

PUBLIC

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

May 3, 2012

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Tuan Anh Huynh, M.D.

REDACTED ADDRESS

Re: License No. 222912

Dear Dr. Huynh:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 11-261. This order and any penalty provided therein goes into effect May 10, 2012.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED SIGNATURE

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER
OF
TUAN ANH HUYNH, M.D.

APPLICATION FOR
MODIFICATION ORDER

TUAN ANH HUYNH, M.D., (Respondent) says:

That on or about September 28, 2001, I was licensed to practice medicine in the State of New York, having been issued license number 222912 by the New York State Education Department.

My current address is _ REDACTED ADDRESS

I am currently subject to Consent Order BPMC No. 11-261, (hereinafter "Original Order"), annexed hereto, made a part, hereof, and marked as Exhibit 1, that took effect on November 8, 2011.

I apply to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the paragraph in the Original Order that states:

"Respondent shall be prohibited from prescribing controlled substances classified as schedules II, II-N, III, III-N, or IV, under the Federal Controlled Substances Act unless given written permission to do so by the New York State Board for Professional Medical Conduct."

I also ask that the Modification Order modifies the Original Order as follows: to add a paragraph stating:

"Respondent shall be prohibited from prescribing Suboxone and Methadone."

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance of the Board of this Application, I knowingly waive the right to contest the Original Order or the Modification Order for which I apply, both administratively and judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion to either enter into the proposed Agreement and Modification Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 4/20/2012

REDACTED ADDRESS

TUAN ANH HUYNH, M.D.
Respondent

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

DATE: 4/25/12

REDACTED ADDRESS

MICHAEL G. BASS
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: May 2, 2012

REDACTED ADDRESS

just _____
KEITH W. SERVIS
Director
Office of Professional Medical Conduct

Exhibit 1

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

IN THE MATTER

OF

TUAN ANH HUYNH, M.D.
CO-10-11-6825-A

CONSENT

AGREEMENT

TUAN ANH HUYNH, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about September 28, 2001, I was licensed to practice medicine in the State of New York and issued license number 222912 by the New York State Education Department.

My current address is REDACTED ADDRESS and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I do not contest the two (2) Specifications, and agree to the following sanction:

Censure and Reprimand;

Respondent shall be restricted from prescribing controlled substances for the treatment of chronic pain; and

Respondent shall be prohibited from prescribing controlled substances classified as schedules II, II-N, III, III-N, or IV, under the Federal Controlled Substances Act unless given written permission to do so by the New York State Board for Professional Medical Conduct.

Should Respondent return to the practice of medicine in the State of New York or in any jurisdiction where that practice is predicated upon Respondent's New York State medical license, Respondent shall provide ninety (90) days notice in writing to the

Director, OPMC. The Director in his sole discretion, may impose whatever limitations, or further conditions, he deems appropriate.

I agree, further, that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the effective date of the Consent Order and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the OPMC in its administration and enforcement of the Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Agreement. Respondent shall meet with a person designated by the Director, OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that the Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: October 20, 2011

REDACTED SIGNATURE

TUAN ANH HUYNH, M.D.

Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: October 20, 2011

REDACTED SIGNATURE

JAMES A. RESILA
Attorney for Respondent

DATE: October 20, 2011

REDACTED SIGNATURE

MICHAEL G. BASS
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 10/31, 2011

REDACTED SIGNATURE

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
TUAN ANH HUYNH, M.D.

CONSENT
ORDER

BPMC No. 11-261

Upon the application of **TUAN ANH HUYNH, M.D.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 11-1-2011

REDACTED SIGNATURE

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

IN THE MATTER
OF
TUAN ANH HUYNH, M.D.
CO-10-11-6825-A

STATEMENT
OF
CHARGES

TUAN ANH HUYNH, M.D., Respondent, was authorized to practice medicine in New York state on September 28, 2001, by the issuance of license number 222912 by the New York State Education Department.

FACTUAL ALLEGATIONS

A On or about October 15, 2010, the North Carolina Medical Board, (hereinafter "North Carolina Board"), by Consent Order (hereinafter "North Carolina Order"), REPRIMANDED Respondent and LIMITED AND RESTRICTED Respondent's ability and authorization to prescribe controlled substances in that Respondent was PROHIBITED from prescribing controlled substances classified as Schedule II, II-N, III, III-N or IV under the federal Controlled Substances Act unless given written permission to do so by the North Carolina Board. The North Carolina Board also PROHIBITED Respondent from prescribing controlled substances for the treatment of chronic pain and required respondent to complete a Category I CME Record Keeping Course within 6 months of the date of the North Carolina Order. The North Carolina Board found that Respondent's pain management for Patient's A-D was below the standard of care in that Respondent's records often did not contain information sufficient to support a diagnosis of the pain being treated. On or about October 20, 2010, the North Carolina Board, by Supplemental Consent Order, amended the North Carolina Order by permitting Respondent to prescribe controlled substances classified as Schedule II, II-N, III-N or Schedule IV controlled substances under the Federal Controlled Substances Act until 5:00 p.m., November 12, 2010 and prohibited Respondent from evaluating, assessing, or treating patients for chronic pain who were not patients of Respondent prior to October 15, 2010.

B. The conduct resulting in the North Carolina Board disciplinary action against 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(32) (failure to maintain an accurate record).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper 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 Petitioner charges:

1. The facts in Paragraphs A and B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken 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:

2. The facts in Paragraphs A and B.

DATED: *June 20*, 2011
Albany, New York

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