



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

January 13, 1997

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Kevin C. Roe, Esq.  
New York State Department of Health  
Corning Tower - Room 2438  
Empire State Plaza  
Albany, New York 12237

Do Sun Park, M.D.  
13805 Turnmore Road  
Silver Spring, Maryland 10906-2135

**RE: In the Matter of Do Sun Park, M.D.**

Dear Mr. Roe and Dr. Park:

Enclosed please find the Determination and Order (No. BPMC-97-21) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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 Mr. Horan 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,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:crc  
Enclosure

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

**COPY**

**IN THE MATTER  
OF  
DO SUN PARK, M.D.**

**DETERMINATION  
AND  
ORDER  
BPMC : -97-21**

A Notice of Hearing and Statement of Charges, both dated September 3, 1996, were served upon the Respondent, **DO SUN PARK, M.D.** **DENISE M. BOLAN, R.P.A.**, (Chair), **PHYLLIS LEPPERT, Ph.D, M.D.** and **AARON B. STEVENS, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(100)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on October 30, 1996. The Department of Health appeared by **HENRY M. GREENBERG, GENERAL COUNSEL**, by **KEVIN ROE, ESQ**, Associate Counsel of Counsel. The Respondent did not appear and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

## **STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530 (9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530 (9) (a) (iii) , 6530 (9) (b) and 6530 (9) (d) . A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

## **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Respondent was authorized to practice medicine in New York State on October 16, 1978 by the issuance of license number 136033 by the New York State Education Department.  
(Pet. Ex. #2 )
  
2. On or about December 23, 1993, Respondent was found guilty after jury trial in the

Montgomery County Circuit Court, State of Maryland, of eight counts of illegally dispensing a controlled dangerous substance in violation of Article 27, §286 of the Maryland Annotated Code. On or about April 7, 1994, Respondent was sentenced to five years incarceration, sentence of incarceration stayed, two years probation and a \$10,000 fine.

3. On or about February 2, 1993, the Board of Physician Quality Assurance of the State of Maryland revoked Respondent's license to practice medicine based on findings that Respondent was guilty of immoral or unprofessional conduct in the practice of medicine, failed to meet appropriated standards as determined by appropriated peer review for the delivery of quality medical and surgical care, and sold, prescribed, gave away or administered drugs for illegal or illegitimate medical purposes in violation of Maryland Health Occupations Code Annotated §§14-404(a) (3), (22), and (28).

### **CONCLUSIONS OF LAW**

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee unanimously concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent was convicted in a State Court of Maryland for eight counts of illegally dispensing a controlled dangerous substance. Education Law Section 6530 (9)(a)(iii) defines professional misconduct as having been convicted of committing an act constituting a crime under another jurisdiction which, if committed within New York State would constitute a crime. In addition, the Maryland Board of Physician Quality Assurance revoked Respondent's license. Education Law Section 6530 (9)(b) defines professional misconduct as having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which

the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state. Education Law Section 6530 (9) (d) defines professional misconduct as having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action, would if committed in New York state, constitute professional misconduct under the laws of New York state. As a result, the Hearing Committee voted to sustain the Specifications of professional misconduct contained within the Statement of Charges.

#### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined, that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum for penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Hearing Committee notes that Respondent did not appear at the hearing and that there is nothing to consider in mitigation of the penalty. The Hearing Committee finds that the medical records for the numerous patients involved contain no adequate history, physical examination, diagnosis, evaluation of laboratory data, or treatment plan. (Pet. Ex.6) They further note that no care was provided to these patients other than the writing of prescriptions for controlled substances. (Pet. Ex. 6) The Hearing Committee believes that a physician who has been convicted for repeated acts of illegally dispensing controlled substances creates a great risk of harm to patients and cannot be allowed to practice in New York State. Therefore, under the circumstances, revocation is the appropriate sanction in this instance.

**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specifications of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) are **SUSTAINED.**
2. Respondent's license to practice medicine in the State of New York be , and hereby is, **REVOKED.**

**Dated: New York, New York**

*December 19, 1996*

*Denise M. Bolan RPA-C*  
**DENISE M. BOLAN, R.P.A. (Chair)**

**PHYLLIS LEPPERT, Ph.D, M.D.**  
**AARON B. STEVENS, M.D.**

TO: Kevin Roe, Esq.  
Associate Attorney  
NYS Department of Health  
Corning Tower - 25th Floor  
Empire State Plaza  
Albany, New York 12237

Do Sun Park, M.D..  
13805 Turnmore Road  
Silver Spring , Maryland 20906-2135

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APPENDIX I

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

-----x  
IN THE MATTER : NOTICE OF  
OF : REFERRAL  
DO SUN PARK, M.D. : PROCEEDING  
-----x

TO: DO SUN PARK, M.D.  
13805 Turnmore Road  
Silver Spring, MD 20906-2135

STATE OF NEW YORK  
DEPARTMENT OF HEALTH  
DEPT..... RESER..... EXHIBIT.....  
ID..... EVD.....  
DATE..... 10/30/96..... INITIALS.....

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1996) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 30th day of October, 1996 at 10:00 in the forenoon of that day at the Legislative Office Building, 7th Floor - Room 711A, Empire State Plaza, Albany, New York 12248.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the

nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before October 21, 1996.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before October 21, 1996 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in

writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
*September 3, 1996*



PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

KEVIN C. ROE  
Associate Counsel  
NYS Department of Health  
Division of Legal Affairs  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
DO SUN PARK, M.D. : CHARGES

-----X

DO SUN PARK, M.D., the Respondent, was authorized to practice medicine in New York State on October 16, 1978, by the issuance of license number 136033 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about December 23, 1993, Respondent was found guilty after jury trial in the Montgomery County Circuit Court, State of Maryland, of eight counts of illegally dispensing a controlled dangerous substance in violation of Article 27, §286 of the Maryland Annotated Code. On or about April 7, 1994, Respondent was sentenced to five years incarceration, sentence of incarceration stayed, two years probation and a \$10,000 fine. The conduct upon which Respondent was convicted would, if committed within New York State, constitute a crime in violation of N.Y. Penal Law §220.

B. On or about February 2, 1993, the Board of Physician Quality Assurance of the State of Maryland revoked Respondent's license to practice medicine based on findings that Respondent was guilty of immoral or unprofessional conduct in the practice of medicine, failed to meet appropriate standards as determined

by appropriate peer review for the delivery of quality medical and surgical care, and sold, prescribed, gave away or administered drugs for illegal or illegitimate medical purposes in violation of Maryland Health Occupations Code Annotated §§14-404(a)(3), (22), and (28). The conduct upon which the Maryland discipline was based would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §§6530(3), (4), (5), (6) and/or (20).

#### FIRST SPECIFICATION

Respondent is charged with having been convicted of an act constituting a crime under the law of another jurisdiction which, if committed within this State, would constitute a crime under New York state law in violation of N.Y. Educ. Law §6530(9)(a)(iii) (McKinney Supp. 1996), in that, Petitioner alleges:

1. The facts in paragraph A.

#### SECOND SPECIFICATION

Respondent is charged with having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the findings were based would, if committed in New York State, constitute misconduct under the laws of New York State in violation of N.Y. Educ. Law §6530(9)(b)

(McKinney Supp. 1996) in that, Petitioner alleges:

2. The facts in paragraph B.


**THIRD SPECIFICATION**

Respondent is charged with having his license to practice medicine revoked by a duly authorized disciplinary agency of another state, where the conduct resulting in the revocation would, if committed in New York State, constitute misconduct under the laws of New York State in violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1996) in that, Petitioner alleges:

3. The facts in paragraph B.

DATED: *September 3,* 1996

Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct



In the Matter of Do Sun Park, M.D.

Plaintiff(s)/Petitioner(s)

vs

Defendant(s)/Respondent(s)

STATE OF MARYLAND )  
COUNTY OF Montgomery ) SS

I, Steven O'Neil being duly sworn deposes and says:  
Deponent is not a party herein and is over 18 years of age. On September 17, 1996 at 6:07 P.M.  
at 13805 Turnmore Road, Silver Spring, MD 20906 deponent ( did. didxmk )  
serve the within Notice of Referral Proceeding Statement of Charges

ON: Do Sun Park. (herein called recipient) therein named

#1 INDIVIDUAL  By delivering a true copy of each to said recipient personally: deponent knew the person served to be the person described as said person therein.

#2 CORP.  A \_\_\_\_\_ corporation, by delivering thereto a true copy of each to \_\_\_\_\_ personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be \_\_\_\_\_ thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON  By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR  By affixing a true copy of each to the door of said premises, which is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.

#5 MAILING COPY  Deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_ to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ AM \_\_\_\_\_ PM  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ AM \_\_\_\_\_ PM  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ AM \_\_\_\_\_ PM  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ AM \_\_\_\_\_ PM

#6 NON-SERVICE  After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following:  
[ ] Unknown Address [ ] Evading [ ] Moved left no forwarding [ ] Address does not exist [ ] Other

#7 DESCRIPTION  A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
(Use with #1, 2 or 3) Sex Male Color of skin Light Color of hair Gray Approx. Age 60 Approx. Height 5'6"  
Approx. weight 145 Other Identified Self

#8 WIT. FEES  \$ \_\_\_\_\_ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

#9 MILITARY SERVICE  Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service and was informed he/she was not.

Please Print Name Below Signature

Sworn to before me on this

19th day of September 19 96

Brenda S. Butt  
Notary Public

My commission expires April 23, 1998

Invoice-Work Order # 9607873