

*Dr. Bohanek*



**Board for Professional Medical Conduct**

*Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357*

Mark R. Chassin, M.D., M.P.P., M.P.H.  
*Commissioner*

C. Maynard Guest, M.D.  
*Executive Secretary*

February 9, 1994

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Chang Yoon, M.D.  
14 Trotter Lane  
Poughkeepsie, New York 12603

RE: License No. 141184  
Effective Date: 2/16/94

Dear Dr. Yoon:

Enclosed please find Order #BPMC 94-15 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

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

-----X  
: APPLICATION  
IN THE MATTER :  
OF : FOR  
CHANG YOON, M.D. : CONSENT  
Respondent : ORDER  
: X  
-----X

STATE OF NEW YORK     )  
                              ss.:  
COUNTY OF DUTCHESS     )

CHANG YOON, M.D., being duly sworn, deposes and says:

That on or about February 1, 1980, I was licensed to practice as a physician in the State of New York, having been issued License No. 141184 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1993 through December 31, 1994.

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

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

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

-----X

IN THE MATTER :  
OF : ORDER  
CHANG YOON, M.D. : BPMC # 94-15

-----X

Upon the application of Chang Yoon, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

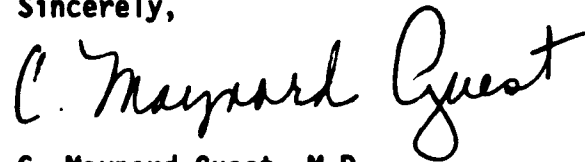
SO ORDERED,

DATED: 4 February 1994

Charles J. Vacanti  
Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

**Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 1245  
Albany, New York 12237**

Sincerely,

A handwritten signature in black ink that reads "C. Maynard Guest". The signature is written in a cursive style with a large, prominent "C" at the beginning.

**C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct**

**Enclosure**

I admit guilt to the fourth and sixth specifications in full satisfaction of the charges against me.

I hereby agree to the following penalties:

1. My license to practice medicine shall be suspended for a period of three years, said suspension shall be stayed and I shall be placed on probation for a period of three years subject to the terms enumerated in Exhibit B.

2. I shall be assessed a civil penalty in the amount of Twenty Thousand (\$20,000) dollars which I will pay to the New York State Health Department no later than (90) days from the effective date of this Consent Order. Such payment shall be made by certified check payable to the New York State Department of Health and directed to the following address:

Fiscal Management Group  
Bureau of Accounts Management  
Room 1245  
Corning Tower Building  
Empire State Plaza  
Albany, New York 12237-0016

I understand that the failure to pay this fine, as set forth herein, may result in the assessment of interest, penalties or collection fees, in the denial of applications to renew my registration to practice medicine with the New York State Education Department or in such other penalties or procedures as are authorized under New York State law.

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

*Chang Yoon*

CHANG YOON, M.D.  
RESPONDENT

Sworn to before me this  
5th day of *January* 1994

*Sharon Ann Jankovics*  
NOTARY PUBLIC

SHARON ANN JANKOVICS  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES MARCH 30, 1995 *1/31/95*

#01JA1955795

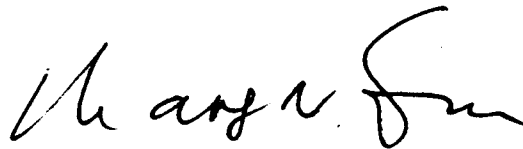
STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
CHANG YOON, M.D. : CONSENT  
Respondent : ORDER  
-----X

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

Date:

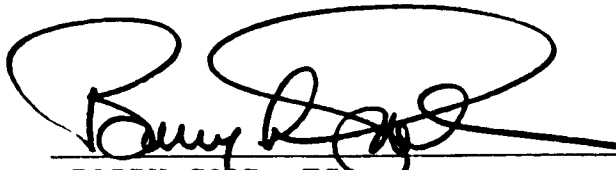
1/6/94



CHANG YOON, M.D.  
RESPONDENT

Date:

January 11, 1994



BARRY GOLD, ESQ.  
ATTORNEY FOR RESPONDENT

Date:

January 24, 1994



FREDERICK ZIMMER  
ASSISTANT COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT



Date:

Feb. 4, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date:

4 February 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
CHANG YOON, M.D. : CHARGES

-----X

CHANG YOON, M.D., the Respondent, was authorized to practice medicine in New York State on February 1, 1980 by the issuance of license number 141184 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 January 1, 1993 through December 31, 1994 with a current registration address of 14 Trotter Lane, Poughkeepsie, New York 12603.

FACTUAL ALLEGATIONS

A. Respondent, during a period beginning in or about May of 1988 through approximately September 29, 1988 provided obstetrical care for Patient A who had a history of pregnancy induced hypertension and a prior caesarean section and who had been placed on a respirator following a previous pregnancy (Patient A is identified in the Appendix). Respondent cared for Patient A, on numerous occasions prior to on or about September

22, 1988, at the Vassar Brothers Hospital Clinic, Poughkeepsie, New York. Respondent also provided care to Patient A following her admission to Vassar Brothers Hospital on September 22, 1988 for a caesarean section due to unstable hypertension. During the course of this procedure, Patient A suffered a cardiac arrest. Patient A subsequently died on September 29, 1988 and her baby died in utero. Respondent's care was deficient in the following respects;

1. Respondent failed to obtain and/or document a complete medical history for Patient A, in that, among other things, Respondent failed to obtain medical records of Patient A's previous pregnancies.
2. Respondent failed to perform and/or document a complete physical examination for Patient A prior to her admission to Vassar Brothers Hospital on September 22, 1988.
3. Respondent failed to closely monitor Patient A's hypertension during the last four weeks of her pregnancy.
4. Respondent failed to cause a screening electrocardiogram to be performed on Patient A prior to and/or at the time of her admission to Vassar Brothers Hospital on September 22, 1988.
5. Respondent failed to have a chest x-ray performed on Patient A prior to and/or at the time of her admission to Vassar Brothers Hospital on September 22, 1988.
6. Respondent failed to have Patient A undergo a cardiac consultation prior to and/or at the time of her admission to Vassar Brothers Hospital on September 22, 1988.
7. Respondent, shortly after September 29, 1988 made six alterations to Patient A's medical record including replacing the page and rewriting the notes for September 22, 1988.

FIRST SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with professional misconduct by reason of his having practiced the profession fraudulently, in violation of N.Y. Educ. Law Section 6530(2) (McKinney Supp. 1993), [formerly N.Y. Educ. Law §6509(2)] in that Petitioner charges:

1. The facts in Paragraphs A and A.7.

SECOND SPECIFICATION

PRACTICING THE PROFESSION WITH  
GROSS NEGLIGENCE ON A PARTICULAR OCCASION

Respondent is charged with professional misconduct by reason of his having practiced the profession with gross negligence on a particular occasion, in violation of N.Y. Educ. Law Section 6530(4) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(2)], in that Petitioner charges:

2. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, and/or A and A.6.

THIRD SPECIFICATION

PRACTICING THE PROFESSION WITH  
GROSS INCOMPETENCE ON A PARTICULAR OCCASION

Respondent is charged with professional misconduct by reason of his having practiced the profession with gross

incompetence on a particular occasion, in violation of N.Y. Educ. Law Section 6530(6) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(2)], in that Petitioner charges:

3. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, and/or A and A.6.

#### FOURTH SPECIFICATION

##### PRACTICING THE PROFESSION WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his having practiced the profession with negligence on more than one occasion, in violation of N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(2)], in that Petitioner charges that Respondent committed at least two of the following:

4. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5 and/or A and A.6.

#### FIFTH SPECIFICATION

##### PRACTICING THE PROFESSION WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his having practiced the profession with incompetence on more than one occasion, in violation of New York Educ. Law Section 6530(5) (McKinney Supp. 1993) [formerly N.Y. Educ. Law

§6509(2)] in that Petitioner charges that Respondent committed at least two of the following:

5. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5 and/or A and A.6.

SIXTH SPECIFICATION

FAILING TO MAINTAIN A RECORD FOR EACH PATIENT  
WHICH ACCURATELY REFLECTS THE EVALUATION AND  
TREATMENT OF THE PATIENT

Respondent is charged with professional misconduct by reason of his having failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in violation of N.Y. Educ. Law Section 6530 (32) (McKinney Supp. 1993) [formerly N.Y. Educ. Law § 6509 (9) and 8 N.Y.C.R.R. 29.2 (a)(3)], in that Petitioner charges:

6. The facts in paragraphs A and A.1, A and A.2 and/or A and A.7.

DATED: Albany, New York

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

## EXHIBIT "B"

### TERMS OF PROBATION

1. CHANG YOON, M.D., Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. 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 (OPMC), 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 of OPMC, 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 New York State Board for Professional Medical Conduct (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 cooperate with a Medical Coordinator of OPMC or other physician, designated by the Director of OPMC, who may quarterly during the period of probation, review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records,

observation of Respondent's treatment of patients or any other reasonable means of reviewing Respondent's practice of medicine.

6. Respondent shall obtain prompt and appropriate consultations for all patients with medical and/or surgical complications of pregnancy. Such consultations shall be documented in the patient's medical record.
7. Respondent shall cooperate with the monitoring of his obstetric and gynecological practice by a practice monitor. Such practice monitor shall review Respondent's professional performance and practice. The practice monitor:
  - a. Shall be a board certified obstetrician and gynecologist licensed to practice medicine in New York State.
  - b. Shall monitor Respondent's practice of medicine including, without limitation and at the discretion of the monitor, interviews with Respondent, random review of Respondent's patient records, observation of Respondent's treatment of patients and other reasonable means of reviewing Respondent's practice of medicine.
  - c. In addition to the consultations required by paragraph "6" above, the monitor may, if he/she deems it necessary, require Respondent to obtain consultations with respect to his gynecological practice. Such consultations shall be documented in the patient's medical record.
  - d. Shall not be a personal friend or relative of Respondent.
  - e. Shall be selected by Respondent, subject to the approval of the Director of OPMC.
  - f. Shall be familiar with the Application for Consent Order and with the Terms of Probation contained herein.
  - g. Shall submit to OPMC quarterly reports regarding the quality of Respondent's practice of medicine and compliance with the Terms of Probation.
  - h. Shall meet with the Respondent and a Medical Coordinator of OPMC or other physician designated by the Director of OPMC, every three months to review the monitoring of Respondent's practice of medicine.
  - i. Shall immediately report to the Director of OPMC any failure of Respondent, at any time, to comply with the Terms of Probation.
  - j. Shall acknowledge his/her willingness to serve as Respondent's practice monitor by executing the acknowledgement provided by OPMC.



8. Respondent shall complete a course in medical ethics. Such course shall be approved in advance by the Director of OPMC. Respondent shall, within one year from the effective date of this Consent Order, submit written proof to the Director of OPMC that he has successfully completed the course.
9. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
10. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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).
11. 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.
12. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.