



## Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

September 4, 2019

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Marcos Yang, M.D.  
310 Tejon Place  
Palos Verdes Estates, California 90274

Re: License No. 189458

Dear Dr. Yang:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 19-228. This order and any penalty provided therein goes into effect September 11, 2019.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,

A black rectangular redaction box covering the signature of Robert A. Catalano, M.D.

Robert A. Catalano, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Derek F. O'Reilly-Jones, Esq.  
Bonne, Bridges, Mueller, O'Keefe & Nichols  
355 South Grand Avenue, Suite 1750  
Los Angeles, California 90071-1562

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

IN THE MATTER  
OF  
MARCOS YANG, M.D.

BPMC No. 19-228  
CONSENT  
ORDER

Upon the application of (Respondent) MARCOS YANG, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and  
it is further

ORDERED, that this Consent 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.

DATE: 9/03/2019

  
ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional Medical Conduct

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

IN THE MATTER  
OF  
MARCOS YANG, M.D.

CONSENT  
AGREEMENT

MARCOS YANG, M.D., represents that all of the following statements are true:

That on or about July 1, 1992, I was licensed to practice as a physician in the State of New York and issued License No. 189458 by the New York State Education Department

My current address is 310 Tejon Place Palos Verdes Estates, CA 90274, 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 (Board) has charged me with one or more specifications of professional misconduct.

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

I do not contest the Statement of Charges, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(6), Respondent shall be subject to a limitation precluding registration or issuance of any further license.

I further agree that the Consent Order for which I apply shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a; and

That Respondent shall be precluded from practicing medicine in New York State, from practicing in any setting where his practice is based solely on his New York license, and from further reliance upon Respondent's New York license to practice medicine to exempt Respondent from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State; and

That if Respondent is currently registered to practice medicine in New York State, Respondent shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," shall provide proof of such notification to the Director of OPMC immediately upon having done so, and shall not reactivate or reregister the license at any time; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall comply with all conditions set forth in attached Exhibit "B" ("Requirements for Closing a Medical Practice").

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined in N.Y. Educ. Law § 6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement 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 adopts this Consent Agreement, the Chair of the Board shall issue a Consent 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 Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data

Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms.

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

I am aware and agree that, regardless of prior communication, the attorney for the Department, the Director of the Office of Professional Medical Conduct, and the Chairperson of the State Board for Professional Medical Conduct each reserve full discretion to enter into the Consent Agreement that I propose in this application, or to decline to do so.

DATE 8/20/2019


  
\_\_\_\_\_  
MARCOS YANG, M.D.  
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 8/27/2019

  
DEREK F. O'REILLY-JONES, ESQ.  
Attorney for Respondent

DATE: 8/28/2019

  
JOHN THOMAS VITI  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 9/3/19

  
PAULA M. BREEN  
Acting Director  
Office of Professional Medical Conduct



**"EXHIBIT A"**

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

**IN THE MATTER**  
  
**OF**  
  
**MARCOS YANG, M.D.**

**STATEMENT**  
  
**OF**  
  
**CHARGES**

Marcos Yang, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1992, by the issuance of license number 189458 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

1. On or about April 5, 2019, the Medical Board of California (herein after the "Board") by a Decision an Order (herein after the "Order"), adopting a Stipulated Settlement and Disciplinary Order, Revoked Respondent's Physician's and Surgeon's Certificate, with revocation stayed, and placed on Probation for four (4) years. The terms of Probation include a Practice Monitor, Maintenance of Control Substance Record, and CME Courses. The Order was based on charges and allegations that the Respondent was grossly negligent; was repeatedly negligent; violated state statutes, and failed to maintain adequate records in the care and treatment of three (3) patients.
  - a. The conduct resulting in the Order would constitute misconduct under the laws of New York State, pursuant to the following section of New York State Law:
    - i. New York Education Law Section 6530(3),
    - ii. New York Education Law Section 6530(4),

- iii. New York Education Law Section 6530(16),
- iv. New York Education Law Section 6530(32).

**SPECIFICATION OF CHARGES**

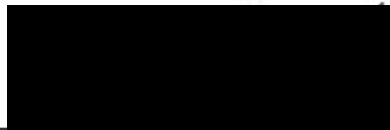
**HAVING HAD DISCIPLINARY ACTION TAKEN**

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. Laws §§ 6530(3), (4), (16) and (32) as alleged in the facts of the following:

1. The facts in Paragraph 1 and its subparagraphs.

DATE: August 29, 2019

New York, New York



Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct