



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

January 22, 1993

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Christina Y. Ko, M.D.  
123 Route 24  
Mendham, New Jersey 07945

Paul Stein, Esq.  
New York State Department of Health  
Bureau of Professional Medical  
Conduct  
5 Penn Plaza - Sixth Floor  
New York, New York 10001-1810

**RE: In the Matter of Christina Y. Ko, M.D.**

Dear Dr. Ko and Mr. Stein:

Enclosed please find the Determination and Order (No. ARB-92-75) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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 than be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,

*Tyrone T. Butler/nam*

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nam  
Enclosure

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

-----X

IN THE MATTER : ADMINISTRATIVE  
OF : REVIEW BOARD  
CHRISTINA Y. KO, M.D. : DETERMINATION  
: AND ORDER  
: ORDER NO. ARB-92-75

-----X

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, MARYCLAIRE B. SHERWIN, EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.**<sup>1</sup> held deliberations on December 17, 1992 to review the Professional Medical Conduct Hearing Committee's (hereinafter the "Hearing Committee") October 24, 1992 Determination to censure and reprimand Christina Y. Ko, M.D. for the failure to maintain adequate medical records. The Office of Professional Medical Conduct (hereinafter "OPMC") requested the Review through a Notice of Review which the Review Board received on November 2, 1992. **JAMES F. HORAN, ESQ.** served as Administrative Officer to the Review Board. Paul Stein, Esq. submitted a brief on behalf of the Department of Health on December 2, 1992. Dr. Ko submitted a brief on her own behalf on December 10, 1992.

---

<sup>1</sup> At the time at which the Administrative Review Board met to deliberate this case, the New York State Senate had confirmed only four members of the five member Administrative Review Board that was created pursuant to Chapter 606 of the Laws of 1991.

### SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

### HEARING COMMITTEE DETERMINATION

The Office of Professional Medical Conduct brought misconduct charges against Dr. Ko for practicing medicine with negligence on more than one occasion, with incompetence on more than one occasion and with failing to maintain adequate medical records. The charges arose from Dr. Ko's treatment of five patients designated at the hearing as Patients A through E.

The Hearing Committee found Dr. Ko guilty of failing to maintain adequate medical records for Patients D and E. The Committee voted unanimously to censure and reprimand Dr. Ko for her poor record keeping and the Committee urged Dr. Ko to develop a better record keeping pattern.

### REQUEST FOR REVIEW

The Department has asked that the Review Board modify the Hearing Committee Determination by placing the Respondent on two years probation, by requiring that the Respondent obtain a monitor for her practice and by ordering Dr. Ko to undergo an evaluation of her medical skills at the SUNY Health Science Center in Syracuse. The Department asserts that the censure and reprimand penalty which the Hearing Committee imposed was not an appropriate penalty and that the only way to assure that Dr. Ko can meet appropriate practice standards in the future is to require that the Respondent obtain a monitor during the probation period and undergo an evaluation of her skills as a physician.

### REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which the parties have submitted.

The Review Board votes unanimously to sustain the Hearing Committee's Determination that Dr. Ko was guilty of poor record keeping.

The Review Board votes unanimously to overturn the penalty which the Hearing Committee imposed and to require that Dr. Ko undergo an evaluation of her skills as a physician at the Physician Prescribed Education Program in Syracuse, New York.

We overturn the Hearing Committee because their Determination to censure and reprimand Dr. Ko is inconsistent with their finding that Dr. Ko maintains inadequate medical records.

An appropriate remedy to correct a physician's poor record keeping would be: 1) to impose a monitor on her practice to inspect her records and advise Dr. Ko on how to improve her record keeping; or 2) to send Dr. Ko for retraining. We believe that merely recommending that Dr. Ko improve her record keeping is not a sufficient remedy to assure that Dr. Ko would correct this deficiency in her practice.

The Review Board debated whether to impose a monitor upon Dr. Ko's practice or rather to send her for retraining. The Board's chief concern when deliberating on which remedy would be appropriate was whether Dr. Ko's poor record keeping resulted from bad habits she acquired due to the time pressure of a busy practice, which she claimed to be the reason, or whether the inadequate record keeping indicates a lack of the requisite knowledge to prepare an adequate medical record and to practice medicine safely and effectively. We were also concerned because Dr. Ko does not work in a group practice or have hospital affiliation, so she lacks a support network to instruct or aid her in improving her record keeping system. The Board decided that the best course would be to send Dr. Ko for an evaluation of her skills as a physician to determine whether retraining is necessary. If Dr. Ko's problem does result from lack of requisite knowledge to prepare an adequate record, a monitor would not be able to provide her all the instruction and remediation she could obtain in a retraining program.

Pursuant to Public Health Law §230-a(8) and §230-a(9),

we direct Dr. Ko to:

1. Complete the Phase I evaluation of the Physician Prescribed Education Program (PPEP) of the Department of Family Medicine SUNY Health Science Center at Syracuse and the Department of Medical Education at St. Joseph's Hospital and Health Center<sup>2</sup>; and
2. If the Phase I evaluation indicates that Dr. Ko needs retraining, we direct that Dr. Ko complete Phase I of the PPEP Program at one of the New York City area hospitals affiliated with the PPEP Program.

Dr. Ko shall be on probation until she completes the Phase I Evaluation, and if the Phase I Evaluation results in a finding that Dr. Ko requires retraining, she shall remain on probation until she successfully completes the retraining. If the Phase I Evaluation indicates that Dr. Ko does not require retraining, then we impose no further penalty.

---

<sup>2</sup> Department of Family Medicine, 479 Irving Avenue, Syracuse, New York 13210

**ORDER**

**NOW**, based upon this Determination, the Review Board issues the following **ORDER**:

1. The October 24, 1992 Determination by the Hearing Committee on Professional Medical Conduct finding Christina Y. Ko, M.D. guilty of failure to maintain medical records is hereby **SUSTAINED**.
2. The Hearing Committee's Determination to censure and reprimand Dr. Ko is overturned. Dr. Ko shall be on probation until she completes the Evaluation of her skills as a physician that is set out in the Determination and should the Evaluation indicate that Dr. Ko needs retraining, she shall remain on probation until she has completed the retraining which the Evaluation indicates is necessary.

**ROBERT M. BRIBER**

**MARYCLAIRE B. SHERWIN**

**EDWARD C. SINNOTT, M.D.**

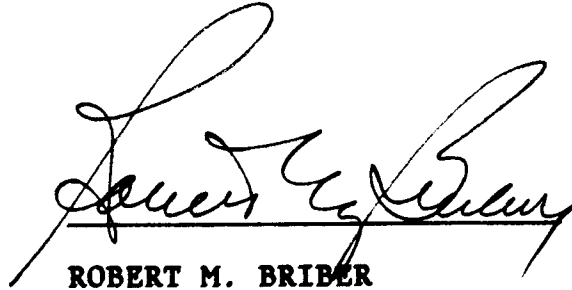
**WILLIAM A. STEWART, M.D.**



**IN THE MATTER OF CHRISTINA Y. KO, M.D.**

**ROBERT M. BRIBER**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Christina Y. Ko, M.D.

**DATED: Albany, New York**  
**January 8, 1993**



**ROBERT M. BRIBER**

**IN THE MATTER OF CHRISTINA Y. KO, M.D.**

**MARYCLAIRE B. SHERWIN**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Christina Y. Ko, M.D.

**DATED: Albany, New York**

**January 7, 1993**

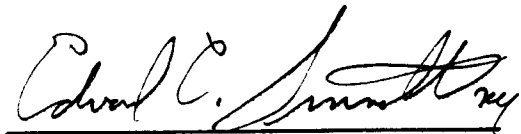
*MaryClaire B. Sherwin*

**MARYCLAIRE B. SHERWIN**

**IN THE MATTER OF CHRISTINA Y. KO, M.D.**

**EDWARD C. SINNOTT, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Christina Y. Ko, M.D.

**DATED: Albany, New York**  
**January 18, 1993**

A handwritten signature in cursive script, reading "Edward C. Sinnott, M.D.", written over a horizontal line.

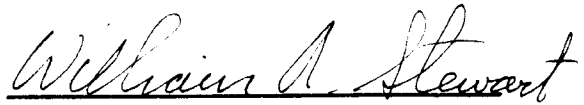
**EDWARD C. SINNOTT, M.D.**

**IN THE MATTER OF CHRISTINA Y. KO, M.D.**

**WILLIAM A. STEWART, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Christina Y. Ko, M.D.

**DATED: Albany, New York**

**January 7, 1993**



**WILLIAM A. STEWART, M.D.**