



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 23, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Yung Feng Fang, M.D.
121 South 7th Avenue
Barstow, California 92311-3036

RE: License No. 120692

Dear Dr. Fang:

Enclosed please find Order #BPMC 98-312 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 23, 1998.**

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: Valerie B. Donovan, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
YUNG FENG FANG, M.D. : BPMC # 98-312

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Yung Feng Fang, M.D., says:

On or about July 9, 1974, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 120692 by the New York State Education Department.

I understand that I have been charged with one specification 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 admit guilt to the specification 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.

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YUNG FENG FANG, M.D.
Respondent

AGREED TO:

Date: _____, 1998

None

Esq.
Attorney for Respondent

Date: Dec. 15, 1998

Valerie B. Donovan
VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: December 18 1998

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

ORDER

Upon the proposed agreement of Yung Feng Fang, 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:

12/21/98

William P. Dillon, M.D.

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

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

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IN THE MATTER : STATEMENT
OF : OF
YUNG FENG FANG, M.D. : CHARGES

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YUNG FENG FANG, M.D., the Respondent, was authorized to practice medicine in New York State on July 9, 1974, by the issuance of license number 120692 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. On May 13, 1998, Respondent agreed to a Public Letter of Reprimand issued by the Medical Board of California [hereinafter Board]. The Board's investigation revealed that Respondent: (1) failed to recognize symptoms and signs consistent with child abuse; (2) failed to report a suspected case of child abuse, as required by California Penal Code § 11166; (3) failed to take a complete history and perform a thorough examination with chart documentation of the patient; (4) failed to observe and palpate a skeletal structure; (5) failed to evaluate swelling and crepitus in the patient's right humeral; (6) failed to evaluate the patient's clavicular region in the presence of torticollis with the neck deviated to the right; (7) failed to detect a fracture of the patient's left femur which had been

inflicted on the patient by his father; and, (8) failed to maintain accurate and adequate records relating to the patient's care and treatment. This misconduct was in violation of California Business and Professions Code §§ 2234, 2234(c), 2234(d) and 2266. The Board ordered Respondent to complete a course of Ethics and to complete a training program with the Physician Assessment and Clinical Education Program focussing on patient chart documentation and child abuse prevention.

B. The conduct which Respondent was disciplined for in California would, if committed in New York State, constitute professional misconduct, namely: practicing the profession with gross negligence on a particular occasion, N.Y. Educ. Law § 6530(4); practicing the profession with gross incompetence, N.Y. Educ. Law § 6530(6); failure to comply with provisions of state rules or regulations governing the practice of medicine, N.Y. Educ. Law § 6530(16); and/or failing to maintain a record for a patient which accurately reflects the evaluation and treatment of the patient, N.Y. Educ. Law § 6530(32).

SPECIFICATION OF MISCONDUCT

FIRST SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) in that he 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 Petitioner charges:

1. The facts of paragraphs A and B.

DATED: *Dec. 15*, 1998
Albany, New York

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