



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

August 10, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Peter Kang, M.D.
63 Mellow Lane
Westbury, New York 11590

RE: License No.152374

Dear Dr. Kang:

Enclosed please find Order #BPMC 98-168 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 10, 1998.**

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

Sincerely,

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

Enclosure

cc: Amy T. Kulb, Esq.
Jacobson & Goldberg
585 Stewart Avenue
Garden City, New York 11530

Ann Gayle, Esq.

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

**IN THE MATTER
OF
PETER KANG, M.D.**

**SURRENDER
OF
LICENSE**

BPMC #98-168

STATE OF NEW YORK)

ss.:

COUNTY OF QUEENS)

PETER KANG, M.D., being duly sworn, deposes and says:

On or about November 5, 1982, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 152374, by the New York State Education Department.

My current address is 63 Mellow Lane, Westbury, New York, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with twenty three specifications of professional misconduct as set forth in the Amended Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York, such surrender to be effective on September 1, 1998, on the grounds that I admit guilt to the FIRST SPECIFICATION to the extent of Paragraphs A and A1, 2, 3, and 4, C and C1, 2 and 3, and E and E1, 2, 3 and 4, and to the NINTH SPECIFICATION to the extent of Paragraphs A and A1, 2, 3, and 4, C and C1, 2 and 3, and E and E1, 2, 3 and 4, in the Amended Statement of Charges, in full satisfaction of the charges against me. I further agree that, effective as of the date of the signing of the

Surrender Order, and continuing to September 1, 1998, there shall be a permanent limitation on my license (pursuant to N.Y. Public Health Law §230-a(3)) that I shall be precluded from practicing medicine unless such practice of medicine occurs in the presence of a monitoring physician who is Board Certified in the specialty of Internal Medicine and who has been approved, in advance, by the Director of the Office of Professional Medical Conduct. I understand and agree that any practice of medicine without full compliance with this limitation is unauthorized, and may subject me to further misconduct proceedings and/or criminal prosecution.

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law,

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. 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 Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me

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JACOBSON AND GOLDBERG, LLP

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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 continuing the hearing on the merits which is currently in progress, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 7/29/98

Peter Kang M.D.

PETER KANG, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 7/29/98

Amy T. Kulb
AMY T. KULB, Esq.
Attorney for Respondent

Date: 7/29/98

Ann Gayle
ANN GAYLE
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 7/30/98

Anne F. Saile
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
PETER KANG, M.D.**

**SURRENDER
ORDER**

Upon the proposed agreement of Peter Kang, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, It is agreed to and

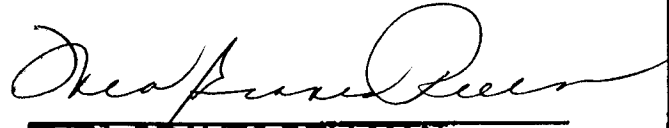
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 Surrender 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: July 4, 1998



**THEA GRAVES PELLMAN
Vice Chairperson
State Board for Professional
Medical Conduct**

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

IN THE MATTER
OF
PETER KANG, M.D.

AMENDED
STATEMENT OF
CHARGES

PETER KANG, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 5, 1982, by the issuance of license number 152374, by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, a then 44 year old female, at his office, located at 80-20 Broadway, Apt. 1A, Elmhurst, New York, for a hyperthyroid condition, from approximately July 27, 1993 to November 2, 1994.
1. Respondent failed, repeatedly throughout the course of treatment, to take an adequate history from Patient A or to note such history, if any, in the chart.
 2. Respondent failed, repeatedly throughout the course of treatment, to perform an adequate physical examination and/or evaluation upon Patient A or to note such examination and/or evaluation, if any, in the chart.
 3. Respondent failed, repeatedly throughout the course of treatment, to adequately diagnose Patient A or to note such diagnosis, if any, in the chart.
 4. Respondent failed to follow up on positive findings from laboratory or other examinations or to note such follow up in the chart.

EXHIBIT "A"

- B. Respondent treated Patient B, a then 72 year old female, at his office, located at 80-20 Broadway, Apt. 1A, Elmhurst, New York, for regulation of her blood pressure, from approximately December 9, 1993 to September 16, 1996.**
- 1. Respondent failed, repeatedly throughout the course of treatment, to take an adequate history from Patient B or to note such history, if any, in the chart.**
 - 2. Respondent failed, repeatedly throughout the course of treatment, to perform an adequate physical examination and/or evaluation upon Patient B or to note such examination and/or evaluation, if any, in the chart.**
 - 3. Respondent failed, repeatedly throughout the course of treatment, to adequately diagnose Patient B or to note such diagnosis, if any, in the chart.**
- C. Respondent treated Patient C, a then 58 year old female, at his office, located at 80-20 Broadway, Apt. 1A, Elmhurst, New York, for diabetes and anemia, from approximately June 20, 1988 to January 13, 1996.**
- 1. Respondent failed, repeatedly throughout the course of treatment, to take an adequate history from Patient C or to note such history, if any, in the chart.**
 - 2. Respondent failed, repeatedly throughout the course of treatment, to perform an adequate physical examination and/or evaluation upon Patient C or to note such examination and/or evaluation, if any, in the chart.**
 - 3. Respondent failed to follow up on positive findings from laboratory or other examinations or to note such follow up in the chart.**
- D. Respondent treated Patient D, a then 74 year old female, at his office, located**

at 80-20 Broadway, Apt. 1A, Elmhurst, New York, located at 1913 Avenue Z, Brooklyn, New York, for diabetes, from approximately February 26, 1993 to September 12, 1995.

1. Respondent failed, repeatedly throughout the course of treatment, to take an adequate history from Patient D or to note such history, if any, in the chart.
2. Respondent failed, repeatedly throughout the course of treatment, to perform an adequate physical examination and/or evaluation upon Patient D or to note such examination and/or evaluation, if any, in the chart.
3. Respondent failed, repeatedly throughout the course of treatment, to adequately diagnose Patient D or to note such diagnosis, if any, in the chart.
4. Respondent failed to follow up on positive findings from laboratory or other examinations or to note such follow up in the chart.

E. Respondent treated Patient E, a then 67 year old female, at his office, located at 80-20 Broadway, Apt. 1A, Elmhurst, New York, from approximately February 9, 1991 to January 9, 1995.

1. Respondent failed, repeatedly throughout the course of treatment, to take an adequate history from Patient E or to note such history, if any, in the chart.
2. Respondent failed, repeatedly throughout the course of treatment, to perform an adequate physical examination and/or evaluation upon Patient E or to note such examination and/or evaluation, if any, in the chart.
3. Respondent failed, repeatedly throughout the course of

treatment, to adequately diagnose Patient E or to note such diagnosis, if any, in the chart.

4. Respondent failed to follow up on positive findings from laboratory or other examinations or to note such follow up in the chart.

F. Respondent treated Patient F, a then 55 year old female, at his office, located at 80-20 Broadway, Apt. 1A, Elmhurst, New York, from approximately September 1, 1991 to April 28, 1995.

1. Respondent failed, repeatedly throughout the course of treatment, to take an adequate history from Patient F or to note such history, if any, in the chart.
2. Respondent failed, repeatedly throughout the course of treatment, to perform an adequate physical examination and/or evaluation upon Patient F or to note such examination and/or evaluation, if any, in the chart.

G. Respondent treated Patient G, a then 64 year old male, at his office, located at 80-20 Broadway, Apt. 1A, Elmhurst, New York, for insomnia, from approximately March 18, 1993 to September 21, 1996.

1. Respondent failed, repeatedly throughout the course of treatment, to take an adequate history from Patient G or to note such history, if any, in the chart.
2. Respondent failed, repeatedly throughout the course of treatment, to perform an adequate physical examination and/or evaluation upon Patient G or to note such examination and/or evaluation, if any, in the chart.
3. Respondent failed, repeatedly throughout the course of treatment, to adequately diagnose Patient G or to note such

diagnosis, if any, in the chart.

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. 1998) 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. Paragraphs A and A1, 2, 3 and/or 4, B and B1, 2 and/or 3, C and C1, 2 and/or 3, D and D1, 2, 3 and/or 4, E and E1, 2, 3 and/or 4, F and F1 and/or 2, G and G1, 2 and/or 3.

SECOND THROUGH EIGHTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1998) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

2. Paragraphs A and A1, 2, 3 and/or 4.
3. Paragraphs B and B1, 2 and/or 3.
4. Paragraphs C and C1, 2 and/or 3.
5. Paragraphs D and D1, 2, 3 and/or 4.
6. Paragraphs E and E1, 2, 3 and/or 4.
7. Paragraphs F and F1 and/or 2.
8. Paragraphs G and G1, 2 and/or 3.

NINTH 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. 1998) 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:

9. Paragraphs A and A1, 2, 3 and/or 4, B and B1, 2 and/or 3, C and C1, 2 and/or 3, D and D1, 2, 3 and/or 4, E and E1, 2, 3 and/or 4, F and F1 and/or 2, G and G1, 2 and/or 3.

TENTH THROUGH SIXTEENTH SPECIFICATIONS**GROSS INCOMPETENCE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 1998) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

10. Paragraphs A and A1, 2, 3 and/or 4.
11. Paragraphs B and B1, 2 and/or 3.
12. Paragraphs C and C1, 2 and/or 3.
13. Paragraphs D and D1, 2, 3 and/or 4.
14. Paragraphs E and E1, 2, 3 and/or 4.
15. Paragraphs F and F1 and/or 2.
16. Paragraphs G and G1, 2 and/or 3.

SEVENTEENTH THROUGH TWENTY-THIRD SPECIFICATIONS**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §(32)(McKinney Supp. 1998) by failing to maintain a record for each

patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

- 17. Paragraphs A and A1, 2, 3 and/or 4.
- 18. Paragraphs B and B1, 2 and/or 3.
- 19. Paragraphs C and C1, 2 and/or 3.
- 20. Paragraphs D and D1, 2, 3 and/or 4.
- 21. Paragraphs E and E1, 2, 3 and/or 4.
- 22. Paragraphs F and F1 and/or 2.
- 23. Paragraphs G and G1, 2 and/or 3.



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct