



**Department  
of Health**

KATHY HOCHUL  
Governor

MARY T. BASSETT, M.D., M.P.H.  
Acting Commissioner

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

December 27, 2021

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Marc S. Nash, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Albany, New York 12237

Susannah Tung, M.D.  
[REDACTED]

Susannah Tung, M.D.  
[REDACTED]

**RE: In the Matter of Susannah Tung, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 21-267) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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 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  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

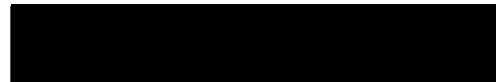
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Ms. Carney at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Dawn MacKillop-Soller  
Acting Chief Administrative Law Judge  
Bureau of Adjudication

DXM: nm  
Enclosure

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

COPY

-----X  
IN THE MATTER  
OF  
SUSANNAH TUNG, M.D.  
-----X

DETERMINATION  
AND  
ORDER

BPMC-21-267

A hearing was held on December 15, 2021, remotely by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **Lyon Greenberg, M.D., Chairperson, Mehdi Khan, D.O., and Janet Axelrod, Esq.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **Tina M. Champion**, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Marc S. Nash, Associate Counsel. A Notice of Referral Proceeding and Statement of Charges, both dated October 22, 2021, were duly served upon Susannah Tung, M.D. (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department. (Dept. Exs. 1-5.) A stenographic reporter prepared a transcript of the proceeding.

**BACKGROUND**

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with one specification of professional misconduct pursuant to Educ. Law § 6530(9)(d) for "[h]aving his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a

duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state." Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

#### **FINDINGS OF FACT**

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was licensed to practice medicine in New York State on October 8, 2010 by issuance of license number 259011. (Dept. Ex. 4.)

2. On April 20, 2021, the Connecticut Medical Examining Board (Connecticut Board), by way of a Consent Order, reprimanded the Respondent's license and placed her on four years' probation. Among other things, the Order required that during the time of probation the Respondent participate in therapy with a licensed psychiatrist or psychologist; refrain from ingesting alcohol and using controlled substances; attend anonymous support group meetings; not be self-employed as a physician; and only practice in an office and practice setting that physically includes other licensed physicians on-site while the Respondent is practicing. (Dept. Ex. 5.)

3. The basis for the Consent Order was uncontested allegations made by the Connecticut Board that (1) on or about October 11, 2017 and/or February 15, 2020 the Respondent abused and/or utilized excess alcohol; and (2) from approximately February 2017 through January 2020 the Respondent failed to access and/or utilize Connecticut's electronic prescription records (Prescription Monitoring Program) for controlled substances dispensed by pharmacies prior to prescribing

controlled substances for three patients and/or failed to access and/or utilize the Prescription Monitoring Program at least once every ninety days for two patients receiving ongoing controlled substance prescriptions. (Dept. Ex. 5.)

#### **VOTE OF THE HEARING COMMITTEE**

The Hearing Committee, by a vote of 3-0, sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(d).

#### **HEARING COMMITTEE DETERMINATIONS**

The Hearing Committee has thoroughly considered the evidence in this matter. It concludes that the conduct resulting in the disciplinary action in Connecticut, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(3) – Practicing the profession with negligence on more than one occasion; and

Educ. Law § 6530(8) – Being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects.

The Hearing Committee is concerned over the Respondent's failure to adhere to applicable standards of care in prescribing controlled substances and the potential for impact on her ability to practice medicine from her abusing and/or utilizing excess alcohol. The Hearing Committee notes that the behavior by the Respondent relating to her failure to access and/or utilize Connecticut's Prescription Monitoring Program persisted over a period of years. Given the seriousness of the matter and the Respondent's failure to appear to respond to the charges brought by the Department, the Hearing Committee finds that the only appropriate penalty in this matter is revocation of the Respondent's license to practice medicine in the State of New York.

**ORDER**

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specification of professional misconduct as set forth in the Statement of Charges is sustained;
2. The Respondent's license to practice medicine in the State of New York is revoked; and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

Dated: Albany, New York  
December 21, 2021

[REDACTED]  
Lyon Greenberg, M.D., Chairperson  
Mehdi Khan, D.O.  
Janet Axelrod, Esq.

Marc S. Nash  
Associate Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Albany, New York 12237  
[REDACTED]

Susannah Tung, M.D.  
[REDACTED]

Susannah Tung, M.D.  
[REDACTED]

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

IN THE MATTER  
OF  
SUSANNAH TUNG, M.D.

STATEMENT  
OF  
CHARGES

SUSANNAH TUNG, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 8, 2010, by the issuance of license number 259011 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about April 7, 2021, by Consent Order, the Connecticut Medical Examining Board (hereinafter, "Connecticut Board"), reprimanded Respondent's license and placed her on four years' probation during which time: Respondent must participate in therapy; refrain from the ingestion of alcohol in any form and controlled substances; and not be self-employed. This Consent Order was issued pursuant to the Connecticut Board's allegations, which Respondent chose not to contest, that: (1) on October 11, 2017 and/or February 15, 2020, Respondent abused and/or utilized to excess alcohol; and (2) from approximately February 2017 through January 2020, Respondent failed to access and/or utilize the electronic prescription records for controlled substances prior to prescribing controlled substances for three patients. These facts constituted grounds for disciplinary action pursuant to the General Statutes of Connecticut §20-13c, including, but not limited to §20-13c(3) (abuse or excessive use of drugs, including alcohol, narcotics or chemicals) and/or §20-13c(4) (illegal, incompetent or negligent conduct in the practice of medicine).

B. The conduct resulting in the Connecticut Board's 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) (Practicing the profession with negligence on more than one occasion); and
2. New York Education Law § 6530(8) (Being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects).

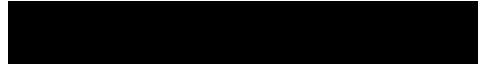
**SPECIFICATION OF CHARGES**  
**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530(3) and (8)) as alleged in the facts of the following:

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



DATE: October 22, 2021  
Albany, New York



JEFFREY J. CONKLIN  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct