



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

March 20, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Paul Kungne Rho, M.D.
26 Franklin Drive
Plainsboro, New Jersey 08536

Effective Date 03/27/92
RE: License No. 146238

Dear Dr. Rho:

Enclosed please find Order #BPMC 92-25 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

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IN THE MATTER :
OF : ORDER
PAUL KUNGNE RHO, M.D. : #BPMC 92-25

-----X

Upon the Application of Paul Kungne Rho, M.D., Respondent, to Surrender his or her license as a physician in the State of New York, which application is made a part hereof, it is

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

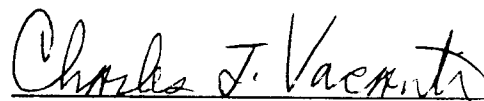
ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 19 March 1992


Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER :
OF : APPLICATION
PAUL KUNGNE RHO, M.D. : TO SURRENDER
: LICENSE
:-----

STATE OF NEW JERSEY)
COUNTY OF *Essex*) ss.:

PAUL KUNGNE RHO, M.D., being duly sworn, deposes and says:

On or about June 12, 1981, I was licensed to practice as a physician in the State of New York having been issued License No. 146238 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York. My last registration expired on December 31, 1990. My last registration address was 26 Franklin Drive, Plainsboro, New Jersey 08536.

I understand that I have been charged with three specifications of professional misconduct as set forth in the 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 on the grounds that I admit guilt to the three specifications of professional misconduct set forth in the charges.

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 am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



PAUL KUNGNE RHO, M.D.
Respondent

Sworn to before me this
10th day of *March*, 1992



NOTARY PUBLIC

SUSAN M. PICCOLI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 8, 1993

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

IN THE MATTER :
OF : APPLICATION
PAUL KUNGNE RHO, M.D. : TO SURRENDER
: LICENSE
:-----

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

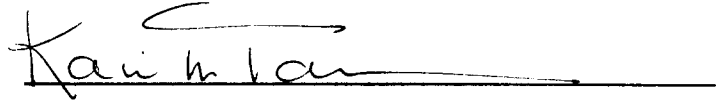
Date: 3-6, 1992 Paul Rho
PAUL KUNGNE RHO, M.D.
Respondent

Date: March 6, 1992 Kenneth Walsh
KENNETH WALSH
Attorney for Respondent

Date: March 13, 1992 Marcia E. Kaplan
MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

PAUL KUNGNE RHO, M.D.

Date: March 20, 1992



KATHLEEN M. TANNER
Director
Office of Professional
Medical Conduct

Date: 19 March, 1992



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : STATEMENT
OF : OF
PAUL KUNGNE RHO, M.D. : CHARGES
-----X

PAUL KUNGNE RHO, M.D., the Respondent, was authorized to practice medicine in New York State on June 12, 1981 by the issuance of license number 146238 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His registration expired on December 31, 1990.

FIRST SPECIFICATION
HAVING BEEN CONVICTED OF
AN ACT CONSTITUTING A CRIME
UNDER NEW YORK STATE LAW

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(i) (McKinney Supp. 1992) in that he has been found guilty of committing an act constituting a crime under New York State law, specifically:

EXHIBIT A

On or about June 20, 1990, the Respondent was convicted after a plea of guilty in the Supreme Court of the State of New York, County of New York, of Offering A False Instrument for Filing in the First Degree, a Class E felony, in violation of Section 175.35 of the Penal Law, in that on or about November 13, 1987, Respondent, with the intent to defraud the State of New York, knowingly offered and presented to the Medicaid program a bill for reimbursement for medical services containing false statements and false information in that it claimed that on October 30, 1987 he had performed a carotid cerebral flow study for patient JJ which he knew he had not done and which he knew would be filed in and would become part of the record of the Medicaid program.

On or about January 7, 1991, the Respondent was sentenced to one to three years incarceration, to run concurrently with the New Jersey sentence. A mandatory surcharge of \$150 and a Crime Victims Assistance Fee of \$2 were imposed.

