



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

February 2, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Albany, New York 12237

Seo Yang, M.D.
1736 N. Graton Road
Turlock, California 95380

Seo Yang, M.D.


RE: In the Matter of Seo Yang, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 22-013) 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,


Dawn MacKillop-Soller
Acting Chief Administrative Law Judge
Bureau of Adjudication

DXM: cmg
Enclosure

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

COPY

-----X
IN THE MATTER
OF
SEO YANG, M.D.
-----X

DETERMINATION
AND
ORDER

BPMC-22-013

A hearing was held on January 13, 2022, remotely by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), Mary E. Rappazzo, M.D., Chairperson, Gregory Allen Threatte, M.D., and Janet R. Axelrod, Esq., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champlon, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Marc S. Nash, Associate Counsel. A Commissioner's Order of Summary Action dated October 21, 2021, Notice of Referral Proceeding dated October 20, 2021, and Statement of Charges dated October 20, 2021, were duly served upon Seo Yang, M.D. (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department. (Dept. Exs. 1-6.) A stenographic reporter prepared a transcript of the proceeding.

BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with one specification of professional misconduct pursuant to Educ. Law § 6530(9)(a)(iii) for being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law.

Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was licensed to practice medicine in New York State on September 24, 1976 by issuance of license number 128817. (Dept. Ex. 4.)

2. On May 13, 2021, in the Superior Court of California, County of Stanislaus, the Respondent was convicted of two felony counts of Assault Likely to Produce Great Bodily Harm [California Penal Code § 245(a)(4)]. The Respondent was sentenced to two years' formal probation. (Dept. Ex. 5.)

3. The conviction stems from allegations that the Respondent willfully, unlawfully, and feloniously committed an assault with a deadly weapon, to wit, a Bobcat tractor, upon two individuals on or about November 8, 2020. One of the said individuals was identified as a deputy engaged in the performance of his duties. (Dept. Ex. 5.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(a)(iii).

HEARING COMMITTEE DETERMINATIONS

The Department has met its burden of proving the charge that the Respondent was convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed

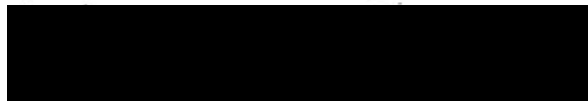
within this state, would have constituted a crime under New York state law, thereby committing professional misconduct. Specifically, the act constituting a crime for which the Respondent was convicted in California [California Penal Code § 245(a)(4)] would have constituted a crime under New York Penal Law §§ 110.00/120.05(2) if it was committed in this state. The Hearing Committee has determined that the acts upon which Respondent's conviction was based demonstrate such a level of disregard for human wellbeing and impaired decision-making that revocation of the Respondent's license to practice medicine in the State of New York is the only appropriate penalty in this matter.

ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specification of professional 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; and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).


Dated: Albany, New York
January _____, 2022



Mary E. Rappazzo, M.D., Chairperson
Gregory Allen Threatte, M.D.
Janet R. Axelrod, Esq.

NYS DEPT OF HEALTH
FEB 01 2022
Division of Legal Affairs
Bureau of Adjudication

Marc S. Nash
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Albany, New York 12237



Seo Yang, M.D.
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Seo Yang, M.D.



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

IN THE MATTER
OF
SEO YANG, M.D.

STATEMENT
OF
CHARGES

SEO YANG, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 24, 1976, by the issuance of license number 128817 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 13, 2021, in the Superior Court of California, County of Stanislaus, Respondent was convicted of two felony counts of Assault Likely to Produce Great Bodily Harm (California Penal Code § 245(A)(4)) and sentenced to two years' formal probation.

SPECIFICATION OF CHARGES

CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law (namely N.Y. Penal Law §§ 110.00/120.05(2)) as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: October 20, 2021
Albany, New York


JEFFREY J. CONKLIN
Acting Deputy Counsel
Bureau of Professional Medical Conduct