



New York State Board for Professional Medical Conduct

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

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Return

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

PUBLIC

July 23, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jimmy W. Choi, M.D.
43 Highland Road
Glen Cove, NY 11542

RE: License No. 159979

Dear Dr. Choi:

Enclosed please find Order #BPMC 99-178 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 23, 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: T. Lawrence Tabak, Esq.
Kern, Augustine, Conroy & Schoppmann, P.C.
420 Lakeville Road
Lake Success, NY 11042

Steven J. Masef, Esq.

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

IN THE MATTER
OF
JIMMY W. CHOI, M.D.

SURRENDER
OF
LICENSE
BPMC #99-178

STATE OF NEW YORK)
COUNTY OF) ss.:

JIMMY W. CHOI, M.D., being duly sworn, deposes and says:

On or about September 17, 1984, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 159979 by the New York State Education Department.

My current address is 43 Highland Road, Glen Cove, N.Y., 11542, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with Forty Two 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 permission to surrender my license as a physician in the State of New York, effective August 1, 1999 and that beginning immediately upon the effective date of this order, my license shall be limited to preclude the prescribing, dispensing and administration of any controlled substance or other psychoactive drug. This application is made on the grounds that I do not contest the thirty first specification in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application 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 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 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 grants my application, 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 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 Surrender 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.

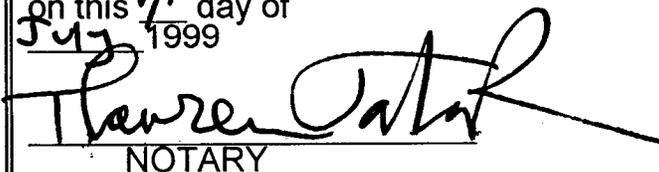
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing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

DATED July 7, 1999



JIMMY W. CHOI, M.D.
RESPONDENT

Sworn to before me
on this 7th day of
July 1999



NOTARY

L. LAWRENCE TABAK
Notary Public, State of New York
No. 31-4985056
Qualified in New York County
Commission Expires August 12, 1999

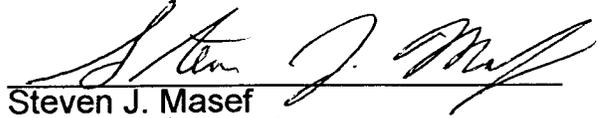
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: July 7, 1999



T. Lawrence Tabak, Esq.
Attorney for Respondent

Date: _____



Steven J. Masel
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: July 15, 1999



ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
JIMMY W. CHOI, M.D.

SURRENDER
ORDER

Upon the proposed agreement of Jimmy W. Choi, M.D. (Respondent) to Surrender license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

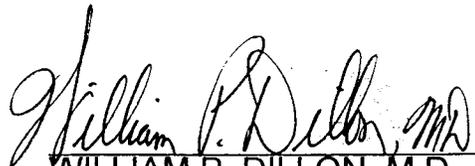
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that on August 1, 1999 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 the Surrender 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: 7/20/99



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

EXHIBIT "A"

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

IN THE MATTER
OF
JIMMY W. CHOI, M.D.

STATEMENT
OF
CHARGES

JIMMY W. CHOI, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 17, 1984, by the issuance of license number 159979 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between on or about December 9, 1991 and November 13, 1997, Respondent treated Patient A, a 37 year old female, for degenerative arthritis and other medical conditions at his office located at 142-28 37th Avenue, Flushing, N.Y. 11354.
1. Respondent repeatedly throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient A or to note such physical and other examination/evaluation if any;
 - b) failed to obtain an adequate medical history or note such history if any;
 2. Respondent repeatedly throughout the course of treatment failed to adequately follow-up on Patient A's medical condition or note such follow-up if any;
 3. Respondent repeatedly throughout the course of treatment inappropriately prescribed Dilaudid and Percocet, controlled substances to Patient A;

- a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;
4. Respondent failed to maintain a record for Patient A which accurately reflects the care and treatment provided to Patient A.

B. Between on or about September 21, 1993 and December 17, 1997, Respondent treated Patient B, a 79 year old male, for pancreatic cancer and other medical conditions at his office

1. Respondent repeatedly throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient B or to note such physical and other examination/evaluation if any;
 - b) failed to obtain an adequate medical history or note such history if any;
2. Respondent repeatedly throughout the course of treatment failed to adequately follow-up on Patient B's medical condition or note such follow up if any;
3. Respondent repeatedly throughout the course of treatment inappropriately prescribed Dilaudid and Percocet, controlled substances to Patient B;
 - a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;
4. Respondent failed to maintain a record for Patient B which accurately reflects the care and treatment provided to Patient B.

- C. Between on or about May 4, 1994 and February 10, 1998, Respondent treated Patient C, a 43 year old female, for ovarian cancer and other medical conditions at his office
1. Respondent repeatedly and throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient C or to note such physical and other examination/evaluation if any;
 - b) failed to obtain an adequate medical history or note such history if any;
 2. Respondent repeatedly throughout the course of treatment failed to adequately follow-up on Patient C's medical condition or note such follow-up if any;
 3. Respondent repeatedly throughout the course of treatment inappropriately prescribed Percocet and Dilaudid, controlled substances to Patient C;
 - a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;
 4. Respondent failed to maintain a record for Patient C which accurately reflects the care and treatment provided to Patient C.
- D. Between on or about October 19, 1993 and February 8, 1998, Respondent treated patient D, a 52 year old female, for pancreatic cancer and other medical conditions at his office
1. Respondent repeatedly and throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient D or to note such

- physical and other examination/evaluation if any;
- b) failed to obtain an adequate medical history or note such history if any;
- 2. Respondent repeatedly and throughout the course of treatment failed to adequately follow-up on Patient D's medical condition;
- 3. Respondent repeatedly throughout the course of treatment inappropriately prescribed Dilaudid and Percocet, controlled substances to Patient D;
 - a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;
- 4. Respondent failed to maintain a record for Patient D which accurately reflects the care and treatment provided to Patient D.

E. Between on or about March 16, 1995 and February 1, 1998, Respondent treated Patient E, a 34 year old female, for pancreatic cancer and other medical conditions at his office

- 1. Respondent repeatedly throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient E or to note such physical and other examination/evaluation if any;
 - b) failed to obtain an adequate medical history or note such history if any;
- 2. Respondent repeatedly throughout the course of treatment failed to adequately follow-up on Patient E's medical condition or note such follow-up if any;
- 3. Respondent repeatedly throughout the course of treatment

inappropriately prescribed Dilaudid and Percocet, controlled substances to Patient E;

- a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;
4. Respondent failed to maintain a record for Patient E which accurately reflects the care and treatment provided to Patient E.

F. Between on or about May 4, 1994 and February 10, 1998, Respondent treated Patient F, a 45 year old male, for bladder cancer and other medical conditions at his office

1. Respondent repeatedly and throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient F or to note such physical and other examination/evaluation if any;
 - b) failed to obtain an adequate medical history or note such history if any;
2. Respondent repeatedly throughout the course of treatment failed to adequately follow-up on Patient F's medical condition or note such follow-up if any;
3. Respondent repeatedly throughout the course of treatment inappropriately prescribed Dilaudid and Percocet, controlled substances to Patient F;
 - a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;
4. Respondent failed to maintain a record for Patient F which accurately reflects the care and treatment provided to Patient F.

G. Between on or about April 11, 1997 and February 9, 1998, Respondent treated Patient G, a 36 year old female, for headaches and other medical conditions at his office

1. Respondent repeatedly throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient G or to note such physical and other examination/evaluation if any;
 - b) failed to obtain an adequate medical history or note such history if any;
2. Respondent repeatedly and throughout the course of treatment failed to adequately follow-up on Patient G's medical condition or note such follow-up, if any;
3. Respondent repeatedly throughout the course of treatment inappropriately prescribed Percocet, a controlled substance to Patient G;
 - a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;
4. Respondent failed to maintain a record for Patient G which accurately reflects the care and treatment provided to Patient G.

H. Between on or about February 3, 1994 and February 9, 1998, Respondent treated Patient H, a 36 year old male, for bone marrow cancer and other medical conditions at his office

1. Respondent repeatedly throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient H or to note such physical and other examination/evaluation if any;

- b) failed to obtain an adequate medical history or note such history if any;
 - 2. Respondent repeatedly throughout the course of treatment failed to adequately follow-up on Patient H's medical condition or note such follow up if any;
 - 3. Respondent repeatedly throughout the course of treatment inappropriately prescribed Dilaudid and Percocet, controlled substances to Patient H;
 - a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;
 - 4. Respondent failed to maintain a record for Patient H which accurately reflects the care and treatment provided to Patient H.
- I. Between on or about May 3, 1994 and February 8, 1998, Respondent treated Patient I, a 67 year old male, for pancreatic cancer and other medical conditions at his office
 - 1. Respondent repeatedly throughout the course of treatment
 - a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient I or to note such physical and other examination/evaluation if any;
 - b) failed to obtain an adequate medical history or note such history if any;
 - 2. Respondent repeatedly throughout the course of treatment failed to adequately follow-up on Patient I's medical condition or note such follow-up if any;
 - 3. Respondent repeatedly throughout the course of treatment

inappropriately prescribed Dilaudid and Percocet, controlled substances to Patient I;

a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;

4. Respondent failed to maintain a record for Patient I which accurately reflects the care and treatment provided to Patient I.

J. Between on or about June 7, 1994 and December 17, 1997, Respondent treated Patient J, a 31 year old female, for stomach cancer and other medical conditions at his office

1. Respondent repeatedly and throughout the course of treatment

a) failed to conduct an adequate physical examination and/or other necessary examinations/evaluations on Patient J or to note such physical and other examination/evaluation if any;

b) failed to obtain an adequate medical history or note such history if any;

2. Respondent repeatedly and throughout the course of treatment failed to adequately follow-up on Patient J's medical condition;

3. Respondent repeatedly throughout the course of treatment inappropriately prescribed Dilaudid and Percocet, controlled substances to Patient J;

a) Respondent engaged in these prescribing practices for purposes other than the good faith practice of medicine;

4. Respondent failed to maintain a record for Patient J which accurately reflects the care and treatment provided to Patient J.

SPECIFICATION OF CHARGES

FIRST THROUGH TENTH SPECIFICATIONS FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1999) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraphs A and A(3) and A(3)a.
2. Paragraphs B and B(3) and B(3)a.
3. Paragraphs C and C(3) and C(3)a.
4. Paragraphs D and D(3) and D(3)a.
5. Paragraphs E and E(3) and E(3)a.
6. Paragraphs F and F(3) and F(3)a.
7. Paragraphs G and G(3) and G(3)a.
8. Paragraphs H and H(3) and H(3)a..
9. Paragraphs I and I(3) and I(3)a.
10. Paragraphs J and J(3)and J(3)a.

ELEVENTH THROUGH TWENTIETH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1999) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

11. Paragraphs A and A(1), A(1)a, A(1)b, A(2), A(3) and A(3)a and/or A(4).
12. Paragraphs B and B(1), B(1)a, B(1)b, B(2), B(3) and B(3)a and/or B(4).
13. Paragraphs C and C(1), C(1)a, C(1)b, C(2), C(3) and C(3)a and/or C(4).
14. Paragraphs D and D(1), D(1)a, D(1)b, D(2), D(3) and D(3)a and/or D(4).
15. Paragraphs E and E(1), E(1)a, E(1)b, E(2), E(3) and E(3)a and/or E(4).
16. Paragraphs F and F(1), F(1)a, F(1)b, F(2), F(3) and F(3)a and/or F(4).
17. Paragraphs G and G(1), G(1)a, G(1)b, G(2), G(3) and G(3)a and/or G(4).
18. Paragraphs H and H(1), H(1)a, H(1)b, H(2), H(3) and H(3)a and/or H(4).
19. Paragraphs I and I(1), I(1)a, I(1)b, I(2), I(3) and I(3)a and/or I(4).
20. Paragraphs J and J(1), J(1)a, J(2)b, J(2), J(3) and J(3)a and/or J(4).

TWENTY FIRST THROUGH THIRTIETH SPECIFICATIONS
GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 1999) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

21. Paragraphs A and A(1), A(1)a, A(1)(b), A(2), A(3) and A(3)a and/or A(4).
22. Paragraphs B and B(1), B(1)a, B(1)(b), B(2), B(3) and B(3)a and/or B(4).
23. Paragraphs C and C(1), C(1)a, C(1)(b), C(2), C(3) and C(3)a and/or C(4).
24. Paragraphs D and D(1), D(1)a, D(1)(b), D(2), D(3) and D(3)a and/or D(4).
25. Paragraphs E and E(1), E(1)a, E(1)(b), E(2), E(3) and E(3)a and/or E(4).
26. Paragraphs F and F(1), F(1)a, F(1)(b), F(2), F(3) and F(3)a and/or F(4).
27. Paragraphs G and G(1), G(1)a, G(1)(b), G(2), G(3) and G(3)a and/or G(4).
28. Paragraphs H and H(1), H(1)a, H(1)(b), H(2), H(3) and H(3)a and/or H(4).
29. Paragraphs I and I(1), I(1)a, I(1)(b), I(2), I(3) and I(3)a and/or I(4).
30. Paragraphs J and J(1), J(1)a, J(2)(b), J(2), J(3) and J(3)a and/or

J(4).

THIRTY FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1999) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

31. Paragraphs A and A(1), A(1)a, A(1)b, A(2), A(3) and A(3)a and/or A(4), B and B(1), B(1)a, B(1)b, B(2), B(3) and B(3)a and/or B(4), C and C(1), C(1)a, C(1)b, C(2), C(3) and C(3)a and/or C(4), D and D(1), D(1)a, D(1)b, D(2), D(3) and D(3)a and/or D(4), E and E(1), E(1)a, E(1)b, E(2), E(3) and E(3)a and/or E(4), F and F(1), F(1)a, F(1)b, F(2), F(3) and F(3)a and/or F(4), G and G(1), G(1)a, G(1)b, G(2), G(3) and G(3)a and/or G(4), H and H(1), H(1)a, H(1)b, H(2), H(3) and H(3)a and/or H(4), I and I(1), I(1)a, I(1)b, I(2), I(3) and I(3)a and/or I(4), J and J(1), J(1)a, J(2)b, J(2), J(3) and J(3)a and/or J(4),

THIRTY SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1999) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of

two or more of the following:

32. Paragraphs A and A(1), A(1)a, A(1)b, A(2), A(3) and A(3)a and/or A(4), B and B(1), B(1)a, B(1)b, B(2), B(3) and B(3)a and/or B(4), C and C(1), C(1)a, C(1)b, C(2), C(3) and C(3)a and/or C(4), D and D(1), D(1)a, D(1)b, D(2), D(3) and D(3)a and/or D(4), E and E(1), E(1)a, E(1)b, E(2), E(3) and E(3)a and/or E(4), F and F(1), F(1)a, F(1)b, F(2), F(3) and F(3)a and/or F(4), G and G(1), G(1)a, G(1)b, G(2), G(3) and G(3)a and/or G(4), H and H(1), H(1)a, H(1)b, H(2), H(3) and H(3)a and/or H(4), I and I(1), I(1)a, I(1)b, I(2), I(3) and I(3)a and/or I(4), J and J(1), J(1)a, J(2)b, J(2), J(3) and J(3)a and/or J(4),

THIRTY THIRD THROUGH FORTY FIRST SPECIFICATIONS
FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1999) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

33. Paragraphs A and A(1), A(1)a, A(1)b, A(2), and/or A(4).
34. Paragraphs B and B(1), B(1)a, B(1)b, B(2), and/or B(4).
35. Paragraphs C and C(1), A(1)a, C(1)b, C(2), and/or C(4).
36. Paragraphs D and D(1), D(1)a, D(1)b, D(2), and/or E(4).
37. Paragraphs F and F(1), F(1)a, F(1)b, F(2), and/or F(4).
38. Paragraphs G and G(1), G(1)a, G(1)b, G(2), and/or G(4).

39. Paragraphs H and H(1), H(1)a, H(1)b, H(2), and/or H(4).
40. Paragraphs I and I(1), I(1)a, I(1)b, I(2), and/or I(4).
41. Paragraphs J and J(1), J(1)a, J(1)b, J(2), and/or J(4).

FORTY SECOND THROUGH FIFTY FIRST SPECIFICATIONS
MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1999) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

42. Paragraphs A and A(1), A(1)a, A(1)(b), A(2), A(3) and A(3)a and/or A(4).
43. Paragraphs B and B(1), B(1)a, B(1)(b), B(2), B(3) and B(3)a and/or B(4).
44. Paragraphs C and C(1), C(1)a, C(1)(b), C(2), C(3) and C(3)a and/or C(4).
45. Paragraphs D and D(1), D(1)a, D(1)(b), D(2), D(3) and D(3)a and/or D(4).
46. Paragraphs E and E(1), E(1)a, E(1)(b), E(2), E(3) and E(3)a and/or E(4).
47. Paragraphs F and F(1), F(1)a, F(1)(b), F(2), F(3) and F(3)a and/or F(4).
48. Paragraphs G and G(1), G(1)a, G(1)(b), G(2), G(3) and G(3)a and/or G(4).

49. Paragraphs H and H(1), H(1)a, H(1)b, H(2), H(3) and H(3)a and/or H(4).
50. Paragraphs I and I(1), I(1)a, I(1)b, I(2), I(3) and I(3)a and/or I(4).
51. Paragraphs J and J(1), J(1)a, J(2)b, J(2), J(3) and J(3)a and/or J(4).

DATED: July , 1999
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct