



STATE OF NEW YORK
DEPARTMENT OF HEALTH

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

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

Karen Schimke
Executive Deputy Commissioner

June 4, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Karen E. Carlson, Esq.
NYS Department of Health
Corning Tower-Room 2438
Empire State Plaza
Albany, New York 12237

Hyung Sunwoo, M.D.
3500 90th Avenue, S.W., Apt. 261
Mercer Island, Washington 98040

RE: In the Matter of Hyung Sunwoo, M.D.

Effective Date: 06/11/96

Dear Ms. Carlson and Dr. Sunwoo:

Enclosed please find the Determination and Order (No. 96-131) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
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 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 all action 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.

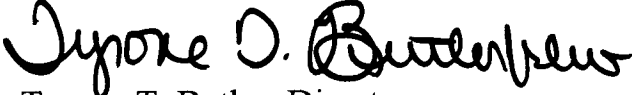
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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:nm
Enclosure

COPY

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

**IN THE MATTER
OF
HYUNG SUNWOO, M.D.**

**DETERMINATION
AND
ORDER**

EPMC-96-131

A Notice of Referral Proceedings and Statement of Charges, both dated May 6, 1996 were served upon the Respondent, **HYUNG SUNWOO, M.D.** **TERESA S. BRIGGS, M.D.**, Chairperson, **PAUL M. DeLUCA, M.D.** and **MR. IRVING S. CAPLAN**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. McDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on May 29, 1996. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **KAREN E. CARLSON, ESQ.**, of Counsel. The Respondent failed to appear.

Evidence was received 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 case, 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, the Respondent is charged with professional misconduct pursuant to Education law Section 6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis 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.

1. Hyung Sunwoo, M.D., the Respondent, was authorized to practice medicine in New York State on July 22, 1977, by the issuance of license number 131624 by the New York State Education Department. He is not currently registered with the New York State Education Department. (Pet's. Ex. 4)

2. On or about October 6, 1995, the Respondent was disciplined by the State of Washington, Department of Health, Medical Quality Assurance Commission [hereafter "Washington State Commission"] based on a Stipulated Findings of Fact, Conclusions of Law and Agreed Order. (Pet's. Ex. 3)

3. The Stipulate Facts in the Washington State matter are as follows:
 - * On December 2, 1991, Respondent was brought to Harborview Medical Center for a 72-hour detention pursuant to an order by a King County Superior Court judge.

 - * On December 4, 1991, following a psychiatric evaluation, a King County Superior Court judge changed the 72-hour detention to a 14-day involuntary detention and treatment.

 - * On December 23, 1991, Respondent was discharged from Harborview Medical Center and went to Korea shortly thereafter.

 - * On March 1, 1993, the Medical Disciplinary Board (now the Medical Quality Assurance Commission) issued an Interim Order for Examination requiring Respondent to undergo a neuropsychological and physical examination.

 - * On April 15, 1993, the evaluator issued a report which stated Respondent was not capable of practicing medicine with reasonable skill and safety. (Pet's. Ex. 3)

4. The Washington State Commission concluded that the Stipulated Facts, if proved at a hearing, constitute grounds for a finding that the Respondent is unable to practice medicine with reasonable skill and safety.

5. Based on the Stipulated Facts and Conclusions , the Washington State Commission ordered:
- * Respondent's license shall remain suspended until further order of the Commission.
 - * Respondent's license shall remain suspended until such time as he petitions to have the suspension lifted. At that time, Respondent shall appear personally before the Commission and present evidence he is capable of practicing medicine with reasonable skill and safety. The Commission has sole discretion whether to permit Respondent to practice medicine in this state. If the Commission permits Respondent to practice medicine in this state, it may impose any terms and conditions it deems necessary to protect the public. (Pet's. Ex. 3)
6. The Washington State Commission also required the Respondent to pay a Five Hundred Dollar (\$500.00) fine within ninety (90) days of the Commission issuing an order permitting him to begin practicing medicine in Washington. (Pet's. Ex. 3)

HEARING COMMITTEE CONCLUSIONS

Based on the Washington State Commission's Stipulated Findings of Fact, Conclusions of Law and Agreed Order, the Hearing Committee concludes that the Respondent is unable to practice medicine with reasonable skill and safety and that his license to practice medicine in New York State should be **REVOKED**.

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

DISCIPLINE IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Education Law §6530(9)(d) (McKinney Supp. 1996) by reason of his having disciplinary action taken by a duly authorized professional disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State.

SUSTAINED (3-0)


ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is hereby **REVOKED.**
2. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Albany, New York

June 3 1996



TERESA S. BRELOS, M.D.
Chairperson

PAUL M. DeLUCA, M.D.
MR. IRVING S. CAPLAN

APPENDIX I

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

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IN THE MATTER : NOTICE OF
OF : REFERRAL
HYUNG SUNWOO, M.D. : PROCEEDING

-----x

TO: Hyung Sunwoo, M.D.
3500 90th Avenue, S.W., Apt. 261
Mercer Island, Washington 98040

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 29th day of May, 1996 at 10:00 in the forenoon of that day at the Empire State Plaza, South Mall, OGS Conference Room, Concourse Level, Southeast Gallery, Albany, New York 12230.

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 May 9, 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 May 9, 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
May 6, 1996



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

Inquiries should be addressed to:

Karen Eileen Carlson
Assistant 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
HYUNG SUNWOO, M.D. : CHARGES

-----X

HYUNG SUNWOO, M.D., the Respondent, was authorized to practice medicine in New York State on July 22, 1977 by the issuance of license number 131624 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. Respondent, on or about October 6, 1995, was disciplined by the State of Washington, Department of Health, Medical Quality Assurance Commission [hereafter the "Commission"] based on a Stipulated Findings of Fact, Conclusions of Law and Agreed Order.
2. More specifically, Respondent's license to practice in Washington was summarily suspended based upon charges that Respondent was involuntarily committed to the Harborview Medical Center for an approximate sixteen day period and that disciplinary action was warranted under RCW section 18.130.170(1).

3. Respondent agreed to an indefinite suspension of his license based upon the results of both an inpatient psychiatric evaluation of Respondent and a neuropsychological, psychological and physical examination ordered by the Commission to be performed on Respondent.
4. Respondent agreed to the indefinite suspension with the understanding that Respondent could, in the future, petition the Commission to have the suspension lifted. Respondent also agreed to a fine of five hundred dollars prior to such suspension being lifted.

SPECIFICATION

DISCIPLINE IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1996) by reason of his having disciplinary action taken by a duly authorized professional disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State in that Petitioner charges:

1. The facts in Paragraphs 1, 2, 3, and 4.

DATED: *May 6*, 1996
Albany, New York

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