

NEW YORK
state department of
HEALTH

Public

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

June 23, 2011

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Charles H. Nguyen, M.D.
#636669
North Central Correctional Institution
PO Box 1812
670 Marion Williamsport Road
Marion, OH 43302

Re: License No. None

Dear Dr. Nguyen:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 11-154. This order and any penalty provided therein goes into effect June 30, 2011.

Please direct any questions to: Board for Professional Medical Conduct, 433 River Street, Suite 303, Troy, NY 12180, telephone # (518)402-0863.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER
OF
CHARLES H. NGUYEN, M.D.

CONSENT
ORDER

BPMC No. 11-154

Upon the proposed agreement of **CHARLES H. NGUYEN, M.D.**, (Respondent), for a Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 6/23/11

REDACTED

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

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

IN THE MATTER
OF
CHARLES H. NGUYEN, M.D.
CO-10-09-5551-A

CONSENT
AGREEMENT
AND ORDER

CHARLES H. NGUYEN, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

Respondent is not currently authorized to practice medicine in New York state. There has been no issuance of a license by the New York State Education Department. Respondent was employed as an unlicensed resident at St. Barnabus Hospital, Bronx, NY.

I hold no license to practice medicine in New York State, and am not currently authorized to practice medicine in New York State.

My current address is North Central Correctional Institution, PO Box 1812, 670 Marion Williamsport Road, Marion, OH 43302, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that New York State Board for Professional Medical Conduct has charged me with one (1) Specification of professional medical conduct.

A copy of the Statement of Charges is attached, made a part of this Consent Agreement and Order, and marked as Exhibit "A".

I do not contest the one (1) Specification. I, hereby, agree to the following penalty:

Pursuant to N.Y. Public Health Law §230-a(6), a limitation shall be placed precluding the issuance of any further license or registration to me to practice medicine in New York State.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

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. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement or to my attorney or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, in consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I, hereby, apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 6/6/11

REDACTED

CHARLES H. NGUYEN/M.D.
Respondent

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

DATE: June 13, 2011

REDACTED
JOEL E. ABELOVE
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 6/22/11

REDACTED
KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT A

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

IN THE MATTER
OF
CHARLES H. NGUYEN, M.D.
CO-10-09-5551-A

STATEMENT
OF
CHARGES

CHARLES H. NGUYEN, M.D., Respondent, was authorized to practice in New York state as a medical resident at St. Barnabus Hospital, Bronx, NY.

FACTUAL ALLEGATIONS

A. On or about August 18, 2010, in the Court of Common Pleas, Athens County, Ohio, Respondent was found guilty, based on a jury verdict of Rape in the first degree, in violation of Ohio Revised Code Section 2907.02(A)(2), Kidnapping in the first degree, in violation of Ohio Revised Code Section 290.01(A)(2), Aggravated Burglary in the first degree, in violation of Ohio Revised Code Section 2911.11(A)(1), and Tampering With Evidence in the third degree, in violation of Ohio Revised Code Section 2921.12(A)(1), all felonies, and was sentenced on September 9, 2010, to thirty (30) years imprisonment, register as a Tier III sex offender, pay court costs within five (5) years, submit a DNA specimen, five (5) years post-release control, and no contact with the victim or her family.

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *April 21*, 2011
Albany, New York

REDACTED

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