



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

PUBLIC

January 4, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Michael Jianjun Wang, M.D.
4 Chester Street
South Setauket, New York 11720

Paul Stein, Esq.
NYS Department of Health
5 Penn Plaza - 6th Floor
New York, New York 10001

RE: In the Matter of Michael Jianjun Wang, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 04-187) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

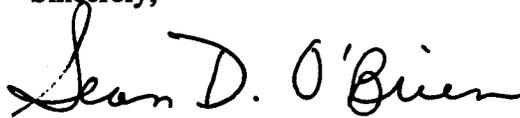
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either certified 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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Sean D. O'Brien". The signature is written in a cursive style with a large initial 'S' and 'O'.

Sean D. O'Brien, Director
Bureau of Adjudication

SDO: cah
Enclosure

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

In the Matter of

Michael Jianjun Wang, M.D. (Respondent)

Administrative Review Board (ARB)

**A proceeding to review a Determination by a
Committee (Committee) from the Board for
Professional Medical Conduct (BPMC)**

Determination and Order No. 04-187

COPY

**Before ARB Members Grossman, Lynch, Pellman, Wagle and Briber
Administrative Law Judge James F. Horan drafted the Determination**

**For the Department of Health (Petitioner):
For the Respondent:**

**Paul Stein, Esq.
Pro Se**

After a hearing below, a BPMC Committee determined that the Respondent engaged in fraud in medical practice by providing false information knowingly to medical facilities, during the Respondent's graduate medical education. The Committee voted to prohibit the Respondent from receiving further licensure in New York State. In this proceeding pursuant to N.Y. Pub. Health Law § 230-c (4)(a)(McKinney 2004), the Respondent asks the ARB to dismiss the action against him. After reviewing the hearing record and the review submissions from both parties, the ARB affirms the Committee's Determination.

Committee Determination on the Charges

The Petitioner commenced the proceeding by filing charges with BPMC alleging that the Respondent violated N. Y. Educ. Law §§ 6530(2)(McKinney Supp. 2004) by practicing medicine fraudulently. The charges alleged that the Respondent made knowingly false answers or provided false information, with intent to deceive, on three employment applications and a curriculum vitae (CV). The Respondent filed no answer to the charges.

The Committee determined that the Respondent holds no New York license, but that the Respondent qualifies as a licensee under Pub. Health Law § 230(7). That statute defines licensee to include a physician practicing under a limited permit or as a medical resident. The Committee also found that the Petitioner made good faith efforts to serve the Respondent with the Notice of Hearing and Statement of Charges. The Committee found further that the Respondent failed to file an answer to the charges. Under Pub. Health Law § 230(c)(2), a respondent must file a written answer to each charge at least ten days prior to hearing or each charge will be deemed admitted.

The Committee concluded that the Respondent practiced medicine fraudulently by submitting applications, knowingly and with intent to deceive, to St. Vincent's Hospital and Medical Center, the State University of New York (SUNY) Stony Brook Postgraduate Program in Anesthesiology and the SUNY Stony Brook Teaching Hospitals. The Committee also concluded that the Respondent submitted a CV that contained false information, knowingly and with intent to deceive, to the SUNY Stony Brook Teaching Hospitals. The false information included the Respondent's birth date, citizenship and dates of training and education.

The Committee voted to limit any further license issuance to the Respondent. The Committee noted that the Respondent's failure to appear at the hearing denied the Committee any explanation from the Respondent concerning the Respondent's fraudulent conduct. The Committee noted that the public must be protected from fraudulent conduct.

Review History and Issues

The Committee rendered their Determination on August 23, 2004. This proceeding commenced on September 16, 2004, when the ARB received the Respondent's challenge to the Committee's Determination. The record for review contained the Committee's Determination, the hearing record, the Respondent's September 16th submission (Submission) and the

Petitioner's response brief. The record closed when the ARB received the response brief on or about October 16, 2004.

The Respondent argues that SUNY Stony Brook terminated the Respondent from a residency program in retaliation for the Respondent's complaints about discrimination and that SUNY Stony Brook defamed the Respondent by complaining falsely about the Respondent to the Department of Health. The Respondent argues that the Health Department then defamed the Respondent by reporting the Respondent to the National Practitioner Data Banks. The Respondent demands that the Office for Professional Medical Conduct dismiss the illegal action against the Respondent that violated the Respondent's rights under the United States Constitution.

The Petitioner asks the ARB to dismiss the Respondent's review notice on grounds that the Respondent failed to serve a copy of the Respondent's Submission to the Petitioner and because the Submission fails to raise any issues within the ARB's review jurisdiction.

Determination

The ARB has considered the record and the parties' briefs. We affirm the Committee's Determination in full. Although the Respondent made arguments concerning defamation, the Submission clearly indicates that the Respondent challenges any allegations that the Respondent engaged in fraud.

The Respondent alleges incorrectly that he never received a hearing. The Respondent did receive a hearing and the Committee found that the Respondent received proper notice concerning the hearing. The Petitioner apparently used the proper address in serving the notice of hearing, because the Committee's Determination went to the same address. The Respondent's

challenge to the Committee's Determination demonstrates that the Respondent received that Determination. The Respondent also provided his Submission in an envelope bearing as return address the same address to which the Petitioner mailed the Notice of Hearing. We affirm the Committee's Determination that the Petitioner made a good faith effort to serve the Respondent, that the Respondent received notice about the hearing and that the Committee held jurisdiction over the Respondent.

By failing to serve an answer to the charges, the Respondent admitted those charges. The ARB affirms the Committee's Determination that the Respondent committed professional misconduct. The Respondent's Submission denying fraudulent conduct comes too late. The Respondent's Submission fails to explain why the Respondent failed to appear at the hearing and challenge the allegations in the charges. The Respondent's failure to appear provided the Committee no explanation and no mitigating evidence in considering the penalty to impose for fraudulent practice. The ARB holds that the Committee acted appropriately in prohibiting the Respondent from receiving any further license in New York State. The evidence at the hearing demonstrated that the Respondent engaged in repeated fraudulent conduct in providing false information to medical facilities. Such conduct demonstrates the Respondent's unfitness to practice medicine in this State.

ORDER

NOW, with this Determination as our basis, the ARB renders the following ORDER:

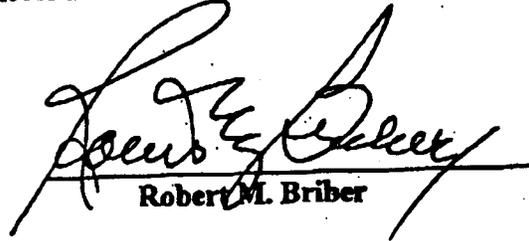
- 1. The ARB affirms the Committee's Determination that the Respondent committed professional misconduct.**
- 2. The ARB affirms the Committee's Determination to prohibit the Respondent from obtaining a license to practice medicine in New York State.**

**Robert M. Briber
Thea Graves Pellman
Datta G. Wagle, M.D.
Stanley L. Grossman, M.D.
Therese G. Lynch, M.D.**

In the Matter of Michael Jianjun Wang, M.D.

Robert M. Briber, an ARB Member, concurs in the Determination and Order in the Matter of Dr. Wang.

Dated: January 1, 2005



Robert M. Briber

In the Matter of Michael Jianjun Wang, M.D.

Thea Graves Pellman, an ARB Member concurs in the Determination and Order in the
Matter of Dr. Wang.

Dated: Dec 30, 2004



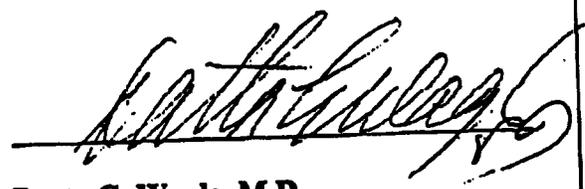
Thea Graves Pellman

In the Matter of Michael Jianjun Wang, M.D.

Datta G. Wagle, M.D., an ARB Member concurs in the Determination and Order in the

Matter of Dr. Wang.

Dated: 12/29/, 2004



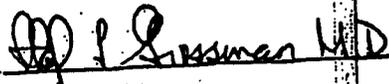
Datta G. Wagle, M.D.

In the Matter of Michael Jianjun Wang, M.D.

Stanley L. Grossman, an ARB Member concurs in the Determination and Order in the

Matter of Dr. Wang.

Dated: December 31, 2004



Stanley L Grossman, M.D.

In the Matter of Michael Jianjun Wang, M.D.

Therese G. Lynch, M.D., an ARB Member concurs in the Determination and Order in
the Matter of Dr. Wang.

Dated: December 29, 2004

Therese G. Lynch M.D.

Therese G. Lynch, M.D.