

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER
OF
ALAN WEN HUANG, M.D.

EXHIBIT A
STATEMENT
OF
CHARGES

Alan Wen Huang, M.D, the Respondent, was authorized to practice medicine in New York State on or about April 2, 2008, by the issuance of license number 248183 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 4, 2015, the Superior Court of California, County of Alameda found Respondent guilty, following a plea of no contest, of Possession of a Controlled Substance in violation of §4060 of the California Business and Professions Code, (misdemeanor); Driving Under the Influence of Drugs in violation of §23152(e) of the California Vehicle Code (misdemeanor); and Disobeying a Court Order in violation of §166(a)(4) of the California Penal Code. Respondent was sentenced to three years of suspended detention, 180 days of electronic monitoring by a leg device, three months attendance at a Driving Under the Influence School, and a fine of \$1,973.00, among other terms.

B. The conduct for which Respondent was criminally convicted in California would, if committed in New York, constitute a crime under New York Penal Law §220.03, Criminal Possession of a Controlled Substance in the Seventh Degree, a misdemeanor; and/or New York Penal Law §215.50(3), Criminal Contempt in the Second Degree, a misdemeanor; and/or and New York Vehicle and Traffic Law §1192(4), Driving While Ability Impaired by Drugs, a misdemeanor.

C. On or about May 7, 2015 the Medical Board of California (California Medical Board) adopted a stipulated settlement and disciplinary order agreed to by the Respondent in which Respondent admitted to gross negligence; and dishonest and corrupt acts in self-

prescribing controlled substances, which he also allegedly used without a prescription while working and driving, in violation of California Business and Professions Code §§2234(b) and (e), 2239 and 2242. Respondent admitted to unprofessional conduct in prescribing controlled substances without a medical indication to his wife and mother, and then used those controlled substances himself in violation of §2242 of the California Business and Professions Code, and §§11153 and 11154 of the California Health and Safety Code. Respondent further admitted to having been convicted of a crime in violation of §§2234 and 2237 of California Business and Professions Code, among other acts of misconduct. Among the penalties imposed by the California Medical Board were a 60 day actual suspension (credit for time served); prescribing of controlled substances only in a hospital setting and prohibited prescribing for members of Respondent's household or family; a stayed revocation; five years of probation with a practice monitor and sobriety monitor, among other terms.

D. The conduct resulting in the disciplinary order imposed by the California Medical Board would, if committed in New York, constitute professional misconduct under the following sections of New York State Law:

1. New York Education Law §6530(2) [practicing the profession fraudulently]; and/or
2. New York Education Law §6530(4) [practicing with gross negligence on a particular occasion]; and/or
3. New York Education Law §6530(9)(a) [being convicted of committing an act constituting a crime under New York State law].

SPECIFICATION OF CHARGES
CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(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 (namely N.Y. Penal Law §220.65 [Criminal Sale of a Prescription for a Controlled Substance], and/or Penal Law §220.06(1) [Criminal Possession of a Controlled Substance]), and/or N.Y. Vehicle Traffic Law §1192(4) as alleged in the facts of the following:

1. The facts in Paragraph A and B.

SECOND SPECIFICATION
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted 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 or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state as alleged in the facts of the following:

2. The facts in Paragraph C and D.

DATE: June 29, 2016
New York, New York


HENRY S. WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct