



Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

December 17, 1991

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Tomas Salazar Chan, M.D.
84-19 Homelawn Street
Jamaica Estates, New York 11432

RE: License No. 170475

Effective Date: 12/24/91

Dear Dr. Chan:

Enclosed please find Order #BPMC 91-18 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 12237-0614

Sincerely,

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

Enclosure

cc: James Kousouros, Esq.
87-10 Queens Boulevard
Elmhurst, New York 11373

Roy Nemerson, Esq.

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

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IN THE MATTER :
OF : ORDER
TOMAS SALAZAR CHAN, M.D. : BPMC #91-18

-----X

Upon the application of TOMAS SALAZAR CHAN, M.D., 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 the respondent or seven days after mailing by certified mail.

SO ORDERED,

DATED: 11 December 1991

Charles J. Vacanti

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

I admit guilt to the specification of misconduct as charged in the Statement of Charges.

I hereby agree to the penalty that my license to practice medicine be suspended for a period of one year, said suspension to be stayed; that I be placed on probation for a period of one year subject to the terms enumerated in Exhibit "B"; and that I complete fifty hours of public service, pursuant to the requirements set forth in N. Y. Public Health Law Sec. 230-a(9), as added by ch. 606, laws of 1991.

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.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Tomas Chan

TOMAS SALAZAR CHAN, M.D.
RESPONDENT

Sworn to before me this
25th day of *November*, 19*9*.

Louise A. Cicio

NOTARY PUBLIC

LOUISE A. CICIO
Notary Public, State of New York
No. 41-4779390
Qualified in Queens County
Commission Expires May 31, 1993

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

IN THE MATTER : APPLICATION
OF : FOR
TOMAS SALAZAR CHAN, M.D. : CONSENT
: ORDER

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

Date: Nov. 21, 1991

Tomas Chan

TOMAS SALAZAR CHAN, M.D.
RESPONDENT

Date: November 29, 1991

[Signature]

JAMES KOUSOUROS, ESQ.
ATTORNEY FOR RESPONDENT

Date: Dec. 10, 1991

Roy Nemerson

ROY NEMERSON, DEPUTY COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Dec. 16, 1991

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR, OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 11 December 1991

Charles J. Vacanti

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

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
TOMAS SALAZAR CHAN, M.D. : CHARGES

-----X

TOMAS SALAZAR CHAN, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1987 by the issuance of license number 170475 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, 1991 through December 31, 1992 at 84-19 Homelawn Street, Jamaica Estates, New York 11432.

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(ii), as added by ch. 606, laws of 1991 in that he has been convicted of committing an act constituting a crime under federal law, specifically:

On April 27, 1990, Respondent was convicted,
upon a guilty plea, in the United States

District Court for the Eastern District of
New York of violating 42 U.S.C. Section
1320a-7b(b)(1)(B) in that Respondent
knowingly and willfully received
renumeration (in the amount of \$200.00) in
exchange for ordering and arranging for the
ordering of one or more items paid for under
the Medicaid and Medicare Program.
Respondent was sentenced to one year of
probation and one month of home detention,
fined \$2,000, and assessed \$50.00.

DATED: New York, New York

CHRIS STERN HYMAN
COUNSEL
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. That 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. That 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, 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, Office of Professional Medical Conduct, 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 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 complete any public service requirement imposed upon him or her, prior to the completion of the probationary period, and shall submit written proof of such service to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid;
6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his 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 probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.