself in violation of M.G.L c. 90 §25. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

D. On or about December 16, 2018, Respondent filed a License Renewal for his New York medical license for the period of January 1, 2019 to December 31, 2020. In this renewal application, Respondent answered "no" to the question, "Since your last registration application, have you been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court?" even though that on or about November 6, 2018, in the Court of Quebec, Canada, District of Bedford, Locality of Cowansville, Respondent pled guilty to having imported three restricted firearms, namely three handguns and three prohibited devices that are ammunition storage, and was sentenced to one day in jail considering the thirty-six days already served. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 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 (namely N.Y. Educ. Law § 6530(2)) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B.1.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or

suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(2)) as alleged in the facts of the following:

2. The facts in Paragraphs A and B and B.1.

THIRD SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

3. The facts in Paragraph C and/or D

DATE: September 30, 2020
Albany, New York


TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct