



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

January 16, 2002

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Bogan, Esq.  
& Robert Maher, Esq.  
NYS Department of Health  
Hedley Park Place – 4<sup>th</sup> Floor  
Troy, New York 12180

Hoo Joon Cheung, M.D.  
aka Hoo Joon Chang, M.D.  
c/o Bong Chang  
10354 Sandlewood Lane  
Northridge, CA 91326

**RE: In the Matter of Hoo Joon Cheung, M.D.  
Aka Hoo Joon Chang, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 02-34) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

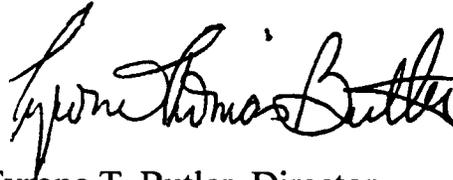
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

**COPY**

**IN THE MATTER**  
**OF**  
**HOO JOON CHEUNG, M.D.**  
**(a/k/a/ Hoo Joon Chang, M.D.)**

**DETERMINATION**

**AND**

**ORDER**

BPMC #02-34

A Notice of Referral Proceeding and Statement of Charges, both dated September 26, 2001, were served upon the Respondent, **HOO JOON CHEUNG, M.D.**. **DATTA G. WAGLE, M.D.**, Chairperson, **ARSENIO G. AGOPOVICH, M.D.** and **WILLIAM W. WALENCE, PH.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on December 20, 2001, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.** and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared pro se.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

## STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(iii), based upon his conviction of a crime in another jurisdiction. A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

## WITNESSES

For the Petitioner:

None

For the Respondent:

Respondent

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex.". These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise specified.

1. **HOO JOON CHEUNG, M.D.**, the Respondent, was authorized to practice medicine in New York State on June 17, 1969 by the issuance of license number 103586 by the New York State Education Department (Ex. 4).
2. On or about December 19, 2000, in the Court of Common Pleas of Dauphin County, Pennsylvania, Respondent was found guilty, based on a plea of nolo contendere, of Medicaid Fraud and was sentenced to thirty six (36) months probation, \$18,000.00 restitution, a \$500.00 fine, and 200 hours of community service. In addition, he was barred from participation in the Medicaid program for 5 years (Ex. 5).

## HEARING COMMITTEE CONCLUSIONS

The hearing Committee concludes Respondent's conviction of Medicaid Fraud in Pennsylvania would constitute misconduct under the laws of New York State, pursuant to New York Education Law 6530(9)(a)(iii).

## **VOTE OF THE HEARING COMMITTEE**

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law 6530(9)(a)(iii) by having been convicted of a crime in another jurisdiction where the conduct upon which the conviction was based would, if committed in New York State, constitute a crime under the laws of New York state.

**VOTE: SUSTAINED (3-0)**

#### **HEARING COMMITTEE DETERMINATION**

The record in this case indicates that on or about December 19, 2000, in the Court of Common Pleas of Dauphin County, Pennsylvania, Respondent was found guilty, based on a plea of nolo contendere, of Medicaid Fraud and was sentenced to thirty six (36) months probation, \$18,000.00 restitution, a \$500.00 fine, and 200 hours of community service. In addition, he was barred from participation in the Medicaid program for 5 years.

The Hearing Committee determines this conviction constitutes professional misconduct in New York, since thefts of Medicaid funds by fraud are criminal acts in this state.

The only issue remaining to be decided, then, is the penalty to be imposed in New York State. The Hearing Committee concludes, upon deliberation, that the appropriate penalty is revocation of Respondent's medical license. The theft of public funds by a physician is an extremely serious matter. It not only demonstrates the untrustworthiness of

the perpetrator, but it tends to bring discredit upon the profession as a whole. If this had been an isolated act, it might be easier to give Respondent some benefit of the doubt, but the count in the criminal Information to which Respondent pled guilty indicates that he, as part of a "continuing scheme" to defraud the Medicaid program, knowingly and intentionally presented for payment claims for injections which were not provided over a period of almost five years. The amount of restitution required, \$18, 000.00, is indicative of the pervasiveness of Respondent's criminal conduct.

Nothing in the presentation made by Respondent served to convince the Hearing Committee that lenience should be shown to him in this case. In fact, Respondent's testimony that he has moved to California during the period of his probation (allegedly by agreement with the Pennsylvania authorities), that he has not performed the community service called for by his sentence, and that he has only been paying restitution at the rate of \$200 per month (allegedly by agreement with the Pennsylvania authorities) raises more questions than it answers. No documentation was presented that Respondent is considered by the Pennsylvania authorities to be in compliance with the terms of his probation, and the Hearing Committee doubts that this is the case.

The Hearing Committee concludes that Respondent has committed serious violations of the trust placed in him by the public through the granting of a New York Medical license, and that revocation of that license is the appropriate penalty to be imposed for these violations.

**ORDER**

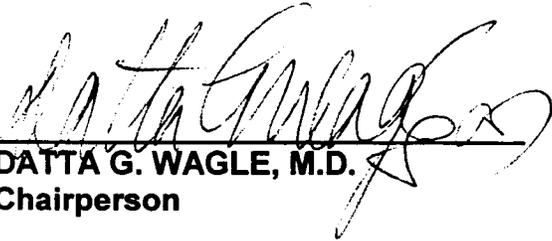
**IT IS HEREBY ORDERED THAT:**

1. The New York medical license of **HOO JOON CHEUNG, M.D.** should be **REVOKED**.

The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

**DATED: Williamsville, New York**

1/14/, 2002



**DATTA G. WAGLE, M.D.**  
Chairperson

**ARSENIO G. AGOPOVICH**  
**WILLIAM W. WALENCE, PH.D.**

# APPENDIX 1

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

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<b>IN THE MATTER</b>	<b>NOTICE OF</b>
<b>OF</b>	<b>REFERRAL</b>
<b>HOO JOON CHEUNG, M.D. AKA HOO JOON CHANG, M.D.</b>	<b>PROCEEDING</b>
<b>CO-01-05-2257-A</b>	

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**TO:** HOO JOON CHEUNG, M.D. AKA HOO JOON CHANG, M.D.  
C/O Bong Chang  
10354 Sandlewood Lane  
Northridge, CA 91326

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 26<sup>th</sup> day of October 2001, at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses an estimate of the time necessary for their direct examination must be submitted to the New York State



Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before October 16, 2001.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before October 16, 2001, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

**SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR**

EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN  
ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

*September 26*, 2001

*Peter D. Van Buren*

PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER

OF

HOO JOON CHEUNG, M.D. AKA HOO JOON CHANG, M.D.  
CO-01-05-2257-A

STATEMENT

OF

CHARGES

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HOO JOON CHEUNG, M.D. AKA HOO JOON CHANG, M.D., the Respondent, was authorized to practice medicine in New York state on April 25, 1969, by the issuance of license number 103586 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about December 19, 2000, in the Court of Common Pleas of Dauphin County, Pennsylvania, Respondent was found guilty, based on a plea of nolo contendere, of Medicaid Fraud and was sentenced to thirty six (36) months probation, \$18,000.00 restitution, \$500.00 fine, and 200 hours community service.

**SPECIFICATION**

Respondent violated New York 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 laws of New York state, in that Petitioner charges:

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

DATED: *Sept 26*, 2001  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct