



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

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

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner of Health*

Patrick F. Carone, M.D., M.P.H.  
*Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

July 1, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Kwan Ho Chung, M.D.  
c/o James Chung  
45 West 60th Street  
Apartment #3B  
New York, New York 10023-7941

RE: License No. 111213

Dear Dr. Chung:

Enclosed please find Order #BPMC 97-160 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  
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

cc: Karen Eileen Carlson, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
KWAN HO CHUNG, M.D. : BPMC # 97-160  
: :  
-----X

KWAN HO CHUNG, M.D., being duly sworn, says:

On or about January 25, 1972, I was licensed to practice medicine as a physician in the State of New York having been issued license number 111213 by the New York State Education Department.

My current address is 45 West 60th Street, Apt. 3B, New York, New York 1023, attn. James Chung and I will advise the Director of the Office of Professional Medical Conduct of any change of my address up to the date that my name is removed from the roster of physicians.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with six 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 charges as set forth in the specifications 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 State Board for Professional Medical Conduct agrees with my proposal, an Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I understand that I will receive a copy of the signed order.

This agreement is in full satisfaction of any and all charges of professional misconduct against me.

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

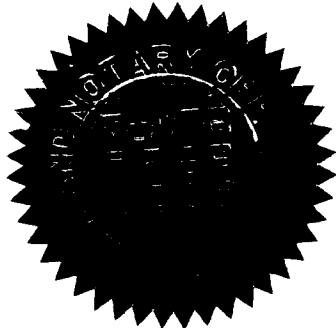
*[Faint stamp]*

*Kwan Ho Chung*  
KWAN HO CHUNG, M.D.  
Respondent

Subscribed before me this  
13 day of June, 1997

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*[Faint stamp]*

1997 년 등부 제 464 호 위 사람은 본직앞에 나와서 자 기가 서명날인한 것임을 인정 하였다. 1997 년 6 월 13 일 공증인가 반도합동법률사무소 서울·서초구 방배동 1808 <i>[Signature]</i> 공증담당변호사	Subscribed and sworn to before me this 13 day of JUNE 1997 BANDO LAW AND NOTARY OFFICE 1808, BANGBAE-DONG, SEOCHO-KU, SEOUL, KOREA <i>A. U. Sohn</i> Attorney-at-Law This office has been authorized by the Minister of Justice, the Republic of Korea, to act as Notary Public since February 22, 1971, under Law No. 2254
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Registered No. 199<sup>n</sup> - 464

NOTARIAL CERTIFICATE

BANDO LAW AND NOTARY OFFICE

1808, BANGBAE-DONG, SEOCHO-KU,  
SEOUL, KOREA

AGREED TO:

Date: \_\_\_\_\_, 1997

\_\_\_\_\_  
Esq.  
Attorney for Respondent

Date: 6/19, 1997

Karen Eileen Carlson  
KAREN EILEEN CARLSON  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: June 23, 1997

Anne F. Saile  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of KWAN HO CHUNG, 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 Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: June 26, 1997

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.  
Chair  
State Board for Professional  
Medical Conduct

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

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IN THE MATTER : STATEMENT  
OF : OF  
KWAN HO CHUNG, M.D. : CHARGES

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KWAN HO CHUNG, M.D., the Respondent, was authorized to practice medicine in New York State on January 25, 1972 by the issuance of license number 111213 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 1995, through June 1997, with a registration address of 1024 Hilton Parma Corners Road, Hilton, New York 14468-9328.

**FACTUAL ALLEGATIONS**

- A. Respondent provided medical care to Patient A [all patients are identified in appendix] from on or about November 23, 1982 through on or about September 1995 at Respondent's medical office at 1024 Hilton Parma Corners, Hilton, New York [hereafter "Respondent's office"].
1. Respondent performed vaginal dilation on Patient A inadequately and/or without medical justification.
  2. Respondent failed to adequately evaluate and/or treat postmenopausal vaginal bleeding in Patient A.



