



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

January 26, 2000

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Tony Suzuki, M.D.
NYS License No. 171298

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Tony Suzuki's right to practice medicine in the State of New York. This Order was issued on January 25, 2000, and is in effect until further notice.

Sincerely,

A handwritten signature in cursive script that reads 'Anne Saile'.

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

-----X

IN THE MATTER : COMMISSIONER'S
OF : ORDER AND
TONY SUZUKI, M.D. : NOTICE OF HEARING

-----X

TO: Tony Suzuki, M.D.
1131 North Barston Avenue
Covina, California 91724

17800 E. Colima Road, #533
Rowland Heights, California 91748

The undersigned, Antonia C. Novello, M.D., M.P.H.,
Commissioner of the New York State Department of Health, after
an investigation, upon the recommendation of a committee on
professional medical conduct of the State Board for
Professional Medical Conduct, and upon the Statement of
Charges attached hereto and made a part hereof, has determined
that Tony Suzuki, M.D. has been disciplined by a duly
authorized professional disciplinary agency of another
jurisdiction, namely, the Division of Medical Quality, Medical
Board of California, Department of Consumer Affairs, State of
California, for acts which if committed in the state of New
York would have constituted the basis for summary action
pursuant to New York Public Health Law section 230(12)(a), and
has further determined that the continued practice of medicine
in the State of New York by Tony Suzuki, M.D., the Respondent,
constitutes an imminent danger to the health of the people of
this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12)(b), that effective immediately, Tony Suzuki, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 22rd day of March, 2000 at 10:00 am in the forenoon at the Hedley Park Plaza, 5th Floor, 433 River Street, Troy, New York, 12180, and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of

Health Hearing Rules is enclosed. 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 hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED, AND/OR THAT YOU BE FINED OR

SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW
YORK PUBLIC HEALTH LAW SECTION 230-a. YOU
ARE URGED TO OBTAIN AN ATTORNEY TO
REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

JANUARY 25, 2000



ANTONIA C. NOVELLO, M.D., M.P.H.
Commissioner

Inquiries should be directed to:
Mark T. Fantauzzi
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2509
Empire State Plaza
Albany, New York 12237-0032
(518) 473-4282

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 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:

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.