SECOND SPECIFICATION

HAVING BEEN CONVICTED OF

AN ACT CONSTITUTING A CRIME

UNDER THE LAW OF ANOTHER JURISDICTION

2. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(iii) (McKinney Supp. 1992) in that he has been found guilty 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, specifically:

On or about November 8, 1989, the Respondent was convicted after a plea of guilty in the New Jersey Superior Court, Essex County, Criminal Division, of the following four counts:

a) Medicaid Fraud, a felony, in violation of N.J.S. 30-4D-17(a) in that between April 1, 1988 and March 3, 1989, at the City of Newark, Essex County, and the Township of Plainsboro, Middlesex County, Respondent willfully obtained Medicaid payments of approximately \$154,266 to which he was not entitled, and in a greater amount than that to which he was entitled;

b) False Filing Medicaid Claim Forms, a felony, in violation of N.J.S. 30:4D-17(b) in that between April 1, 1988 and March 3, 1989, at the City of Newark, County of Essex, and the Township of Plainsboro, County of Middlesex, Respondent knowingly and willfully submitted false Medicaid claim forms with the intent to fraudulently secure Medicaid payments of approximately \$154,266 to which he was not entitled, and in a greater amount than that to which he was entitled;

c) Theft By Deception, a felony, in violation of N.J.S. 2C:20-4 in that between April 1, 1988 and March 3, 1989, at the City of Newark, County of Essex, and at the Township of Plainsboro, in the County of Middlesex, Respondent purposely obtained Medicaid payments of approximately \$154,266 by deception, in that he created and reinforced a false impression by submitting false Medicaid claim forms for services which he did not perform, receiving Medicaid reimbursement;

d) Dispensing Controlled Dangerous Substances, a felony, in violation of N.J.S.

2C:35-5a(1) in that between April 1, 1988 and March 3, 1989, at the City of Newark, County of Essex, Respondent, a licensed practitioner, knowingly and purposely dispense, not in good faith and not in the course of his professional practice, controlled dangerous substances, that is, Doriden, a Schedule III drug, Tylenol with Codeine, a Schedule IV narcotic drug, Darvocet, a Schedule IV narcotic drug, Ativan, a Schedule IV drug, and Valium, a Schedule IV drug.

On or about July 13, 1990, the Respondent was sentenced on counts one, two and three, which were merged as to sentencing, to five years imprisonment, commencing August 2, 1990, with jail credit of five days, a penalty of \$30 to be paid to the Violent Crimes Commission Board. On count four, Respondent was sentenced to a concurrent sentence of three years probation, six months suspension of his driver's license, and costs of \$1080.

These acts, if committed within New York State, would constitute a crime under N.Y. Penal Code Sections 155.40 (Grand Larceny in the second degree) and/or 155.05 (Larceny; defined: see 155.05(1) and 155.05(2)(d)) (McKinney 1988); 175.35 (Offering a False Instrument for Filing in the first degree) (McKinney 1988); and/or 220.31 (Criminal sale of a controlled substance in the fifth degree) (McKinney 1989).

THIRD SPECIFICATION

HAVING HIS LICENSE TO PRACTICE MEDICINE REVOKED IN ANOTHER STATE

3. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(d) (McKinney Supp. 1992) in that he had his license to practice medicine revoked and/or voluntarily surrendered his license after a

disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York State, specifically:

On or about June 6, 1991, the Respondent's license to practice medicine in New Jersey was revoked pursuant to a Consent Order entered into by Respondent and the New Jersey State Board of Medical Examiners (the Board) to resolve a pending disciplinary action against Respondent, where the conduct resulting in the revocation was the completion of the criminal proceedings (see the second specification above), based on the allegations of the Complaint. On or about August 17, 1989, after disciplinary action was instituted, the Respondent and the New Jersey Board entered into a Consent order which suspended Respondent's New Jersey medical license until the completion of criminal proceedings based on the allegations of the Complaint and pending final adjudication by the Board. The Complaint alleged that Respondent had committed serious violations of the Medical Practice Act and that the continued practice of medicine and surgery by Respondent presented a clear and imminent danger to the public health, safety and welfare in that Respondent was issuing prescriptions for controlled dangerous substances upon request with no medical justification and was billing Medicaid for services not rendered and with falsified diagnoses, as per the pending criminal charges. Respondent pleaded guilty to the felonies of Medical Fraud, Theft by Deception, and Illegal Distribution of a Controlled Substance. These acts, if committed within New York State, would constitute professional misconduct under N.Y. Educ. Law Sections 6530(2) (practicing the profession fraudulently), and/or 6530(3) (practicing the profession with negligence on more than one occasion), and/or 6530(21)

(willfully making or filing a false report),
and/or 6530(35) (ordering of treatment not
warranted by the condition of the patient).

DATED: NEW YORK, NEW YORK
February , 1992

CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct