



**New York State Board for Professional Medical Conduct**

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

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

September 17, 1999

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Charles Hwu, M.D.  
136-30 Maple Avenue  
#2F  
Flushing, NY 11355

RE: License No. 147108

Dear Dr Hwu:

Enclosed please find Order #BPMC 99-238 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 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.

Board for Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management  
New York State Department of Health  
Corning Tower, Room 1315  
Empire State Plaza  
Albany, New York 12237

Sincerely,



Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Jack Wang, Esq.  
132 Nassau Street  
Suite 310  
New York, NY 10038

Leslie Eisenberg, Esq.

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

IN THE MATTER  
OF  
CHARLES HWU, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER  
BPMC #99-238

STATE OF NEW YORK )  
COUNTY OF *QUEENS* )      ss:

CHARLES HWU, M.D., (Respondent) being duly sworn, deposes and says:

That on or about July 24, 1981, I was licensed to practice as a physician in the State of New York, having been issued License No. 147108 by the New York State Education Department.

My current address is 136-30 Maple Avenue, #2F, Flushing, N.Y. 11355, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with three specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I do not contest the First specification, with respect to Patients C, D, E and G and, I do not contest the Third Specification, with respect to all Patients, in full satisfaction of the charges against me. I hereby agree to the following penalty:

I shall be subject to a Censure and reprimand, pursuant to Section 230-a of the Public Health Law (PHL).

I further agree to be subject to an eighteen month period of Probation as defined in the terms and conditions set forth in the

attached Exhibit "B" and, to complete 30 hours of Continuing Medical Education above the minimum required for all physicians, pursuant to PHL Section 230-a(8) and, to complete 100 hours of community service, pursuant to PHL Section 230-a(9) and, to pay a fine in the amount of \$5,000, pursuant to PHL Section 230-a(7).

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

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information

within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under

duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


AFFIRMED:

DATED 08/31/99


Charles Hwu, M.D.  
CHARLES HWU, M.D.  
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 9/1/99

  
\_\_\_\_\_  
JACK WANG, ESQ.  
Attorney for Respondent

DATE: 9/2/99

  
\_\_\_\_\_  
LESLIE EISENBERG  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: September 10, 1999

  
\_\_\_\_\_  
ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

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

IN THE MATTER  
OF  
CHARLES HWU, M.D.

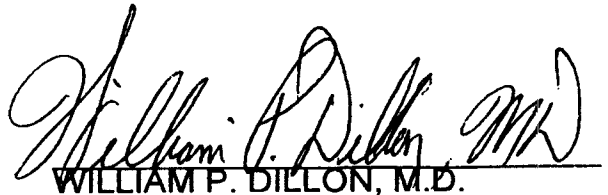
CONSENT  
ORDER

Upon the proposed agreement of CHARLES HWU, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 9/15/99



WILLIAM P. DILLON, 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  
CHARLES JOSEPH HWU, M.D.

STATEMENT  
OF  
CHARGES

Charles Joseph Hwu, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 24, 1981, by the issuance of license number 147108 by the New York State Education Department. Respondent is currently registered with New York State Department of Education to practice medicine for the period of October 1997 through September 1999. Respondent maintains an office at 136-30 Maple Avenue, Suite 2F, Flushing, N.Y. 11355 (hereinafter referred to as Respondent's "medical office").

**FACTUAL ALLEGATIONS**

- A. Respondent provided care and treatment to Patient A, from on or about December 13, 1994 through on or about October 16, 1995, at Respondent's medical office. (The names of patients are contained in the attached Appendix.)
1. Respondent failed to appropriately evaluate and/or follow-up on Patient A's complaints and/or condition.
  2. Respondent repeatedly failed to perform and/or note an adequate history and/or physical examination.
  3. Respondent failed to adequately treat Patient A for medical conditions

- including but not limited to high blood pressure and high blood sugar.
4. Respondent failed to maintain a record that accurately reflects the care and treatment provided to Patient A.

B. Respondent provided care and treatment to Patient B, from on or about November 10, 1994 through on or about January 29, 1996, at Respondent's medical office.

1. Respondent failed to appropriately evaluate and/or follow-up on Patient B's complaints and/or condition.
2. Respondent repeatedly failed to perform and/or note an adequate history and/or physical examination.
3. Respondent failed to adequately treat Patient B for medical conditions including but not limited to anemia.
4. Respondent failed to maintain a record that accurately reflects the care and treatment provided to Patient B.

C. Respondent provided care and treatment to Patient C, from on or about November 22, 1994 through on or about November 17, 1995, at Respondent's office.

1. Respondent failed to appropriately evaluate and/or follow-up on Patient C's complaints and/or condition.
2. Respondent repeatedly failed to perform and/or note an adequate history and/or physical examination.
3. Respondent failed to adequately treat Patient C for medical condition including but not limited to anemia.

4. Respondent failed to maintain a record that accurately reflects the care and treatment provided to Patient C.

D. Respondent provided care and treatment to Patient D, from on or about August 25, 1994 through on or about December 15, 1994, at Respondent's office and further at The New York Hospital Medical Center of Queens, until December 24, 1994, when the patient expired.

1. Respondent failed to appropriately evaluate and/or follow-up on Patient D's complaints and/or condition.
2. Respondent repeatedly failed to perform and/or note an adequate history and/or physical examination.
3. Respondent failed to adequately treat Patient D for medical conditions including but not limited to congestive heart failure and/or liver disease.
4. Respondent failed to order and/or perform adequate monitoring of Patient D, including but not limited to follow-up chest x-rays, blood tests, liver function tests and/or renal function tests.
5. Respondent failed to maintain a record that accurately reflects the care and treatment provided to Patient D.

E. Respondent provided care and treatment to Patient E, from on or about July 11, 1994 through on or about November 2, 1994, at Respondent's medical office.

1. Respondent failed to appropriately evaluate and/or follow-up on Patient E's complaints and/or condition.
2. Respondent repeatedly failed to perform and/or note an adequate

history and/or physical examination.

3. Respondent failed to adequately treat Patient E for medical conditions including but not limited to chest pain and/or ischemia.
4. Respondent failed to adequately monitor Patient E while treating her with anticoagulants.
5. Respondent failed to maintain a record that accurately reflects the care and treatment provided to Patient E.

F. Respondent provided care and treatment to Patient F, from on or about September 17, 1994 through on or about September 5, 1995, at Respondent's medical office.

1. Respondent failed to appropriately evaluate and/or follow-up on Patient F's complaints and/or condition.
2. Respondent repeatedly failed to perform and/or note an adequate history and/or physical examination.
3. Respondent failed to adequately treat Patient F for medical conditions including but not limited to hypertension and/or diabetes.
4. Respondent failed to maintain a record that accurately reflects the care and treatment provided to Patient F.

G. Respondent provided care and treatment to Patient G, from on or about September 20, 1994 through on or about March 8, 1996, at Respondent's medical office.

1. Respondent failed to appropriately evaluate and/or follow-up on Patient G's complaints and/or condition.

2. Respondent repeatedly failed to perform and/or note an adequate history and/or physical examination.
3. Respondent failed to adequately treat Patient G for medical conditions including but not limited to hyperthyroidism.
4. Respondent failed to adequately monitor Patient G while treating her with propylthiouracil.
5. Respondent failed to maintain a record that accurately reflects the care and treatment provided to Patient G.

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

#### **NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1999) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraph A and each of its subparagraphs, and/or B and each of its subparagraphs, and/or C and each of its subparagraphs, and/or D and each of its subparagraphs, and/or E and each of its subparagraphs, and/or F and each of its subparagraphs, and/or G and each of its subparagraphs.

**SECOND SPECIFICATION**  
**INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1999) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

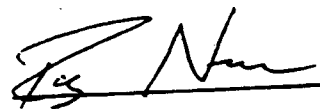
2. Paragraph A and each of its subparagraphs, and/or B and each of its subparagraphs, and/or C and each of its subparagraphs, and/or D and each of its subparagraphs, and/or E and each of its subparagraphs, and/or F and each of its subparagraphs, and/or G and each of its subparagraphs.

**THIRD SPECIFICATION**  
**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1999) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of the following:

3. Paragraphs A and A4 and/or, B and B4 and/or, C and C4 and/or, D and D5 and/or, E and E5 and/or, F and F4 and/or G and G5.

DATED: July 17, 1999  
New York, New York



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Within 30 days of the effective date of the Order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
  - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced

basis, at least monthly, and shall examine a selection (no less than 25) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
  - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
8. Respondent shall enroll in and complete a continuing education program in the following areas of study: internal medicine, cardiology and, medical record keeping, to be equivalent to at least 30 credit hours of Continuing Medical Education, over and above the recommended minimum standards set by the Respondent's specialty accrediting body, if any. This continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within the period of probation.
  9. Respondent shall perform 100 hours of non-medical community service, to be delivered in a facility or with an organization serving a needy or underserved population. A written proposal for community service must be submitted to, and is subject to the written approval of the Director of OPMC. Community service performed prior to written approval shall not be credited toward compliance with this Order. Respondent has requested that the 100 hours of community service be performed on Sundays. The Department does not object to this request.
  10. The \$5,000 fine is payable in full within thirty (30) days of the effective date of this Order. Payments must be submitted to:  

Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza  
Corning Tower, Room 1245  
Albany, New York 12237
  11. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.