3. Respondent prescribed Tenuate and/or Zovirzx ointment for Patient A in excessive amounts and/or without medical justification.
  4. Respondent failed to appropriately monitor and/or manage Patient A's hypothyroidism.
  5. Respondent failed to adequately monitor and/or manage Patient A's possible neurological impairment.
  6. Respondent failed to adequately monitor and/or manage Patient A's hypertension.
  7. Respondent, at various times throughout the course of treatment, failed to obtain and/or document an adequate history and/or physical evaluation of Patient A.
  8. Respondent failed to maintain adequate records for Patient A.
- B. Respondent provided medical care to Patient B in, among other times, December of 1993 at Respondent's office. Respondent revealed personal information about Patient B in his professional capacity as a physician and without the consent of Patient B.
- C. Respondent provided medical care to Patient C from on or about November 5, 1991 through on or about December 23, 1991 at the Lakeside Memorial Hospital in Brockport, New York [hereafter "Lakeside Hospital"].
1. Respondent failed to adequately assess the mental

competency of Patient C.

2. Respondent failed to perform a rectal examination on Patient C.
3. Respondent ordered oral aminophylline and/or IV aminophylline for Patient C inappropriately.
4. Respondent failed to adequately monitor Patient C's Lanoxin levels.
5. Respondent failed to adequately monitor Patient C's white blood count.
6. Respondent failed to obtain and/or document an adequate history and/or physical examination and/or evaluation of Patient C.
7. Respondent failed to maintain adequate medical records for Patient C.

D. Respondent provided medical care to Patient D on or about June 23, 1993 at Lakeside Hospital.

1. Respondent ordered IV Lasix for Patient D without adequate medical justification.
2. Respondent ordered Dopamine for Patient D without adequate medical justification.
3. Respondent ordered Lanoxin for Patient D without adequate medical justification.
4. Respondent failed to obtain and/or document an adequate history and/or physical examination and/or evaluation of Patient D.
5. Respondent failed to maintain adequate medical records

for Patient D.

- E. Respondent employed Patient E, who was also a patient of Respondent, from approximately 1976 through approximately 1995, at Respondent's office.
1. Respondent, in approximately November of 1993, placed his hand on Patient E's buttocks, under her skirt, without medical justification.
  2. Respondent unbuttoned Patient E's blouse and placed his hand on her breast without medical justification.
  3. Respondent kissed Patient E.
  4. Respondent had sexual intercourse with Patient E.

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

##### **MORAL UNFITNESS**

Respondent is charged with professional misconduct under N.Y. Educ. law section 6530(20) (McKinney Supp. 1997) by reason of his conduct in the practice of medicine which evidences moral unfitness to practice medicine in that Petitioner charges:

1. The facts in Paragraphs E and E.1, E and E.2, E and E.3 and/or E and E.4.

**SECOND SPECIFICATION**  
**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with professional misconduct under N.Y. Educ. law section 6530(3) (McKinney Supp. 1997) by reason of his practicing the profession with negligence on more than one occasion in that Petitioner charges two or more of the following:

2. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, D and D.1, D and D.2, D and D.3, D and D.4 and/or D and D.5.

**THIRD SPECIFICATION**  
**VIOLATION OF PATIENT CONFIDENTIALITY**

Respondent is charged with professional misconduct under N.Y. Educ. Law section 6530(23) (McKinney Supp. 1997) by reason of his revealing personally identifiable information obtained in a professional capacity without the consent of the patient in that Petitioner charges:

3. The facts in Paragraph B.


**FOURTH THROUGH SIXTH SPECIFICATIONS**  
**RECORDKEEPING**

Respondent is charged with professional misconduct under N.Y. Educ. Law section 6530(32) (McKinney Supp. 1997) by reason of his failing to maintain a record for each patient which

accurately reflects the evaluation and treatment of each patient in that Petitioner charges:

4. The facts in Paragraphs A and A.7 and/or A and A.8.
5. The facts in Paragraphs C and C.7.
6. The facts in Paragraphs D and D.5.

DATED: *June 19*, 1997  
Albany, New York

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