



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

PUBLIC

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

December 3, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Shiu Chi Tsai, M.D.
950 East Almond Avenue
Suite 101
Madera, CA 93637

RE: License No.: 148511

Dear Dr. Tsai:

Enclosed please find Order #BPMC 99-299 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 3, 1999**.

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: Kristine R. Cerro, Esq.
Baker, Manock & Jansen
Fig Garden Financial Center
5260 North Palm Avenue
Fourth Floor
Fresno, CA 93704-2222

Robert Bogan, Esq.

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

IN THE MATTER
OF
SHIU CHI TSAI, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #99-299

SHIU CHI TSAI, M.D., (Respondent) says:

That on or about October 30, 1981, I was licensed to practice as a physician in the State of New York, having been issued Licence No. 148511 by the New York State Education Department.

My current address is 950 East Almond Ave., Suite 101, Madera, CA 93637, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

"I do not contest the two (2) specifications, except that I specifically deny any willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine (New York Education Law 6530(16).) as stated in paragraph "B1" of the Statement of Charges. In full satisfaction of the charges against me, I hereby agree to the following penalty:

My license to practice medicine is hereby SUSPENDED, said suspension is stayed, and I am placed on probation for twenty-eight (28) months, commencing November 19, 1999 pursuant to the terms and conditions set forth herein and those imposed by the state of California, in File

No. 08-1996-69525, DECISION, dated March 19, 1999,
in regard to Shiu-Chi Tsai, M.D.

I further agree that the Consent Order for which I hereby
apply shall impose the following conditions:

That, except during periods of actual suspension,
Respondent shall maintain current registration of
Respondent's license with the New York State Education
Department Division of Professional Licensing Services,
and pay all registration fees. This condition shall be in
effect beginning thirty days after the effective date of the
Consent Order and continuing until the full term of the
Order has run, and until any associated period of
probation and all probation terms have been completed
and satisfied; and

That Respondent shall fully cooperate in every respect
with the Office of Professional Medical Conduct (OPMC)
in its administration and enforcement of this Order and in
its investigation of all matters regarding Respondent.
Respondent shall respond in a timely manner to each and
every request by OPMC to provide written periodic
verification of Respondent's compliance with the terms of
this Order. Respondent shall meet with a person
designated by the Director of OPMC as directed.
Respondent shall respond promptly and provide any and
all documents and information within Respondent's
control upon the direction of OPMC.

I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29) (McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.


I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for

which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

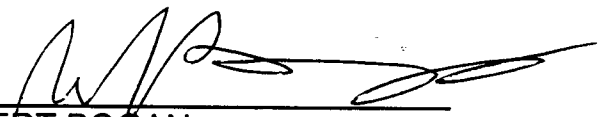
DATED 11/19/99



SHIU CHI TSAI, M.D.
RESPONDENT

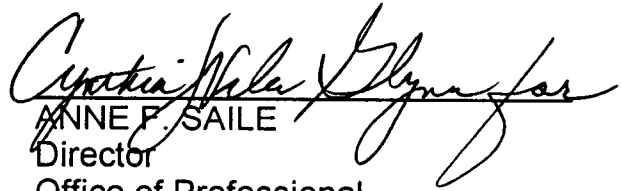
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 11/22/99



ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 11/24/99



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
SHIU CHI TSAI, M.D.

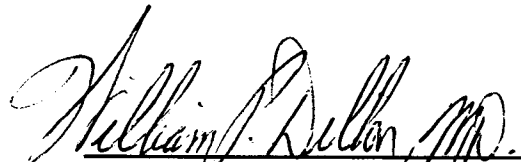
CONSENT
ORDER

Upon the proposed agreement of SHIU CHI TSAI, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 12/1/99



WILLIAM P. DILLON, M.D.
Chair
State 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 : STATEMENT
OF : OF
SHIU CHI TSAI, M.D. : CHARGES

-----X

SHIU CHI TSAI, M.D., the Respondent, was authorized to practice medicine in New York state on October 30, 1981, by the issuance of license number 148511 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 19, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), entered a Stipulated Settlement and Disciplinary Order, (hereinafter "California Order"), that revoked the Respondent's certificate to practice medicine, stayed the revocation, placed him on probation for thirty-five (35) months, and ordered him to reimburse the Division \$4,500.00, and to pay \$2,304.00 per year for costs of probation, based upon Respondent's failure to maintain adequate records.

B. 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 Education Law §6530(16) (failure to comply with substantial provisions of local laws, rules, or regulations governing the practice of medicine); and/or
2. New York Education Law §6530(32) (record keeping).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by 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:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken against him 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:

2. The facts in paragraphs A and/or B.

DATED: *August 2*, 1999
Albany, New York



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

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action. This does not include managed care and peer review investigations.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
5. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
6. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.