



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

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NYS Department of Health*

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NYS Department of Health*

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*Vice Chair*

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

*Public*

September 21, 2005

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

No Jk Yun, M.D.  
5388 Oakbrook Drive  
Sagionaw, MI 48603

Re: License No. 128824

Dear Dr. Yun:

Enclosed is a copy of Order #BPMC 05-201 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect September 28, 2005.

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 the 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

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

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**IN THE MATTER**

**SURRENDER**

**OF**

**ORDER**

**NO YK YUN, M.D.  
CO-05-04-2114-A**

BPMC No. #05-201

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**NO YK YUN, M.D., says:**

On or about September 24, 1976, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 128824 by the New York State Education Department. I currently reside at 5388 Oakbrook Drive, Saginaw, MI 48603.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).


I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.


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

Date: Sept 12th, 2005

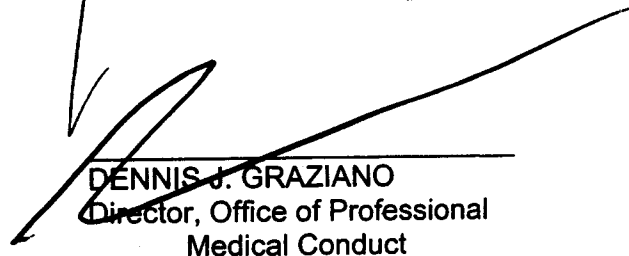
  
\_\_\_\_\_  
NO YK YUN, M.D.  
Respondent

AGREED TO:

Date: 14 September, 2005

  
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ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 16 September, 2005

  
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DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

**IN THE MATTER****OF****NO YK YUN, M.D.  
CO-05-04-2114-A**

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**STATEMENT****OF****CHARGES**

**NO YK YUN, M.D.**, the Respondent, was authorized to practice medicine in New York state on September 24, 1976, by the issuance of license number 128824 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 19, 2005, the State of Michigan, Department of Community Health, Bureau of Health Professions, Board of Medicine, Disciplinary Subcommittee (hereinafter "Michigan Board"), by a Consent Order and Stipulation (hereinafter "Michigan Order"), required Respondent to PERMANENTLY SURRENDER his controlled substance and drug control licenses as well as his Drug Enforcement Administration registration and not seek renewal, reissuance or reactivation at any future date and SURRENDER AND FORFEIT all controlled substances and prescription drugs in his possession or control, based on with regard to ten (10) patients: prescribing excessive amounts of addictive substances when initially addressing pain, inappropriately employing short term opioid medication for chronic use, permitting a patient to abuse medications while writing drugs for "PRN" use only, refilling prescriptions prematurely, failing to recognize the patient's drug abuse pattern, failing to recognize or pursue obvious persistent drug seeking behavior, failing to recognize obvious drug addiction, failing to refer the patient to substance abuse counseling even when excess opioid use was clearly noted, failing to formally document the potential for drug addiction, failing to document intended duration of use of opioids and other addictive amounts of opioids and other addictive substances despite warning signs of drug tolerance and recommendations to reduce use, failure to document readily apparent therapeutic gains from opioid or benzodiazepine drug use, readily refilling telephone opioid medication requests without substantiating chart documentation or physician signature, failure to refer the patient to a pain specialist when it was obviously the time to do so, and failure to exercise adequate responsibility in treating pain.

B. The conduct resulting in the Michigan Board 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §65390(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 disciplinary action taken 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 18*, 2005  
Albany, New York

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

**ORDER**

Upon the proposed agreement of **NO YK YUN, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

**ORDERED**, that the proposed agreement and the provisions thereof are hereby adopted; it is further

**ORDERED**, that the name of the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 9-20, 2005



**KENDRICK A. SEARS, M.D.**  
Chair  
State Board for Professional  
Medical Conduct