



# 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., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

**PUBLIC**

August 23, 2004

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Michael Jianjun Wang, M.D.  
4 Chester Street  
South Setauket, New York 11720

Paul Stein, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza – 6<sup>th</sup> Floor  
New York, New York 10001

**RE: In the Matter of Michael Jianjun Wang, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 04-187) 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.

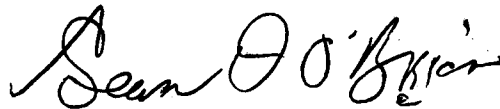
The notice of review served on the Administrative Review Board should be forwarded to:

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 "Sean D. O'Brien". The signature is fluid and cursive, written over a white background.

Sean D. O'Brien, Director  
Bureau of Adjudication

SDO:djh

Enclosure

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

**COPY**

**DETERMINATION**

**AND**

**ORDER**

**IN THE MATTER  
OF  
MICHAEL JIANJUN WANG, M.D.**

**BPMC NO. 04-187**

**DAVID SIBULKIN, M.D., Chairperson, SHELDON PUTTERMAN, M.D. and LOIS VOYTICKY, 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. CHRISTINE C. TRASKOS, ESQ., served as Administrative Officer for the Hearing Committee. The Department of Health appeared by DONALD P. BERENS, Jr., General Counsel, PAUL STEIN, ESQ., Associate Counsel, of Counsel. The Respondent did not appear and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.**

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

**STATEMENT OF CHARGES**

The accompanying Statement of Charges alleged four (4) specifications of professional misconduct for fraudulent practice. The charges are more specifically set forth in the Statement of Charges dated July 1, 2004, a copy of which is attached hereto as Appendix I and made a part of this Determination and Order.

**SUMMARY OF PROCEEDINGS**

Notice of Hearing Date:	July 1, 2004
Pre-Hearing Conference	July 12, 2004
Hearing Date:	July 27, 2004

**WITNESSES**

For the Petitioner:	None
For the Respondent:	None

**FINDINGS OF FACT**

1. MICHAEL JIANJUN WANG, M.D., the Respondent, does not hold a license to practice medicine in New York State but is a "licensee" as that term is defined in § 230 (7) of the New York Public Health Law. (P's Ex. 17)
2. Petitioner made numerous unsuccessful good faith efforts to serve Respondent with the Notice of Hearing, Statement of Charges, and Summary of Department of Health Hearing Rules. (P's Ex. 1, 2, 3, 4, 5, 6, 15, 16)
3. Neither the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication nor the New York State Department of Health, Division of Legal Affairs,

Bureau of Professional Medical conduct received an answer from Respondent to the Statement of Charges. (Tr. 7-27-04 )

**Saint Vincents Hospital & Medical Center 1999 Application**

4. On or about June 23, 1999, Respondent submitted an Application for 1<sup>st</sup> Year Level of Post-Graduate Training to Saint Vincents Hospital & Medical Center of New York, 153 West 11<sup>th</sup> Street, New York, NY 10011. (P's Ex. 7)
5. In this application, Respondent, knowingly and with intent to deceive, stated that his "Citizenship" was "U.S.", which he knew to be false. (P's Ex. 7, 18)
6. In this application, Respondent, knowingly and with intent to deceive, stated that his "Date of Birth" was "11/15/67", which he knew to be false. (P's Ex. 7, 12, 19)
7. In this application, Respondent, knowingly and with intent to deceive, stated that he attended medical school in China "From 1988 to 1992", which he knew to be false. (P's Ex. 7, 11, 12, 19)
8. In this application, Respondent, knowingly and with intent to deceive, stated that he was enrolled in a medical sub-internship at Kingsbrook Jewish Medical Center from 1995-1997 , when in fact, Kingsbrook Jewish Medical Center had no sub-internship program in the Department of Medicine at that time. (P's Ex. 7, 13)
9. In this application, Respondent, knowingly and with intent to deceive, stated that he was at the West Virginia School of Osteopathic Medicine, from "1993-1994", which he knew to be false. (P's Ex. 7, 19)

**SUNY Stony Brook Program in Anesthesiology 1999 Application**

10. On or about October 12, 1999, Respondent submitted an Application for Postgraduate Training, Program in Anesthesiology to the Department of Anesthesiology, State University of New York at Stony Brook, Health Sciences Center, Stony Brook, NY 11794. (P's Ex. 8)
11. In this application, Respondent, knowingly and with intent to deceive, stated that his "Citizenship" was "U.S.", which he knew to be false. (P's Ex. 8, 18)
12. In this application, Respondent, knowingly and with intent to deceive, stated that his "Date of Birth" was "11/15/67", which he knew to be false. (P's Ex. 8, 12, 19)
13. In this application, Respondent, knowingly and with intent to deceive, stated that he attended medical school in China "From 8/88 to 5/92", which he knew to be false. (P's Ex. 8, 11, 12, 19)

**SUNY Stony Brook Teaching Hospitals 1999 C.V.**

14. On or about October 12, 1999, Respondent submitted a copy of his curriculum vitae (C.V.) to the Stony Brook Teaching Hospitals, University at Stony Brook, Stony Brook, NY 11794, with his Application for Postgraduate Training, Program in Anesthesiology. (P's Ex. 9)
15. In this C.V., Respondent, knowingly and with intent to deceive, stated that he received his M.D. degree in "May 1992", which he knew to be false. (P's Ex. 9, 11, 12, 19)

16. In this C.V., Respondent, knowingly and with intent to deceive, stated that he had had a "sub-internship" in the Department of Medicine of Kingsbrook Jewish Medical Center, Brooklyn, NY from "1995-1997", which he knew to be false. (P's Ex. 9, 13)
17. In this C.V., Respondent, knowingly and with intent to deceive, stated that he was the Assistant Director of the Hospital Library of Kingsbrook Jewish Medical Center, Brooklyn, NY from "1995-1997", which he knew to be false. (P's Ex. 9, 13)
18. In this C.V., Respondent, knowingly and with intent to deceive, stated that he taught and assisted in research at West Virginia School of Osteopathic Medicine, Lewisburg, West Virginia from "1993-1994", which he knew to be false. (P's Ex. 9, 19)

**SUNY Stony Brook Teaching Hospitals 2000 Application**

19. On or about May 10, 2000, Respondent submitted a Graduate Medical Education Application to the Stony Brook Teaching Hospitals, University at Stony Brook, Stony Brook, NY 11794. (P's Ex. 10)
20. In this application, Respondent, knowingly and with intent to deceive, stated that his "Date of Birth" was "11/15/67", which he knew to be false. (P's Ex. 10, 12,19)
21. In this application, Respondent, knowingly and with intent to deceive, stated that he was at the West Virginia School of Osteopathic Medicine from "1993-1994", which he knew to be false. (P's Ex. 10, 19)

## **CONCLUSIONS OF LAW**

### **Jurisdiction**

Petitioner's good faith efforts to serve Respondent at his last known address with the Notice of Hearing and Statement of Charges were sufficient to confer jurisdiction over Respondent. As per Petitioner's motion, the Administrative Law Judge ruled that Respondent admitted all of the charges and allegations of the Statement of Charges for his failure to file an answer to the Charges pursuant to § 230 (10)(c) of the Public Health Law. The Petitioner, however, has requested that a full and not a default decision be issued.

Respondent is charged with four (4) specifications alleging professional misconduct within the meaning of Education Law § 6530. This statute sets forth numerous forms of conduct which constitute professional misconduct, but do not provide definitions of the various types 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", sets forth suggested definitions for gross negligence, negligence, gross incompetence, incompetence and the fraudulent practice of medicine.



The following definitions were utilized by the Hearing Committee during its deliberations:

Fraudulent practice is the intentional misrepresentation or concealment of a known fact, made in some connection with the practice of medicine. The Hearing Committee must find that (1) a false representation was made by the licensee, whether by words, conduct or concealment of that which should have been disclosed, (2) the licensee knew the representation was false, and (3) the licensee intended to mislead through the false representation. The licensee's knowledge and intent may properly be inferred from facts found by the Hearing Committee, but the Committee must specifically state the inferences it is drawing regarding knowledge and intent.

Using the above-referenced definition as a framework for its deliberations, the Hearing Committee concluded, by a preponderance of the evidence, that all four (4) of the specifications of professional misconduct should be sustained. It should be noted that allegation in Paragraphs A-6 and C-5 have been withdrawn by the Petitioner.

**Factual Allegations A, A.1-5; B and B1-3; C and C1-4 and D and D1-2:**

**SUSTAINED**

**Factual Allegations A-6 and C-5 : WITHDRAWN**

The Hearing Committee finds that Respondent deliberately mislead through false representation certain facts regarding his date of birth, citizenship, dates of education and training on his curriculum vitae and numerous employment applications in 1999 and 2000.

### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above determined by a unanimous vote to a limitation on issuance of any further license to Respondent pursuant to Public Health Law §230-a (6). The Hearing Committee believes that Respondent should be prohibited from obtaining a license to practice medicine and from practicing medicine in New York State. 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, the imposition of monetary penalties and dismissal in the interests of justice.

The Hearing Committee has no information to consider on behalf of Respondent because he did not appear at the hearing. The record indicates that Respondent passed his required Board tests.(P's Ex 7,10). However, the record further shows that Stony Brook found credentialing problems and Respondent was dismissed. (P's Ex. 8,9) The Hearing Committee does not know what really

happened and why Respondent would enhance his resume or lie about his age and his qualifications despite having an apparently adequate medical background and education.

The Hearing Committee finds that the public must be protected against fraudulent acts of misrepresentation such as this. Furthermore, they strongly recommend that this information be forwarded to the Federation of State Medical Boards. Under the totality of the circumstances, the Hearing Committee concludes that this penalty is commensurate with the level and nature of Respondent's professional misconduct.

**ORDER**

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

1. The First through Fourth of the Specifications of Professional Misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit #1) are **SUSTAINED**; and
  
2. Respondent shall be **PROHIBITED FROM OBTAINING A LICENSE TO PRACTICE MEDICINE AND FROM PRACTICING MEDICINE IN THE STATE OF NEW YORK;**
  
3. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

**DATED: New York, New York**

*Aug 18* 2004



**DAVID SIBULKIN, M.D.**

**(Chairperson)**

**SHELDON PUTTERMAN, M.D.**

**LOIS VOYTICKY**

**TO: Paul Stein Esq.  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza- 6<sup>th</sup> Fl.  
New York, NY 10001**

**Michael Jianjun Wang , M.D..  
4 Chester Street  
South Setauket, NY 11720**

# APPENDIX 1

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

IN THE MATTER  
OF  
MICHAEL JIANJUN WANG, M.D.

NOTICE  
OF  
HEARING

TO: MICHAEL JIANJUN WANG, M.D.  
4 Chester Street  
South Setauket, NY 11720

**PLEASE TAKE NOTICE:**

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on July 27, 2004 at 10:00 a.m., at the Offices of the New York State Department of Health, 5 Penn Plaza, 6<sup>th</sup> Floor, New York, New York 10001, 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 New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (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 §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or 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 §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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.


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 OTHER SANCTIONS SET



OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU  
ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU  
IN THIS MATTER.

DATED: New York, New York  
July 1, 2004



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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be directed to: Paul Stein  
Associate Counsel  
Bureau of Professional Medical Conduct  
5 Penn Plaza, 6<sup>th</sup> Floor  
New York, NY 10001  
(212) 268-6806

## SECURITY NOTICE TO THE LICENSEE

The proceeding will be held in a secure building with restricted access. Only individuals whose names are on a list of authorized visitors for the day will be admitted to the building

No individual's name will be placed on the list of authorized visitors unless written notice of that individual's name is provided by the licensee or the licensee's attorney to one of the Department offices listed below.

The written notice may be sent via facsimile transmission, or any form of mail, but must be received by the Department **no less than two days prior to the date** of the proceeding. The notice must be on the letterhead of the licensee or the licensee's attorney, must be signed by the licensee or the licensee's attorney, and must include the following information:

---

Licensee's Name \_\_\_\_\_ Date of Proceeding \_\_\_\_\_

Name of person to be admitted \_\_\_\_\_

Status of person to be admitted \_\_\_\_\_  
(Licensee, Attorney, Member of Law Firm, Witness, etc.)

Signature (of licensee or licensee's attorney) \_\_\_\_\_

---

This written notice must be sent to:

New York State Health Department  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor South  
Troy, NY 12180  
Fax: 518-402-0751

Paul Stein, Esq.  
Associate Counsel  
New York State Department Of Health  
5 Penn Plaza, 6<sup>th</sup> Floor  
New York, NY 10001  
Fax: 212-268-6735

IN THE MATTER  
OF  
MICHAEL JIANJUN WANG, M.D.

STATEMENT  
OF  
CHARGES

MICHAEL JIANJUN WANG, M.D., the Respondent, does not hold a license to practice medicine in New York State but is a "licensee" as that term is defined in § 230 (7) of the New York Public Health Law.

**FACTUAL ALLEGATIONS**

- A. On or about June 23, 1999, Respondent submitted an Application for 1<sup>st</sup> Year Level of Post-Graduate Training to Saint Vincents Hospital & Medical Center of New York, 153 West 11<sup>th</sup> Street, New York, NY 10011.
1. In this application, Respondent, knowingly and with intent to deceive, stated that his "Citizenship" was "U.S.", which he knew to be false.
  2. In this application, Respondent, knowingly and with intent to deceive, stated that his "Date of Birth" was "11/15/67", which he knew to be false.
  3. In this application, Respondent, knowingly and with intent to deceive, stated that he attended medical school in China "From 1988 to 1992", which he knew to be false.
  4. In this application, Respondent, knowingly and with intent to deceive, stated that he was at the Kingsbrook Jewish Medical Center from "1995-1997", which he knew to be false.
  5. In this application, Respondent, knowingly and with intent to deceive, stated that he was at the West Virginia School of Osteopathic Medicine, from "1993-1994", which he knew to be false.
  6. In this application, Respondent, knowingly and with intent to deceive, stated that he was at the School of Health Science, Touro College, from

*Withdrawn* (6)

**"1998-present", which he knew to be incomplete and misleading.**

- B. On or about October 12, 1999, Respondent submitted an Application for Postgraduate Training, Program in Anesthesiology to the Department of Anesthesiology, State University of New York at Stony Brook, Health Sciences Center, Stony Brook, NY 11794.**
- 1. In this application, Respondent, knowingly and with intent to deceive, stated that his "Citizenship" was "U.S.", which he knew to be false.**
  - 2. In this application, Respondent, knowingly and with intent to deceive, stated that his "Date of Birth" was "11/15/67", which he knew to be false.**
  - 3. In this application, Respondent, knowingly and with intent to deceive, stated that he attended medical school in China "From 8/88 to 5/92", which he knew to be false.**
- C. On or about October 12, 1999, Respondent submitted a copy of his curriculum vitae (C.V.) to the Stony Brook Teaching Hospitals, University at Stony Brook, Stony Brook, NY 11794, with his Application for Postgraduate Training, Program in Anesthesiology.**
- 1. In this C.V., Respondent, knowingly and with intent to deceive, stated that he received his M.D. degree in "May 1992", which he knew to be false.**
  - 2. In this C.V., Respondent, knowingly and with intent to deceive, stated that he had had a "sub-internship" in the Department of Medicine of Kingsbrook Jewish Medical Center, Brooklyn, NY from "1995-1997", which he knew to be false.**
  - 3. In this C.V., Respondent, knowingly and with intent to deceive, stated that**

he was the Assistant Director of the Hospital Library of Kingsbrook Jewish Medical Center, Brooklyn, NY from "1995-1997", which he knew to be false.

4. In this C.V., Respondent, knowingly and with intent to deceive, stated that he taught and assisted in research at West Virginia School of Osteopathic Medicine, Lewisburg, West Virginia from "1993-1994", which he knew to be false.

*W/ndown* - (5) In this C.V., Respondent, knowingly and with intent to deceive, stated that he worked at the School of Health Sciences, Touro College, Long Island, NY from "1998-1999", which he knew to be incomplete and misleading.

D. On or about May 10, 2000, Respondent submitted a Graduate Medical Education Application to the Stony Brook Teaching Hospitals, University at Stony Brook, Stony Brook, NY 11794.

1. In this application, Respondent, knowingly and with intent to deceive, stated that his "Date of Birth" was "11/15/67", which he knew to be false.
2. In this application, Respondent, knowingly and with intent to deceive, stated that he was at the West Virginia School of Osteopathic Medicine from "1993-1994", which he knew to be false.

### **SPECIFICATION OF CHARGES**

#### **FIRST THROUGH FOURTH SPECIFICATIONS**

#### **FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently, as

alleged in the facts of the following:

1. Paragraphs A and A1-8<sup>5</sup>
2. Paragraphs B and B1-3
3. Paragraphs C and C1-8<sup>4</sup>
4. Paragraphs D and D1-2

DATED: New York, New York  
July 1, 2004

A handwritten signature in black ink, appearing to read "Roy Nemerson", is written over a solid horizontal line.

**ROY NEMERSON**  
Deputy Counsel  
Bureau of Professional  
Medical Conduct