



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H.
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NYS Department of Health*

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NYS Department of Health*

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Office of Professional Medical Conduct

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Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 17, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Byong-Du Choi, M.D.
1017 Pebblebrook Lane
East Lansing, MI 48823

RE: License No.: 121408

Dear Dr. Choi:

Enclosed please find Order #BPMC 99-206 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 17, 1999.**

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 to 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: Thomas Sparks, Esq.
Butzel Long
Suite 300
2127 University Park Drive
Okemos, MI 48864-6672

Robert Bogan, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
BYONG-DU CHOI, M.D. : BPMC # 99-206

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BYONG-DU CHOI, M.D., says:

On or about September 16, 1974, I was licensed to practice medicine as a physician in the State of New York having been issued License No.121408 by the New York State Education Department. My address is 1017 Pebblebrook Lane, East Lansing, MI 48823.

I understand that I have been charged with two (2) 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 do not contest the two (2) specifications set forth in the Statement of Charges.

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, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree 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 Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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

Date: Aug, 30th, 1999

Byong-Du Choi
BYONG-DU CHOI, M.D.
Respondent

AGREED TO:

Date: Aug 3rd, 1999

Thomas L. Sparks
THOMAS L. SPARKS, ESQ.
Attorney for Respondent

Date: 9 August, 1999

Robert Egan
ROBERT EGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Aug 10, 1999

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

ORDER

Upon the proposed agreement of BYONG-DU CHOI, 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 be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: _____

8/11/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

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

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IN THE MATTER : STATEMENT
OF : OF
BYONG-DU CHOI, M.D. : CHARGES

-----X

BYONG-DU CHOI, M.D., the Respondent, was authorized to practice medicine in New York state on September 16, 1974 by the issuance of license number 121408 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 11, 1998, the State Of Michigan, Department Of Consumer & Industry Services, Board Of Medicine, Disciplinary Subcommittee (hereinafter "Michigan Board"), entered a Consent Order, (hereinafter "Michigan Order"), that, among other things, permanently limited the Respondent's license to practice medicine and assessed a \$1,000.00 fine. This was based on charges that on two occasions he inappropriately dealt with patients to whom he provided anesthesia.

B. The conduct of the Respondent 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(3) (negligence on more than one occasion); and/or

2. New York Education Law §6530(5) (incompetence on more than one occasion);

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in paragraphs A and/or B.

DATED: , 1999
Albany, New York

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