

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

IN THE MATTER

OF

DANIEL TAM, M.D.

STATEMENT
OF
CHARGES

DANIEL TAM, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 31, 1994, by the issuance of license number 195281 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about the 25th day of February, 2015, the Virginia Board of Medicine (Virginia Board) issued an Order, pursuant to §§54.1-105, 54.1-110, 2.2-4020, and 2.2-4021 of the Code of Virginia, based upon allegations that the Respondent violated certain laws governing the practice of medicine in the Commonwealth of Virginia. The Virginia Board found, inter alia, that the Respondent failed to disclose on his Virginia Application for a License to Practice Medicine and Surgery, dated September 21, 2002, that his 1993 residency contract with Albert Einstein College of Medicine was placed on probation; that he was subsequently denied clinical privileges due to unsatisfactory performance; and that his residency contract was terminated due to unsatisfactory performance in December 1993. The Virginia Board further found that the Respondent failed to disclose that he received his medical degree from Autonomous University of Guadalajara in 1989. The Virginia Board further found that the Respondent failed to disclose that SUNY Upstate Medical University suspended the Respondent's privileges when he was terminated from a fellowship in nuclear medicine due to unsatisfactory performance in July 2007. The Virginia Board further found that the Respondent failed to disclose that he only practiced medicine for 16 months between 1997 and 2008. The Virginia Board deemed that the above referenced findings of fact constituted violations of §§54.1-2915.A(1), (4), (12), (13), (14), (16), (18) of the Code of Virginia; §54.1-111(A)(7) of the Code of Virginia; and §18 VAC 85-20-105 of the Board of Medicine General Regulations. As a result of the foregoing, the Virginia Board revoked the Respondent's privilege to renew his license.

B. The conduct resulting in the Virginia Board Order would constitute misconduct under the laws of New York State, pursuant to 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(21) (willfully making or filing a false report).

C. On or about May 1, 2008, the North Carolina Medical Board (North Carolina Board) denied the Respondent's application for a license to practice medicine in North Carolina, pursuant to N.C. Gen. Stat. §90-14(a)(6) and §90-14(a)(11), based upon allegations that the Respondent violated certain laws governing the practice of medicine in the State of North Carolina. The North Carolina Board found that the Respondent was unable to provide verification of his medical education from the Universidad Autonomo de Guadalajara. The North Carolina Board further found that the Respondent received unsatisfactory evaluations from a nuclear medicine fellowship at SUNY for the years 2006 to 2007. The North Carolina Board further found that the Respondent answered in the negative on his license application regarding whether he had ever been placed on probation where he trained or was a staff member, when in fact the Respondent had been placed on probation in his anesthesiology residency and his employment was terminated. By Order, dated June 25, 2008, the North Carolina Medical Board granted the Respondent's request for a hearing following the denial of his application for a license to practice medicine and surgery in North Carolina. On or about August 6, 2013, the Respondent withdrew his request for a hearing.

D. The conduct resulting in the North Carolina Board's denial of the Respondent's application for a license to practice medicine and surgery in the State of North Carolina would constitute misconduct under the laws of New York State, pursuant to 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(21) [willfully making or filing a false report].

E. On or about August 28, 2008, Respondent prepared and/or submitted to the New York State Education Department a Registration Renewal Application wherein Respondent falsely answered "No" to the questions, "Since you last registered, has any licensing or disciplinary authority revoked, annulled, cancelled, accepted surrender of, suspended, place on probation,

or refused to issue or renew a professional license or certificate held by you now or previously, or fined, censured, reprimanded or otherwise disciplined you?"; and "Since your last registration application, has any hospital or licensing facility restricted or terminated your professional training, employment, or privileges, or have you voluntarily resigned or withdrawn from such authorization to avoid imposition of such action due to professional misconduct, unprofessional conduct, incompetency, or negligence?"

SPECIFICATIONS OF CHARGES
FIRST AND SECOND SPECIFICATIONS
HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in New York Education Law §6530(9)(b) by having been found guilty of improper professional conduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committing in New York State, constitute professional misconduct under the laws of New York State, [namely New York Education Law §6530(2); and/or §6530(21) as alleged in the facts of the following:

1. The facts in Paragraphs "A" and "B".
2. The facts in Paragraphs "C" and "D".

THIRD AND FOURTH SPECIFICATIONS
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in New York Education 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 [namely New York Education Law §6530(2); and/or §6530(21)] as alleged in the facts of the following:

3. The facts in Paragraphs "A" and "B".
4. The facts in Paragraphs "C" and "D".

FIFTH SPECIFICATION
PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(2) by practicing the profession of medicine fraudulently and as alleged in the facts of the following:


5. The facts in Paragraph "E".

SIXTH SPECIFICATION
WILLFULLY MAKING OR FILING A FALSE REPORT

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(21) by willfully making or filing a false report as alleged in the facts of the following:

6. The facts in Paragraph "E".

DATE: April 5, 2016
Albany, New York


MICHAEL A. HISER, ESQ.
Deputy Counsel
Bureau of Professional Medical Conduct