



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H.
Commissioner
NYS Department of Health
Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health
Anne F. Saile, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

February 22, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Tony Suzuki, M.D.
1131 North Barston Avenue
Covina, CA 91724

RE: License No. 171298

Dear Dr. Suzuki:

Enclosed please find Order #BPMC 00-51 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 22, 2000**.

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 to 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: Mark T. Fantauzzi, Esq.

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

-----X
IN THE MATTER : SURRENDER
OF : ORDER
TONY SUZUKI, M.D. : BPMC # 00-51
-----X

TONY SUZUKI, M.D., says:

On or about July 30, 1987, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 171298 by the New York State Education Department. My address is 1131 North Barston Avenue, Covina, California, 91724.

I understand that I have been charged with four (4) 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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I do not contest the specifications set forth in the Statement of Charges.

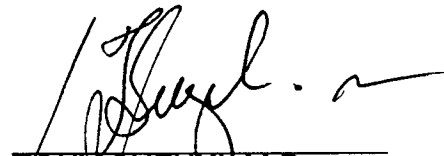
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not 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 agrees with my proposal, this 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 this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I agree never to seek reinstatement of my New York state medical license.

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




TONY SUZUKI, M.D.
Respondent

AGREED TO:


Date: _____, 2000

Attorney for Respondent, Esq.

Date: 2/10, 2000


Mark T. FANTAUZZI,
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 2/14, 2000


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

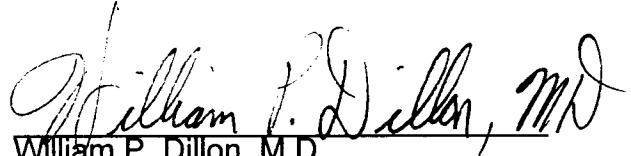
Upon the proposed agreement of TONY SUZUKI, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement 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 this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 2/16/00


William P. Dillon, M.D.
Chair
State Board for Professional
Medical Conduct

**PROPOSED APPENDIX TO ALL BMC ORDERS FOR NULLIFICATION,
REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more)
OF A MEDICAL LICENSE**

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to OPMC at Hedley Park Place, 433 River Street 4th Floor, Troy, NY 12180-2299 his original license to practice medicine in New York State and current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.
8. Respondent shall not charge, receive or share any fee or distribution of dividends

for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

10. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230 a1. of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
TONY SUZUKI, M.D. : CHARGES

-----X

TONY SUZUKI, M.D., the Respondent, was authorized to practice medicine in New York State on July 30, 1987 by the issuance of license number 171298 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine and has not been so registered since December 31, 1990.

FACTUAL ALLEGATIONS

The California Proceedings:

A. On July 27, 1999, in accordance with a "Stipulation For Surrender", Respondent surrendered his license to practice medicine in the state of California. Respondent's surrender of his medical license occurred after a disciplinary action was instituted against him by the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, State of California, (California Board), a duly authorized professional disciplinary agency. Respondent's surrender of his medical license was accepted by the California Board and became effective on September 3, 1999.

B. The "Stipulation For Surrender", executed and agreed to by Respondent, contained the following representations by Respondent:

"For the purposes of resolving Accusation No. 18-96-69659, Respondent agrees that, at a hearing, complainant could establish a factual basis for the charges in the Accusation. Respondent hereby gives up his right to contest these charges, that cause for discipline exists based on those charges and that Respondent agrees to be bound by the Division's Disciplinary Order as set forth below."

C. The California Disciplinary Action against Respondent was commenced by the filing of an "Accusation" by the California Board. The Accusation charged Respondent with gross negligence, repeated acts of negligence conduct, incompetence, dishonesty and corruption, and inadequate medical records. These charges are set forth with particularity in the Accusation of the California Board, which is set forth as a Petitioner's Exhibit.

The North Dakota Matter:

D. On November 5, 1996, Respondent's obstetrical privileges at St. Mary's Medical Center in Long Beach, California were summarily suspended.

E. On September 8, 1998, Respondent submitted an application for licensure to practice medicine to the State of North Dakota. The North Dakota licensure application

contained the following question:

"Do you now have or have you ever had hospital privileges denied, removed or restricted or limitations imposed on such privileges or resigned hospital and/or clinic privileges to avoid formal action?"

F. In answering this question Respondent failed to disclose the fact that Respondent's obstetrical privileges had been summarily suspended as set forth in paragraph "D" above.

G. Based upon Respondent's failure to disclose the summary suspension of his obstetrical privileges, the North Dakota State Board Of Medical Examiners (North Dakota Board), a duly authorized professional disciplinary agency, denied Respondent's application for licensure to practice medicine. The North Dakota Board's decision is contained in its "Informal Decision To Deny Licensure". The "Notice Of Informal Decision", which accompanied the North Dakota Board's Informal Decision, informed Respondent that he could request a formal hearing on his application for licensure provided that he notify the North Dakota Board of his desire for such a hearing within 60 days of the North Dakota Board's "Informal Decision". Failure to timely request such a hearing would result in the "Informal Decision" of the North Dakota Board becoming a final order of the Board.

H. Respondent did not seek a formal hearing before the North Dakota Board. Respondent did not challenge the conclusion of the North Dakota Board that he failed to

disclose the summary suspension of his obstetrical privileges. It was this conclusion which formed the basis for the North Dakota Board's denial of Respondent's application for licensure. Therefore, the "Informal Decision" of the North Dakota Board became the final order of the North Dakota Board.

I. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Educ. Law §6530(4) {gross negligence};
2. New York Educ. Law §6530(3) {negligence on more than one occasion};
3. New York Educ. Law §6530(6) {gross incompetence};
4. New York Educ. Law §6530(5) {incompetence on more than one occasion};
5. New York Educ. Law §6530(2) {fraudulent practice};
6. New York Educ. Law §6530(21) {filing false reports};
7. New York Educ. Law §6530(20) {moral unfitness};
8. New York Educ. Law §6530(32) {failure to maintain adequate patient records}.

J. The conduct resulting in the North Dakota Board's adverse action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following

sections of New York State law:

1. New York Educ. Law §6530(2){fraudulent practice};
2. New York Educ. Law §6530(21){filing false reports};
3. New York Educ. Law §6530(20) {moral unfitness}.

SPECIFICATIONS

FIRST SPECIFICATION

**SURRENDER OF MEDICAL LICENSE AFTER INSTITUTION OF
DISCIPLINARY ACTION BY DISCIPLINARY AGENCY OF
ANOTHER STATE**

Respondent is charged with professional misconduct in violation of Educ. Law §6530(9)(d) by reason of his having surrendered his license to practice medicine in another state after the institution of disciplinary proceedings by a duly authorized disciplinary agency of another state, where the conduct resulting in the surrender of Respondent's license to practice medicine in the other state, 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:

A and/or B and/or C and/or I and/or J.

SECOND SPECIFICATION

REFUSAL OF LICENSURE BY
DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with professional misconduct under New York Educ. Law §6530(9)(d) by reason of his having had an application for licensure refused by a disciplinary agency of another state where the conduct resulting in the refusal of the application for licensure would, if committed in New York State, constitute professional misconduct under the laws in New York State, in that Petitioner charges:

2. The facts in paragraphs:

D and/or E and/or F and/or G and/or H and/or I
and/or J.

THIRD SPECIFICATION

FINDING OF GUILT OR IMPROPER PROFESSIONAL PRACTICE
OR PROFESSIONAL MISCONDUCT BY A PROFESSIONAL
DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with professional misconduct in violation of Educ. Law §6530(9)(b) by reason of his 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, in that Petitioner charges:

3. The facts in paragraphs:

A and/or B and/or C and/or I and/or J.

FOURTH SPECIFICATION

FINDING OF GUILT OR IMPROPER PROFESSIONAL PRACTICE
OR PROFESSIONAL MISCONDUCT BY A PROFESSIONAL
DISCIPLINARY AGENCY OR ANOTHER STATE

Respondent is charged with professional misconduct in violation of Educ. Law §6530(9)(b) by reason of his 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, in that Petitioner charges:

4. The facts in paragraphs:

D and/or E and/or F and/or G and/or H and/or I
and/or J.

DATE: January 21, 2000
Albany, New York



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