



## Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

**MEGAN E. BALDWIN**  
Acting Executive Deputy Commissioner

July 14, 2023

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Marc S. Nash, Esq.  
NYS Department of Health  
Corning Tower Room 2512  
Empire State Plaza  
Albany, New York 12237

Steve Sung, M.D.  
[REDACTED]

Steve Sung, M.D.  
[REDACTED]

**RE: In the Matter of Steve Sung, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 23-150) 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 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  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

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), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the 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 penalties other than suspension or revocation 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:

Jean T. Carney, Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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 Ms. Carney 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,



Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: nm  
Enclosure

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

COPY

IN THE MATTER  
OF  
STEVE SUNG, M.D.

DETERMINATION  
AND  
ORDER

BPMC-23-150

The New York State Department of Health, Bureau of Professional Medical Conduct (Department) served Steve Sung, M.D. (Respondent) with a Notice of Hearing and Statement of Charges dated April 27, 2023, pursuant to Public Health Law (PHL) § 230(10)(d)(i). (Exhibit 1.) This hearing was held on June 27, 2023 via Cisco WebEx videoconference. Pursuant to PHL § 230(10)(e), **ELISA J. WU, M.D.**, Chair, **ROSE BERKUN, M.D.**, and **RUTH HOROWITZ, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **NATALIE J. BORDEAUX**, administrative law judge (ALJ), served as the administrative officer.

The Department appeared by Marc S. Nash, Esq. The Respondent did not appear. The Department called April Soltren, Senior Medical Investigator at the Office of Professional Medical Conduct's Physician Monitoring Program, as its sole witness. The Hearing Committee received and examined documents from the Department (Exhibits 1-11). A transcript of the proceeding was made (T 1-30).

The Department charged the Respondent with professional misconduct under NY Education Law § 6530(15), failing to comply with an order issued pursuant to PHL § 230(7)(a). Because the Respondent failed to file an answer, the allegations and charge were deemed admitted. PHL § 230(10)(c)(2). The charge was sustained, and the Hearing Committee was

required only to determine what penalty to impose.

Upon consideration of the record in its entirety, the Hearing Committee determined to revoke the Respondent's license. All findings, conclusions, and determinations are unanimous.

### FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in the State of New York on August 5, 1986 by issuance of license number 167381. (Exhibits 3, 5.)

2. Pursuant to § 230(7)(a) of the Public Health Law, a Committee on Professional Conduct found reason to believe that the Respondent may be impaired [REDACTED]. After affording the Respondent an opportunity to be heard, the committee directed the Respondent by order dated December 20, 2022, and effective December 29, 2022, to submit to a comprehensive examination [REDACTED] no later than February 1, 2023. The order advised that the Respondent's failure to comply completely shall be professional misconduct. (Exhibits 6, 8, 9.)

3. By separate letter dated December 22, 2022, April Soltren, Senior Medical Conduct Investigator at the Department's Physician Monitoring Program, informed [REDACTED] of the December 20, 2022 order requiring the Respondent to submit to a complete, in-depth [REDACTED] evaluation, [REDACTED] (Exhibit 10.)

4. The Respondent failed to submit to the comprehensive [REDACTED] examination by February 1, 2023, and has not submitted to such examination on any subsequent date. (Exhibit 11; T 19-21.)

### DISCUSSION

The Department made several attempts to notify the Respondent of this scheduled hearing. On May 11, 2023, a process server hand-delivered a copy of the Notice of Hearing and Statement of Charges to the Respondent's brother, who informed the process server that the Respondent uses his brother's address for mail but that the Respondent resides elsewhere in Florida. Another process server then attempted to personally serve the Respondent at his last known address in Florida. However, that process server was informed that the Respondent had moved, and did not provide a forwarding address. (Exhibits 2, 4; T 8-9.)

After being unable to effectuate personal service of the hearing documents, the Department sent the Notice of Hearing and Statement of Charges to the Respondent's last known address in Florida, and a separate copy of those documents to the Respondent's address on file with the New York State Department of Education, both via certified mail. (Exhibits 3, 4; T 9-10.) The Department having established jurisdiction and proper notice in conformity with PHL § 230(10)(d), the ALJ determined that the hearing could proceed on the merits despite the Respondent's absence.

On October 12, 2020, the Respondent had agreed to a suspension of his ability to practice medicine in the state of New York until such time as matters under investigation (not disclosed at the hearing) were resolved, either by hearing, settlement, or a determination by the Director of the Office of Professional Medical Conduct that no hearing is warranted. The Respondent was afforded an opportunity to be heard on December 20, 2022 to determine whether he was impaired [REDACTED] but elected not to participate.

(T 22.) Based upon information presented by the Department, a committee on professional conduct "found reason to believe that the [Respondent] may be impaired [REDACTED]"

[REDACTED] and on December 20, 2022 ordered him to schedule and commence an examination by [REDACTED] by February 1, 2023. The Department mailed copies of the order to the Respondent at his brother's address and the Respondent's last known home address. (Exhibits 6-9; T 17-18.) The Respondent made no attempt to submit to such examination by the February 1 deadline, and had not submitted to the examination as of the June 27, 2023 hearing. (Exhibit 11; T 19-21.)

In determining an appropriate penalty, the Hearing Committee considered the full spectrum of penalties under PHL § 230-a, including revocation, suspension, probation, censure and reprimand. The Respondent was afforded two separate hearings, over six months apart. He did not comply with the December 20, 2022 order or present any mitigating information to excuse or explain the noncompliance. The Respondent's behavior offered no assurances to this Hearing Committee that he will abide by legal requirements regarding his New York medical license. The Hearing Committee thus determined that revocation of the Respondent's license was the only appropriate means of protecting the public from the potential harm inflicted by a physician who has made no effort to address concerns raised regarding an impairment that might impact his ability to practice medicine.


Steve Sung, M.D.

ORDER


IT IS HEREBY ORDERED THAT:

1. The specification of misconduct as set forth in the Statement of Charges is SUSTAINED.
2. The Respondent's license to practice medicine in the State of New York is REVOKED pursuant to PHL § 230-a(4).
3. This Determination and Order shall be effective upon service of the Respondent in accordance with PHL § 230(10)(h).

DATED: July 12, 2023  
New York, New York

  
ELISA J. WU, M.D., Chair  
ROSE BERKUN, M.D.  
RUTH HOROWITZ, Ph.D.

To: Marc S. Nash, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512 - Corning Tower  
Empire State Plaza  
Albany, New York 12237

Steve Sung, M.D.  


Steve Sung, M.D.  


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

IN THE MATTER  
OF  
STEVE SUNG, M.D.

STATEMENT  
OF  
CHARGES

STEVE SUNG, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 5, 1986 by the issuance of license number 167381 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 20, 2022, a Committee of the New York State Board for Professional Medical Conduct ("Board") issued an Order pursuant to New York Public Health Law section 230(7)(a) after the Committee made a finding that there was reason to believe the Respondent may be impaired [REDACTED]. The Order directed the Respondent to submit to and cooperate with an examination by the [REDACTED] and that the Respondent must schedule and commence the examination no later than February 1, 2023. The Order also required that the Respondent provide any releases or consents with respect to confidentiality that the Examining Physician, the Board, or the Office of Professional Medical Conduct ("OPMC") deemed necessary, including to authorize the Examining Physician to directly provide OPMC with information about the Respondent's compliance or noncompliance with the Order. Respondent failed to comply with the Order in that:

1. The Respondent failed to schedule and commence the examination by February 1, 2023.



2. The Respondent failed to submit to and cooperate with an examination by [REDACTED]
3. The Respondent failed to provide releases and/or consents as directed by the Order, including as directed in paragraph 4(b), to authorize the Examining Physician to provide OPMC directly with information about the Respondent's compliance or noncompliance with the Order, and paragraph 5, requiring the Respondent to authorize and cause the Examining Physician to provide OPMC directly with information about the Respondent's compliance or noncompliance with the Order.

#### SPECIFICATION OF CHARGES

#### FAILURE TO COMPLY WITH AN ORDER

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(15) by failing to comply with an order issued pursuant to §230(7) of the Public Health Law, as alleged in the facts of:

1. Paragraph A and its subparagraphs.

DATE: April 27, 2023  
Albany, New York

[REDACTED]  
JEFFREY J. CONKLIN  
Deputy Director  
Bureau of Professional Medical Conduct