



# 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*

March 8, 2000

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Paul R. Maher, Esq.  
NYS Department of Health  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180-2299

Pak Seong Tang, M.D.  
500 Central Park Avenue  
Scarsdale, New York 10583

Arthur J. Viviani, Esq.  
100 Park Avenue  
Suite 3060  
New York, New York 10017

### **RE: In the Matter Pak Seong Tang, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 00-68) 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.

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.

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, appearing to read "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

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

**COPY**

IN THE MATTER  
OF  
PAK SEONG TANG, M.D.

DETERMINATION  
AND  
ORDER

DANIEL P. MORRISSEY, O.P., Chairperson, JAMES EISENKRAFT, M.D. and ELEANOR KANE, M.D. , duly designated members of the State Board for Professional Medical Conduct appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. JEFFREY ARMON, ESQ., served as Administrative Officer for the Hearing Committee. After consideration of the entire record, the Hearing Committee submits this Determination.

SUMMARY OF PROCEEDINGS

|   |  |
|---|--|
| Notice of Hearing/Statement of Charges: | October 7, 1999  |
| Date of Hearing:                        | November 23, 1998  |
| Department of Health appeared by:       | <b>HENRY M. GREENBERG, ESQ.</b><br>General Counsel, NYS Department of Health                                     |
|   | <b>BY: PAUL R. MAHER, ESQ.</b><br>NYS Department of Health<br>Corning Tower, Room 2509<br>Albany, New York 12237 |
| Respondent :                            | <b>ARTHUR J. VIVIANI, ESQ.</b><br>100 Park Avenue, Suite 3060<br>New York, New York 10017                        |
| Witnesses for the Department of Health: | Dominick Lepore  |
| Witnesses for the Respondent:           | Elizabeth Ann McArthur Frost, M.D.<br>Maureen Spadaccini<br>Pak Seong Tang, M.D. (Respondent)                    |

Receipt of submissions and close of record: January 5, 2000

Deliberations held: January 25, 2000

Numbers in parenthesis refer to transcript pages or exhibits, and they denote evidence that the Hearing Committee found persuasive in determining a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. All Hearing Committee findings were unanimous unless otherwise specified.

NOTE: Petitioner's Exhibits are designated by Numbers.

Respondent's exhibits are designated by Letters.

T = Transcript

A copy of the Notice of Hearing and Statement of Charges (Ex. 1) is attached to this Determination and Order as Appendix II.

### **FINDINGS OF FACT**

1. The Respondent was authorized to practice medicine in New York State on August 10, 1979 by the issuance of license number 139311 by the New York State Education Department. (Ex. 3)

2. On or about August 26, 1993, the State Board for Professional Medical Conduct issued Order BPMC #93-132, in which it adopted an Application for Consent Order executed by the Respondent in which he admitted guilt to one Specification of professional misconduct, specifically that he had been convicted of an act constituting a crime under New York law. The conviction was based on a plea of guilty entered into on or about August 26, 1992 in which Respondent admitted to a violation of the New York Tax Law. A sanction of a two year stayed license suspension, two year period of probation and performance of 100 hours of community

service was imposed. The period of probation and community service requirements were tolled during the time that Respondent did not practice medicine in New York state. The terms of probation also included requirements that Respondent provide written notice to the Director of the Office of Professional Medical Conduct of his residence, telephone number, any employment or practice or change in employment or practice, residence or telephone number within or without New York state. (Ex. 1)

3. Respondent practiced medicine in Georgia from 1993 until approximately October, 1998 and the probationary requirements imposed by BPMC Order # 93-132 were tolled during such period. Respondent completed requests sent him by the OPMC for updates regarding his address and employment on a regular basis during such period. (T. 157, 160, 171-2)

4. A Practice Status Update letter dated October 22, 1998 was sent by the OPMC to Respondent's Georgia address. Respondent failed to respond to this letter and a subsequent letter dated February 10, 1999 was sent to him. (Ex. 5, 6)

5. Respondent was granted temporary privileges in the Department of Anesthesiology effective October 9, 1998 and began practicing medicine at the Westchester Medical Center (WMC) in Valhalla, New York on October 12, 1998. He moved with his wife to a residence in Scarsdale, New York on or about November 1, 1998. (Ex. 11, p. 32, Ex. D; T. 43, 174-6)

6. Respondent's attorney mailed a letter dated March 22, 1999 to the OPMC which advised that Respondent had resumed a medical practice in New York state and further set out his then-current address in New York state. Respondent completed and submitted a Practice Status Update letter, which was received by the OPMC on or about April 15, 1999. (Ex. 7, 9)

7. The custom and practice for an anesthesiologist to apply for medical staff privileges at WMC was to submit an application and supporting documentation to the Director of the Department of Anesthesiology through the Valhalla Anesthesia Associates. The application and supporting documentation would then be copied and forwarded to the Office of Regulatory Affairs which had the responsibility for credentialing and granting privileges to the medical staff. (T. 40, 43, 105-7, 118-20)

8. On or about September 4, 1998, Respondent submitted an application for appointment to the medical staff of WMC to the Valhalla Anesthesia Associates. (Ex. 11, 12; T. 169-71)

9. Respondent answered "no" to the following questions on the application for staff privileges at WMC:

- a. "Have your license to practice medicine or your permit to prescribe or dispense drugs ever been denied, suspended, revoked, voluntarily surrendered, or in any way limited in any state?", and
- b. Are there any pending Medical Conduct Proceedings or findings of Professional Misconduct in New York, or in any other State against you?"

(Ex. 4, Ex. 11, p. 43, Ex. 12, p. 22)

### 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.

The Hearing Committee concluded that Factual Allegations contained in Paragraphs A through E should be SUSTAINED and that the Factual Allegation set forth in Paragraph F should NOT BE SUSTAINED.

The Committee determined that the First through Third and the Fifth Specifications of professional misconduct should **BE SUSTAINED** and that the Fourth Specification **NOT BE SUSTAINED**.

### **DISCUSSION**

Respondent was charged with multiple Specifications of Charges alleging professional misconduct within the meaning of Education Law §6530. This statute sets forth numerous forms of actions which constitute professional misconduct, but does not provide definitions of such categories of misconduct. During the course of its deliberations on these charges, the Hearing Committee consulted a memorandum prepared by the General Counsel for the Department of Health. This document, entitled "Definitions of Professional Misconduct Under the New York Education Law", set forth suggested definitions for certain types of professional misconduct.

The following definition was utilized by the Hearing Committee during its deliberations:

**Fraudulent practice of medicine** is an intentional misrepresentation or concealment of a known fact, made in connection with the practice of medicine.

The Factual Allegations in Paragraphs A, B and C were sustained because they were considered to be accurate statements of fact providing background information. These Paragraphs alone were not considered to constitute professional misconduct.

The Committee concluded that Respondent's answers on the application for privileges at WMC were intentional misrepresentations of his history of disciplinary action taken against his license to practice medicine in New York state. The Committee observed a pattern of conduct of misunderstandings or less than full disclosure on the part of Respondent in a number of instances which reduced his credibility. Respondent's contention that he felt that the penalty of a stayed suspension differed from an actual suspension and therefore did not fall within the penalties enumerated in the application was considered to be unreasonable and unjustified. The Committee

felt that he had a greater responsibility to understand the conditions imposed by the 1993 Consent Order and that he should have made an inquiry if he did not know whether to report the disciplinary action. The fact that Respondent had pled guilty to a violation of the New York state Tax Law, a Class E felony, was considered as another factor which should have made him more aware of the necessity to accurately answer any questions about previous disciplinary actions

Respondent testified that he included two documents with the application for staff privileges at WMC: a letter written by him dated June 30, 1998 which described the disciplinary action taken by the Board for Professional Medical Conduct in 1993 and a letter from the Georgia Composite State Board of Medical Examiners dated September 21, 1993 which indicated that the Georgia Board determined to take no action against Respondent's Georgia medical license following the New York Board's disciplinary action. The contention was that the WMC was on notice as to the Board's action even if the answers on the application for privileges were inaccurate. The Committee did not find Respondent's testimony that these documents were included with the application to be credible. It believed that he should have been able to independently verify that he included those two documents with the application by retaining a copy or some other form of proof. Committee members felt it was too unlikely to believe that the entire application packet, except those two letters, was sent to the Office of Regulatory Affairs.

The Committee determined to sustain Factual Allegations Paragraphs D and E because the members believed that Respondent intentionally meant to conceal the fact of his earlier professional discipline. The First, Second and Fifth Specifications were accordingly sustained. This misrepresentation was considered to not meet professional standards of conduct and Respondent was therefore found to have violated the first paragraph of the Terms of Probation he agreed to when entering into the Consent Order. The Third Specification was also sustained.

Paragraph F of the Factual Allegations was not sustained because there was no evidence in the record to support the charge. Respondent did not change his residence to New York state until approximately November 1, 1998. The Committee felt this Allegation was inaccurate and extraneous in nature and did not sustain it.



## DETERMINATION AS TO PENALTY

The Hearing Committee determined that Respondent be issued a Censure and Reprimand and, in addition, that he be required to comply with all Terms of Probation imposed in BPMC Order #93-132. This decision was made following due consideration of the full spectrum of penalties available pursuant to statute, including license revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Committee considered, but ultimately rejected, additional penalties recommended by the Department. A continuing medical education course in ethics was viewed as not helpful. It was not clear whether such a course is actually offered and it was felt that the necessity for full candor is a trait that is inherent and cannot be taught. Imposition of a monetary penalty was determined to be inappropriate because Respondent did not unreasonably profit from the false answers on the application for hospital privileges. He was employed as an anesthesiologist in Georgia prior to the return to New York where he resumed a similar practice. It was considered important that no allegation of misconduct related to Respondent's practice of medicine was ever made. The criminal conviction was for a violation of the Tax Law unrelated to any billing issue. Finally, the Committee felt it unnecessary to extend the period of probation originally imposed by the 1993 Consent Order. The two year period was tolled due to Respondent's absence from the state and the Committee concluded that he should now comply with the earlier Terms of Probation. Those Terms were considered to be an adequate penalty to resolve the current matter.

The Hearing Committee felt it would be useful to require Respondent to meet with the Executive Secretary of the Board to discuss the implications of the two disciplinary actions and the requirements to disclose such actions on applications for privileges or medical licenses. It was noted that the Executive Committee of the Medical Staff of the WMC determined to not only admonish Respondent for the inadequate disclosure of the earlier disciplinary action, but also recommended that he be supervised by the facility's Director of Regulatory Affairs in completing future applications for reappointment. (Ex.C) The members of the Committee believed that a meeting with the Executive Secretary would provide similar assistance in clarifying disclosure requirements.

The Committee further recommended that the Board make greater efforts to explain all implications when a Consent Order is entered into with a licensee to reduce subsequent questions related to disclosure of the disciplinary action. Suggestions for accomplishing this could include requiring that all Consent Orders be executed in person by Respondents before the Executive Secretary or Chairperson of the Board or requiring that Respondents indicate in writing that he or she understands all obligations to disclose the disciplinary action.

## ORDER

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

1. The First through Third and Fifth Specifications of Misconduct contained within the Statement of Charges (Ex. 1) are **SUSTAINED**, and;
2. Respondent shall comply with all Terms of Probation as set forth in Exhibit "B" of BPMC #93-132, incorporated herein to this Decision and Order and attached hereto as Appendix I, and;
3. Respondent shall meet with the Executive Secretary of the Board for Professional Medical Conduct, within sixty (60) days of the effective date of this Order, for purposes of addressing the requirements of full disclosure of disciplinary actions on applications for licensure and hospital staff privileges, and;
4. Respondent be issued a letter of **CENSURE** and **REPRIMAND**, and;
5. This Order shall be effective upon service on the Respondent by personal service or by certified or registered mail.

**DATED: Troy, New York**

*March 1, 2000*

*Daniel W. Morrissey O.P.*  
**DANIEL W. MORRISSEY, O.P., Chairperson**

**JAMES B. EISENKRAFT, M.D.  
ELEANOR KANE, M.D.**

**TO:**

**Paul R. Maher, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
433 River Street, Suite 303  
Troy, New York 12180-2299**

**Pak Seong Tang, M.D.  
500 Central Park Avenue  
Scarsdale, New York 10583**

**Arthur J. Viviani, Esq.  
100 Park Avenue, Suite 3060  
New York, New York 10017**

# **APPENDIX I**

**(Terms of Probation BPMC #93-132)**

EXHIBIT "B"

TERMS OF PROBATION

1. PAK SEONG TANG, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Respondent shall perform 100 hours of community service. The service must be medical in nature, and delivered in a facility or with an organization equipped to provide

medical services and serving a needy or medically underserved population. A written proposal for community service must be submitted in advance, for written approval by the Director or her designee. Community service performed prior to the effective date of this Order cannot be credited for compliance with this term.

7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

## APPENDIX II





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

-----X

IN THE MATTER : NOTICE  
OF : OF  
PAK SEONG TANG, M.D. : HEARING

-----X

TO: PAK SEONG TANG, M.D.  
500 Central Park Avenue  
Scarsdale, NY 10583

PLEASE TAKE NOTICE:

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 18th day of November, 1999, at 10:00 in the forenoon of that day at Five Penn Plaza, 6th Floor, New York, New York and at such other adjourned dates, times and places as the committee may direct.

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. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced

against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, (518-402-0748), 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. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

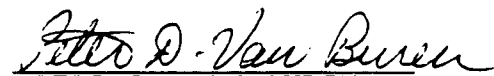
Pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(c) you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the date of the hearing. Any Charge and Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears 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.

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 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 THE OTHER SANCTIONS SET OUT 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  
October 7, 1999

  
PETER D. VAN BUREN  
Deputy Counsel

Inquiries should be directed to: PAUL ROBERT MAHER  
Assistant Counsel  
Division of Legal Affairs  
Bureau of Professional  
Medical Conduct  
433 River Street, Suite 303  
Troy, NY 12180-2299  
(518) 402-6345

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

**IN THE MATTER  
OF  
PAK SEONG TANG, M.D.**

**STATEMENT  
OF  
CHARGES**

11/18/99 ja  
PAK SEONG TANG, M.D., the Respondent, was authorized to practice medicine in New York state on August 10, 19~~99~~<sup>7</sup>, by the issuance of license number 139311 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period June 1, 1998, through May 31, 2000, with a registration address of 41 Mount Vernon Circle, Dunwoodie, GA 30338.

**FACTUAL ALLEGATIONS**

11/18/99 ja  
A. On or about August 26, 1993, the state of New York, Department of Health, State Board for Professional Medical Conduct (hereafter "Board"), issued BPMC Order #93-132, attached hereto as Exhibit 1, effective September ~~2~~<sup>7</sup>, 1993, with a sanction of two years stayed suspension, two years probation, and 100 hours of community service. The probation period and community service requirements were tolled during the period that the Respondent did not practice in New York state. The terms of probation in BPMC Order #93-132 imposed a condition requiring, inter alia, that Respondent submit written notification to the New York State Department of Health, Director of the Office of Professional Medical Conduct (OPMC), of any employment and practice, Respondent's residence and telephone number, any change in Respondent's employment, practice, residence, or telephone number within or without the state of New York.

B. From 1993 through a portion of 1998, the Respondent practiced medicine in the state of Georgia. The probationary and community service requirements were tolled during that period, pursuant to BPMC Order #93-132. Requests for updates regarding employment and location were mailed to Respondent in October 1998 and February 1999. Respondent failed to reply to those requests. In October 1998 Respondent began practicing medicine at Westchester Medical Center in Valhalla, New York.

C. In March, 1999, OPMC, Physician Monitoring Program (PMP), received a letter from Respondent's attorney, stating Respondent had returned to New York and had resumed his practice at Westchester Medical Center, and asking that Respondent's two year probationary period and community service be waived.

D. On or about September 4, 1998, Respondent submitted an application for staff privileges at Westchester Medical Center. Respondent fraudulently answered the following question on said application, "Have your license to practice medicine or your permit to prescribe or dispense drugs ever been denied, suspended, revoked, voluntarily surrendered, or in any way limited in any state," by indicating, "no." Respondent fraudulently answered the following question on said application, "Are there any pending Medical Conduct Proceedings or findings of Professional Misconduct in New York, or any other State against you?" by indicating, "no."

E. On or about September 4, 1998, Respondent submitted an application for staff privileges at Westchester Medical Center. Respondent failed to indicate on said application his prior disciplinary action by answering the following question on said application, "Have your license to practice medicine or your permit to prescribe or dispense drugs ever been denied, suspended, revoked, voluntarily surrendered, or in any way limited in any state," by indicating, "no." Respondent failed to indicate on said

application his prior disciplinary action by answering the following question on said application, "Are there any pending Medical Conduct Proceedings or findings of Professional Misconduct in New York, or any other State against you?" by indicating, "no."

F. From on or about June 1, 1998 through October 7, 1999, Respondent failed to notify the New York State Department of Education of the change of his address from 41 Mount Vernon Circle, Dunwoodie, GA 30338 to 500 Central Park Avenue, Scarsdale, NY 10583.

## **SPECIFICATIONS OF MISCONDUCT**

### **FIRST SPECIFICATION**

#### **PRACTICING THE PROFESSION FRAUDULENTLY**

The Respondent is charged with practicing the profession fraudulently within the meaning of N.Y. Educ. Law § 6530(2) in that Petitioner charges:

2. The facts of paragraph A and/or D.

### **SECOND SPECIFICATION**

#### **WILLFULLY FILING A FALSE REPORT**

The Respondent is charged with willfully filing a false report within the meaning of N.Y. Educ. Law § 6530(21), in that Petitioner charges:

3. The facts of paragraph A and/or D.

**THIRD SPECIFICATION**  
**HAVING VIOLATED A TERM OF PROBATION IMPOSED BY PHL SECTION 230**

Respondent is charged with professional misconduct under New York Education §6530(29) by having violated terms of probation imposed upon him pursuant to Section 230 of the Public Health Law, by BPMC Order #93-132, in that Petitioner charges:

1. The facts in paragraphs A, B, C, and/or D.

**FOURTH SPECIFICATION**  
**FAILING TO NOTIFY THE DEPARTMENT OF**  
**EDUCATION OF A MAILING ADDRESS CHANGE**

The Respondent is charged with willfully failing to notify the department of education of any change of mailing address within the meaning of N.Y. Educ. Law §6530(12), in that Petitioner charges:


4. The facts of paragraph F.

**FIFTH SPECIFICATION**  
**FAILING TO PROVIDE INFORMATION TO A HOSPITAL**  
**REGARDING PRIOR DISCIPLINARY FINDINGS**

The Respondent is charged with failing to notify an Article 28 hospital or facility about his prior discipline by the New York State Board for Professional Medical Conduct within the meaning of N.Y. Educ. Law §6530(14), in that Petitioner charges:

5. The facts of paragraph A and E.

DATED: October 7, 1999  
Albany, New York

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