

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

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IN THE MATTER :  
OF : ORDER  
PHILIP W. H. CHEUNG, M.D. : BPMC #93-124

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Upon the Application of PHILIP W. H. CHEUNG, M.D.  
(Respondent) to Surrender his license as a physician in the State  
of New York, which application is made a part hereof, it is

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

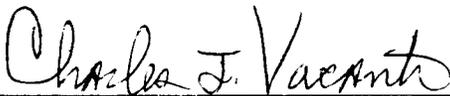
ORDERED, that the name of Respondent be stricken from  
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the  
restoration of Respondent's license until at least one year has  
elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the  
date of the personal service of this order upon Respondent, upon  
receipt by Respondent of this order via certified mail, or seven  
days after mailing of this order via certified mail, whichever is  
earliest.

SO ORDERED,

DATED: 5 August 1993

  
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CHARLES J. VACANTI, M.D.  
Chairperson  
State 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 : APPLICATION TO  
OF : SURRENDER  
PHILIP W. H. CHEUNG, M.D. : LICENSE  
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COUNTY OF SAN FRANCISCO  
STATE OF CALIFORNIA ss.:

PHILIP W. H. CHEUNG, M.D., being duly sworn, deposes and says:

On or about September 29, 1971, I was licensed to practice as a physician in the State of New York having been issued License No. 110385 by the New York State Education Department. I am not currently registered with the New York State Education Department to practice medicine in the State of New York. My current address is 728 Pacific Avenue, Suite 701, San Francisco, California 94133.

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 (the Board) for permission to surrender my license as a physician in the State of New York on the grounds that I admit

guilt to the specification of professional misconduct as set forth in Exhibit "A" of this Application.

I hereby make this application to the Board and request that it be granted.

I understand that, in the event that the 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.

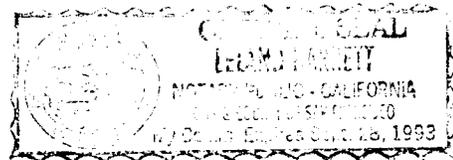
I agree that, in the event the Board grants my application, an order of the Chairperson of the Board may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

*Philip W. H. Cheung M.D.*  
PHILIP W. H. CHEUNG, M.D.  
Respondent

Sworn to before me this  
17TH day of JULY, 1993

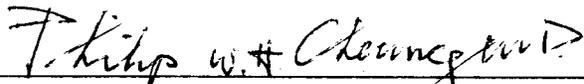
*Robert Bennett*  
NOTARY PUBLIC



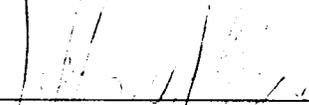
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STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

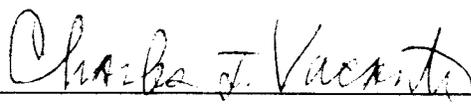
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IN THE MATTER :  
OF : APPLICATION TO  
PHILIP W. H. CHEUNG, M.D. : SURRENDER  
: LICENSE  
:-----

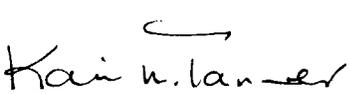
The undersigned agree to the attached application of the Respondent to surrender license.

Date: 07/17/, 1993  
  
PHILIP W. H. CHEUNG, M.D.  
Respondent

Date: 7/23/, 1993  
  
KENNETH L. FREEMAN, ESQ.  
Attorney for Respondent

Date: 7/23/, 1993  
  
JEFFREY J. ARMON  
Assistant Counsel

Date: 5 August, 1993  
  
CHARLES J. VACANTI, M.D.  
Chairperson, State Board for  
Professional Medical Conduct

Date: Aug. 10, 1993  
  
KATHLEEN M. TANNER  
Director, Office of 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  
PHILIP W. H. CHEUNG, M.D. : CHARGES  
-----X

PHILIP W. H. CHEUNG, M.D., the Respondent, was authorized to practice medicine in New York State on September 29, 1971 by the issuance of license number 110385 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His current address is 728 Pacific Avenue, Suite 701, San Francisco, California 94133.

FACTUAL ALLEGATIONS

A. On or about May 21, 1990, Respondent was convicted by a guilty plea in the Municipal Court of the City and County of San Francisco of three counts of violation of Section 14107 of the California Welfare and Institutions Code.

1. Respondent was convicted of three separate counts of presenting for allowance or payment by the California Medical Assistance Program false or fraudulent claims for the furnishing of services or merchandise and for thereafter accepting payment of such false or fraudulent claims.

2. Respondent was sentenced to the San Francisco County Jail for sixty days with work furlough, placed on three years probation, ordered to pay \$20,000 as restitution and an additional \$10,000 for investigative costs.

SPECIFICATION OF CHARGES

HAVING BEEN CONVICTED OF COMMITTING AN ACT  
CONSTITUTING A CRIME UNDER THE LAW OF  
ANOTHER JURISDICTION

Respondent is charged with professional misconduct in violation of N.Y. Educ. Law §6530(9)(a)(iii) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(5)(a)(iii)] in that Respondent was convicted of committing an act constituting a crime under the law of another jurisdiction which, if committed within the state, would have constituted a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraphs A and A.1 and/or A.2.

DATED: Albany, New York

*July 29, 1993*

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