



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

13

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner

Karen Schimke  
Executive Deputy Commissioner

May 14, 1996

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

David W. Smith, Esq.  
Associate Counsel  
New York State Department of Health  
5 Penn Plaza - 6th Floor  
New York, New York 10001

Steve Shu-Tzu Young, M.D.  
598 Charles Place  
Highland Heights, Ohio 44143-1942

RE: In the Matter of Steve Shu-Tzu Young, M.D.

Effective Date: 05/21/96

Dear Mr. Smith and Dr. Young :

Enclosed please find the Determination and Order (No. 96-114) 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

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.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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.

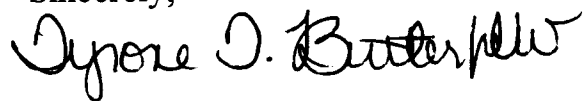
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

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 that reads "Tyrone T. Butler". The signature is written in a cursive style with a large, stylized initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:rlw  
Enclosure

COPY

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

-----X  
IN THE MATTER : DETERMINATION  
OF : AND  
STEVE SHU-TZU YOUNG, M.D. : ORDER  
-----X

BPMC-96-114

A Notice of Referral Proceeding and Statement of Charges, both dated March 8, 1996, were served upon the Respondent, Steve Shu-Tzu Young, M.D. **STEPHEN A. GETTINGER, M.D. (Chair), REV. JAMES H. MILLER, and LAXMI V. BAXI, M.D.,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. The Department of Health appeared by Jean Bresler, Esq., Associate Counsel. The Respondent failed to appear in person and was not represent by counsel. A hearing was held on May 2, 1996. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b) and §6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Steve Shu-Tzu Young, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State on

September 25, 1975 by the issuance of license number 125502 by the New York State Education Department. (Pet. Ex. #2).

2. On January 19, 1994, the Board of Licensure in Medicine of the State of Maine (hereinafter the "Maine Board"), after a hearing of which notice was given to Respondent but who refused to attend, voted unanimously not to renew the medical license of Respondent. The Maine Board also imposed three consecutive ninety day suspensions of Respondent's Maine medical license. These actions were based on findings by the Maine Board that Respondent had violated 32 MSRA §3282-A(2)(e) [negligence and incompetence], *inter alia*, by failing to keep proper records, being unable to properly use medications for various patients, sleeping during an operation where he was the attending anesthesiologist, and being unable to deal with issues involving cardiac life support. (Pet. Ex. #3).

3. On April 18, 1995, the State Medical Board of Ohio (hereinafter the "Ohio Board"), after a hearing at which Respondent appeared, voted to suspend the medical license of Respondent for an indefinite period of time until certain conditions were satisfied. These conditions included, among other things: (i) Respondent successfully completing a two year post-graduate training program approved by the Ohio Board; and (ii) submitting a plan of practice also subject to the approval of the Ohio Board and limited to the area of practice in which Respondent has completed his two years of post-graduate training. The decision of the Ohio Board was based on the prior action of the Maine Board and on findings by the Ohio Board that Respondent

had violated ORC §4731.22(B)(5) and (8) [fraud] by failing to disclose the actions of the Maine Board on his license renewal application to the State of Ohio and on a job application to an Ohio hospital. (Pet. Ex. #4).

#### 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 unless noted otherwise.

The Hearing Committee concluded that the Department has sustained its burden of proof in this matter. The preponderance of the evidence demonstrates that Respondent was disciplined by both the Maine Board and the Ohio Board. The action taken by the Maine Board was based upon allegations of substandard anesthesiology practice by Respondent at the Olin Teague Veteran's Administration Medical Center in Temple, Texas. Respondent failed to appear at a hearing in Maine and did not contest the charges there. Respondent's conduct, as found by the Maine Board would, if committed in New York State, constitute negligence and incompetence on more than one occasion, in violation of Education Law §6530(3) and 6530(5).

The Ohio Board further found that Respondent fraudulently failed to disclose the actions of the Maine Board on his May 15, 1994 application for license renewal in Ohio, and on an application for privileges at Parma Community General Hospital, Parma Heights, Ohio. Such actions, if committed in New York State, would constitute the fraudulent practice of medicine, in

violation of Education Law §6530(2).

Based upon the foregoing, the Hearing Committee unanimously voted to sustain the four specifications of professional misconduct contained in the Statement of Charges.

#### DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The allegations of Respondent's substandard practice at the Veteran's Administration Medical Center in Texas, as set forth in the Ohio Board's determination (Pet. Ex. #4), demonstrate an especially egregious lack of the skill and knowledge necessary to practice medicine. In addition, Respondent's failure to be truthful in his dealings with the Ohio Board and a hospital where he sought privileges also demonstrates his lack of moral fitness.

Either violation, considered separately, would warrant revocation. Considered together, it is obvious that revocation is the only sanction which will adequately serve to protect the people of New York State from future harm at the hands of Respondent.



Respondent failed to appear at the hearing, and presented no evidence which might mitigate the sanction to be imposed. Under the circumstances, the Hearing Committee unanimously concluded that revocation is the only appropriate sanction.

**ORDER**

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

1. The First through Fourth Specifications of professional misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit # 1) are **SUSTAINED**;

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**;

3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Albany, New York  
May 11, 1996

  
**STEPHEN A. GETTINGER, M.D. (CHAIR)**

REV. JAMES H. MILLER  
LAXMI V. BAXI, M.D.

TO: David W. Smith, Esq.  
Associate Counsel  
New York State Department of Health  
5 Penn Plaza - 6th Floor  
New York, New York 10001

Steve Shu-Tzu Young, M.D.  
598 Charles Place  
Highland Heights, Ohio 44143-1942

**APPENDIX I**

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

IN THE MATTER  
OF  
STEVE SHU-TZU YOUNG, M.D.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: STEVE SHU-TZU YOUNG, M.D.  
598 Charles Place  
Highland Heights, Ohio 44143-1942

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §§230(10)(p) (McKinney Supp. 1996) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on May 2, 1996, at 10:00 a.m., at the offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would

not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement.

Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York  
*March 9, 1996*



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

DAVID W. SMITH  
Associate counsel  
NYS Department of Health  
Division of Legal Affairs  
5 Penn Plaza, Suite 601  
New York, New York 10001  
(212) 613-2617

IN THE MATTER  
OF  
STEVE SHU-TZU YOUNG, M.D.

STATEMENT  
OF  
CHARGES

STEVE SHU-TZU YOUNG, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 25, 1975, by the issuance of license number 125502 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On January 19, 1994, the Board of Licensure in Medicine of the State of Maine ("Maine Board"), after hearing of which notice was given to Respondent but who refused to attend, voted unanimously not to renew the medical license of Dr. Young. Such determination was based on findings by the Maine Board that Dr. Young had violated 32 MSRA §3282-A(2)(e)(Negligence and Incompetence) in, among other things, failing to keep proper records, being unable to properly use medications for various patients, sleeping during an operation where he was attending anesthesiologist and being unable to deal with issues involving cardiac life support.
- B. On April 18, 1995, the State Medical Board of Ohio ("Ohio Board"), after hearing at which Dr. Young appeared, voted to suspend the medical license of Dr. Young for an indefinite period of time until, among other things: (i) Dr. Young successfully completes a 2 year post-graduate training program approved by the Ohio Board; and (ii) submits a plan of practice also to be

approved by the Ohio Board and limited to the area of practice in which Dr. Young has completed his two years of post-graduate training. Such determination was based on the prior action of the Maine Board and on findings by the Ohio Board that Dr. Young had violated ORC §4731.22(B)(5) and (8) (Fraud) by failing to disclose the actions of the Maine Board on both his license renewal application to the State of Ohio and on a job application to an Ohio hospital.



## SPECIFICATION OF CHARGES

### **FIRST AND SECOND SPECIFICATIONS** HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1996) 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 [namely N.Y. Educ. Law §§ 6530(3) (negligence on more than one occasion), (5) (incompetence on more than one occasion), and (2) (practicing the profession fraudulently)], as alleged in the facts of the following:

1. Paragraph A.
2. Paragraph B

### **THIRD AND FOURTH SPECIFICATIONS** HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1996) by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was

instituted by a duly authorized professional disciplinary agency of another state where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State [namely N.Y. Educ. Law §§ 6530(3) (negligence on more than one occasion), (5) (incompetence on more than one occasion), and (2) (practicing the profession fraudulently)], as alleged in the facts of the following:

3. Paragraph A.
4. Paragraph B.

DATED: March 8, 1996  
New York, New York



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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct