

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

April 12, 1990

Amnuey M. Chiemprabha, Physician
820 Mangum Avenue
Mendenhall, Mississippi 39114

Re: License No. 111198

Dear Dr. Chiemprabha:

Enclosed please find Commissioner's Order No. 10519. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: Samuel Lee Begley, Esq.
P.O. Box 3977
Jackson, Mississippi 39207-3977

RECEIVED

APR 19 1990

Office of Professional
Medical Conduct

REPORT OF THE
REGENTS REVIEW COMMITTEE

AMNUEY M. CHIEMPRABHA

CALENDAR NO. 10519



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

AMNUEY M. CHIEMPRABHA

No. 10519

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

AMNUEY M. CHIEMPRABHA, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On January 18, 1990, the scheduled date of our hearing, respondent did not appear before us in person and no attorney appeared before us to represent respondent. However, a letter was received from respondent's attorney with a series of exhibits all of which were made part of the record herein. David A. Dietrich, Esq., represented the Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be suspended for three years, stay of execution, and three years probation.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. On January 27, 1987 respondent entered into a consent agreement with the Mississippi State Board of Medical Licensure in which the Mississippi State Board of Medical Licensure determined that respondent was in violation of Mississippi Code Annotated §73-25-29(3), by administering, dispensing or prescribing any narcotic drug or any other drug having addiction-forming or addiction-sustaining liability, otherwise than in the course of legitimate professional practice.
3. The Mississippi State Board of Medical Licensure restricted respondent's Mississippi medical license by prohibiting him for one year from ordering, manufacturing, distributing, possessing, dispensing, administering, or prescribing any controlled substances in Schedules II, II-N, III, III-N, and IV, and until respondent re-registers with the Drug Enforcement Administration. Respondent was also restricted with respect to the drugs Stadol and Nubain.

AMNUEY M. CHIEMPRABHA (10519)

4. Respondent is guilty of professional misconduct by reason of having disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, as set forth in the statement of charges and the record herein.
5. The conduct committed by respondent in Mississippi, pursuant to the determination by the Mississippi State Board of Medical Licensure in the Mississippi consent agreement, would, if committed in New York State, constitute professional misconduct under New York Education Law §6509(2) - practicing the profession fraudulently.

DETERMINATION AS TO GUILT

The charge contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

**RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED**

Respondent's license to practice as a physician in the State of New York be suspended for two years upon the charge of which respondent has been found guilty, that execution of said suspension be stayed, and upon respondent's return to practice as a physician in New York State, written notice of such return to practice to be provided to the Director of the Office of Professional Medical

AMNUEY M. CHIEMPRABHA (10519)

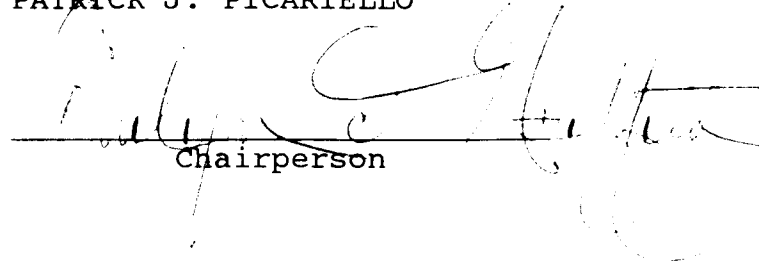
Conduct within ten days of respondent's return to practice in New York State, respondent be placed on probation for two years under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO


Chairperson

Dated: February 16, 1990

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

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IN THE MATTER : STATEMENT
OF : OF
AMNUEY M. CHIEMPRABHA, M.D. : CHARGES

-----X

The State Board for Professional Medical Conduct, upon information and belief, charges and alleges as follows:

1. AMNUEY M. CHIEMPRABHA, M.D., hereinafter referred to as the Respondent, was authorized to practice medicine in New York State on January 25, 1975 by the issuance of license number 111198 by the New York State Education Department.
2. The Respondent is not currently registered with the New York State Education Department to practice medicine.
3. The Respondent is charged with professional misconduct within the purview of N.Y. Educ. Law §6509 (McKinney 1985 and Supp. 1989) as set forth in the attached Specification.

SPECIFICATION

4. The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law, §6509(5)(d) (McKinney 1985 and Supp. 1989) by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken 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 would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that:

On or about January 27, 1987, the Mississippi State Board of Medical Licensure accepted and approved a Consent Agreement between the Respondent and the Board wherein the Board determined that the Respondent was in violation of Miss. Code Ann. §73-25-29(3) by administering, dispensing or prescribing any narcotic drug or any other drug having addiction-forming or addiction-sustaining liability, other than in the course of legitimate professional practice.

Pursuant to said Consent Agreement, restrictions were placed on the Respondent's Mississippi license to practice medicine, specifically with respect to the handling and prescribing of controlled substances listed in Schedules II, II-N, III, III-N and IV for a minimum

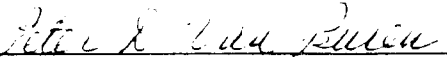
period of one (1) year. The Respondent was further prohibited from ordering, manufacturing, distributing, possessing, dispensing, administering or prescribing Stadol (Butorphanol Tartrate) and Nubain (Nalbuphine) or their generic equivalents for a minimum period of one (1) year.

By a Determination and Order dated January 22, 1988, the Mississippi Board authorized the Respondent to re-register with the United States Drug Enforcement Administration, limited to Schedules IV and V. Insofar as the Respondent's application concerned Stadol, Nubain and the remaining controlled-substance schedules, it was denied for a minimum period of one (1) year.

The conduct which resulted in the Mississippi disciplinary action and limitations on the Respondent's license in that State would, if committed in New York State, constitute professional misconduct pursuant to N.Y. Educ. Law §6509(2) (McKinney 1985) [fraud], N.Y. Educ. Law §6509(2) (McKinney 1985) [negligence and/or incompetence on more than one occasion] and N.Y. Educ. Law §6509(9) (McKinney 1985) [committing unprofessional conduct, as defined by rule or regulation], specifically 8 NYCRR §29.1(b)(1) [willful or grossly negligent failure to comply with substantial

provisions of Federal, State or local laws, rules or regulations governing the practice of the profession]. It should be further noted that the conduct would also violate N.Y. Educ. Law §6509(5)(c) (McKinney 1985) [controlled-substances laws, such as N.Y. Pub. Health Law §3331(2) (McKinney 1985).

DATED: Albany, New York
December 6, 1989



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

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

AMNUEY M. CHIEMPRABHA

CALENDAR NO. 10519

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. That respondent, during the period of probation, shall act in all ways in a manner befitting respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by respondent's profession;
 - b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
 - c. That 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; and
 - d. That respondent shall submit written proof to the New York State Department of Health, addressed to the Director, Office of

AMNUEY M. CHIEMPRABHA (10519)

Professional Medical Conduct, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof to the New York State Department of Health, 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 of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

2. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

AMNUEY M. CHIEMPRABHA

CALENDAR NO. 10519



The University of the State of New York

IN THE MATTER

OF

AMNUEY M. CHIEMPRABHA
(Physician)

**DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10519**

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10519, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (March 23, 1990): That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of AMNUEY M. CHIEMPRABHA, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be suspended for two years upon the charge of which respondent has been found guilty; that execution of said suspension be stayed; that, upon respondent's return to practice as a physician in New York State, written notice of such return to practice to be provided to the Director of the Office of Professional Medical Conduct within ten days of respondent's return to practice in New York State, respondent be placed on probation for two years under the terms prescribed by the Regents Review Committee; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

AMNUEY M. CHIEMPRABHA (10519)

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote 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 five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 30th day of

March, 1990.

Thomas Sobol

Commissioner of Education

