



***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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*Vice Chair*

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

June 12, 2000

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Yan Shin Tan, M.D.  
37 Christine Court  
Staten Island, New York 10312

RE: License No. 167473

Dear Dr. Tan:

Enclosed please find Order #BPMC 00-172 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect June 12, 2000.

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: Janet M. Connolly, Esq  
Goldberg and Connolly  
G & C Building  
66North Village Avenue  
Rockville Centre, New York 11570

Robert Bogan, Esq.

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

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**IN THE MATTER**  
**OF**  
**YAN SHIN TAN, M.D.**

**CONSENT**  
**AGREEMENT**  
**AND ORDER**

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BPMC No. 00-172

YAN SHIN TAN, M.D., (Respondent being duly sworn deposes and says:

That on or about August 14, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 167473 by the New York State Education Department.

My current address is 37 Christine Court, Staten Island, New York 10312, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board of Professional Medical Conduct has charged me with one (1) specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I do not contest the one (1) specification, in full satisfaction of the charges against me, hereby agreed to the following penalties:

Censure and Reprimand.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of

the Consent Order and will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

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

I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

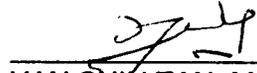
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first

class mail, a copy of the Consent 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 Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 5/26/2000

  
\_\_\_\_\_  
YAN SHIN TAN, M.D.  
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

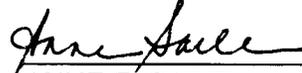
DATE: May 26, 2000

  
\_\_\_\_\_  
JANET M. CONNOLLY, ESQ.  
Attorney for Respondent

DATE: 1 June 00

  
\_\_\_\_\_  
ROBERT BOGAM  
Assistant Counsel  
Bureau of Professional Medical Conduct

DATE: June 6, 2000

  
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ANNE F. SAILE  
Director  
Office of Professional Medical Conduct

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**IN THE MATTER**  
**OF**  
**YAN SHIN TAN, M.D.**

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**CONSENT**  
**ORDER**

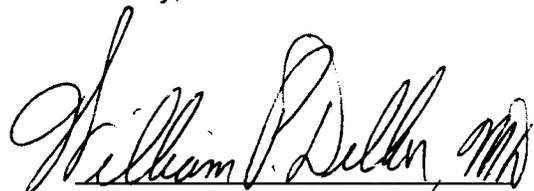
Upon the proposed agreement of YAN SHIN TAN, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 Consent 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: 6/7/00

  
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  
OF  
YAN SHIN TAN, M.B.B.S.**

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**STATEMENT  
OF  
CHARGES**

**YAN SHIN TAN, M.B.B.S.**, the Respondent, was authorized to practice medicine in New York state on August 14, 1986, by the issuance of license number 167473 by the New York State Education Department.

## FACTUAL ALLEGATIONS

A. On or about October 31, 1995, the New York State Department of Social Services notified Respondent that he was found guilty of submitting or causing to be submitted, a claim or claims for unfurnished medical care and for false statements in violation of 18 NYCRR §§ 515.2(b)(1)(i)(a) and 515.2(b)(2).

B. On or about January 20, 1999, the State of New York, Department of Health, in a Decision After Hearing, concluded that the Respondent intentionally submitted Medicaid billings for services which had not been rendered, affirmed the determination in paragraph A above, and excluded Respondent from participation in the Medicaid program for two (2) years.

C. The conduct resulting in the New York State Department of Health/ Department of Social Services action against would 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(16) failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or
2. New York Education Law §6530(21) (making or filing a false report).

## SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(c) by reason of having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, or after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct pursuant to the laws of New York state, in that Petitioner charges:

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

DATED: *May 11*, 2000  
Albany, New York



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