



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

February 12, 2003

Richard J. Juang, M.D.
1211 St. Ann Drive
Erie, PA 16509

Dear Doctor Juang:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 12, 2003, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5151 0148
RETURN RECEIPT REQUESTED

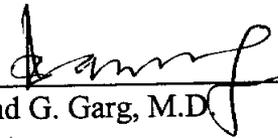
Cc: 318 E. Main Street
Girard, PA 16417
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5151 0131
RETURN RECEIPT REQUESTED

Mailed 2-13-03

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 12, 2003, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Richard C. Juang, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Anand G. Garg, M.D.
Secretary

(SEAL)

February 12, 2003

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

RICHARD C. JUANG, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 12, 2003.

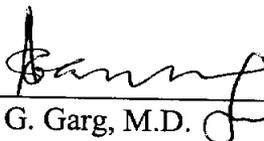
Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Richard C. Juang, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of thirty days.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Anand G. Garg, M.D.
Secretary

February 12, 2003

Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF RICHARD C. JUANG, M.D.**

The Matter of Richard C. Juang, M.D., was heard by R. Gregory Porter, Attorney Hearing Examiner for the State Medical Board of Ohio, on December 16, 2002.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated September 11, 2002, the State Medical Board of Ohio [Board] notified Richard C. Juang, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that Dr. Juang had entered into a Consent Agreement and Order [Consent Agreement] with the Commonwealth of Pennsylvania, Department of State, State Board of Medicine that suspended Dr. Juang's certificate to practice in that state for two weeks, and imposed a fine of \$3,500.00, for failure to maintain professional liability insurance, in violation of Pennsylvania law. The Board further alleged that Dr. Juang had inappropriately answered "No" to two questions on his June 10, 2002, application for renewal of his Ohio certificate.

The Board alleged that the Consent Agreement constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code."

Moreover, the Board alleged that Dr. Juang's responses to questions on his application for renewal of his Ohio certificate constitute "'fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,' as that clause is used in Section 4731.22(A), Ohio Revised Code[; and/or] '[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,' as that clause is used in Section 4731.22(B)(5), Ohio Revised Code."

Accordingly, the Board advised Dr. Juang of his right to request a hearing in this matter. (State's Exhibit 1A)

- B. By document received by the Board on October 15, 2002, Dr. Juang requested a hearing. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Mark A. Michael, Assistant Attorney General.
- B. On behalf of the Respondent: Dr. Juang, having been previously notified of his right to be represented by an attorney, represented himself at the hearing.

EVIDENCE EXAMINED

I. Testimony Heard

Richard C. Juang, M.D.

II. Exhibits Examined

- A. State's Exhibits 1A through 1H: Procedural exhibits.
- B. State's Exhibit 2: Copies of documents concerning Dr. Juang maintained by the Commonwealth of Pennsylvania, Department of State, State Board of Medicine.
- C. State's Exhibit 3: Certified copy of Dr. Juang's application for renewal of his Ohio certificate dated June 10, 2002. [Note that Dr. Juang's Social Security number was redacted from this document post-hearing with the agreement of the parties.]

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Richard C. Juang, M.D., testified that he had obtained his medical degree in 1967 from Taipei Medical School in Taipei, Taiwan. Dr. Juang further testified that, from 1968 through 1969, he had participated in a rotating internship in Pittsburgh, Pennsylvania. Moreover, Dr. Juang testified that, from 1969 through 1974, he had participated in a surgical

residency at the Medical College of Ohio in Toledo, Ohio. Finally, Dr. Juang testified that he has a general practice and a general surgery practice in Girard, Pennsylvania, and that he has practiced there since 1976. (Hearing Transcript [Tr.] at 21-22)

Dr. Juang testified that his Ohio license is his primary license, and that he had trained in Ohio. Dr. Juang further testified that he has never actually practiced in Ohio, but has always practiced in Pennsylvania. (Tr. at 21)

2. On January 23, 2002, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine [Pennsylvania Board] issued an Order to Show Cause to Dr. Juang. In that document, the Pennsylvania Board alleged, among other things, that Dr. Juang had violated Pennsylvania law by engaging in the practice of medicine in that state when he did not have any professional liability insurance coverage. (State's Exhibit [St. Ex.] 2 at 23-28)
3. On May 21, 2002, the Pennsylvania Board approved a Consent Agreement and Order [Consent Agreement] between Dr. Juang and the Pennsylvania Board. Pursuant to the terms of that document, Dr. Juang's certificate to practice medicine in the State of Pennsylvania was to be suspended for a two week period from November 18 through December 3, 2002, and a \$3,500.00 fine was imposed upon Dr. Juang, based upon Dr. Juang's failure to maintain professional liability insurance in violation of 40 P.S. Section 1301.701(a), and 63 P.S. Section 422.41(6), 49 Pa. Code Section 16.31-35. Moreover, in the Consent Agreement, Dr. Juang acknowledged receipt of the Order to Show Cause in the matter. Finally, Dr. Juang agreed to remit the fine with the signed Consent Agreement; Dr. Juang signed the Consent Agreement on April 9, 2002. (St. Ex. 2 at 1-6)
4. On June 10, 2002, Dr. Juang signed and submitted to the Board an application for renewal of his certificate to practice medicine and surgery in Ohio. By signing that application, Dr. Juang certified, "under penalty of loss of [his] right to practice in the State of Ohio, * * * that the information provided on this application for renewal is true and correct in every respect." Nevertheless, on his renewal application, Dr. Juang responded, "No," to the questions,

[At any time since signing your last] application for renewal of your certificate:

* * *

4.) [h]as any board, bureau, department, agency, or other body, including those in Ohio, **other than this board**, filed any charges, allegations or complaints against you?

5.) [h]ave you surrendered, or consented to limitation of, or to reprimand or probation concerning, a license to practice any healthcare profession or state or federal privileges to prescribe controlled

substances in any jurisdiction? You may answer “NO” to this question if the only such surrender or consent was given to this board.

(St. Ex. 3) (Emphasis in original)

5. Dr. Juang testified that he understood the meaning of question 4. Nevertheless, Dr. Juang testified that he had not believed that he needed to answer “Yes” to that question because the events giving rise to the Pennsylvania Board action had occurred in 1997, although the Pennsylvania Board did not take action until 2002. Dr. Juang further testified that, at the time he signed his Ohio renewal application, his attorney had been negotiating with the Pennsylvania Board concerning the dates of Dr. Juang’s suspension. Moreover, Dr. Juang acknowledged that there had been charges pending in Pennsylvania at the time he signed his Ohio renewal application, but stated that the matter had not yet been resolved. Finally, Dr. Juang testified that he had made an honest mistake. (Tr. at 14-15)

Dr. Juang further testified that he had answered, “No,” to question 5. Dr. Juang testified that he answered thusly because the dates of his suspension had not yet been determined. (Tr. at 16)

6. Dr. Juang testified that he had believed that he could answer, “No,” to the questions on his Ohio renewal application because he had had no previous record and because his suspension would not occur until November. (Tr. at 20-21)
7. Dr. Juang testified that he had signed the Pennsylvania Board Consent Agreement on April 9, 2002. Dr. Juang further testified that he believes that, at the time he signed that document, the dates for the suspension had not yet been determined, and the spaces in the document for those dates had been left blank. Moreover, Dr. Juang testified that his attorney had continued to negotiate with the Pennsylvania Board concerning the suspension dates after Dr. Juang had signed the Consent Agreement. Finally, Dr. Juang testified that those dates were not established until September, October, or November, although he could not specifically recall when. (Tr. at 16-19)

Nevertheless, Dr. Juang acknowledged that there is no indication on the Consent Agreement that the dates for Dr. Juang’s suspension had been filled in after he had signed the document. Further, Dr. Juang acknowledged that the copy of the Consent Agreement in the Board’s possession, which includes the dates of Dr. Juang’s suspension, had been certified on July 11, 2002. (St. Ex. 2 at 2; Tr. at 19-20)

FINDINGS OF FACT

1. On May 21, 2002, Richard C. Juang, M.D., entered into a Consent Agreement and Order [Consent Agreement] with the Commonwealth of Pennsylvania, Department of State, State Board of Medicine [Pennsylvania Board]. Pursuant to the terms of that document,

Dr. Juang's certificate to practice medicine in the State of Pennsylvania was to be suspended for a two week period from November 18 through December 3, 2002, and a \$3,500.00 fine was imposed upon Dr. Juang, based upon Dr. Juang's failure to maintain professional liability insurance in violation of 40 P.S. Section 1301.701(a), and 63 P.S. Section 422.41(6), 49 Pa. Code Section 16.31-35.

2. On June 10, 2002, Dr. Juang signed and submitted to the Board an application for renewal of his certificate to practice medicine and surgery in Ohio. By signing that application, Dr. Juang certified, "under penalty of loss of [his] right to practice in the State of Ohio, * * * that the information provided on this application for renewal is true and correct in every respect." Nevertheless, on his renewal application, Dr. Juang responded, "No," to the questions,

[At any time since signing your last] application for renewal of your certificate:

* * *

4.) [h]as any board, bureau, department, agency, or other body, including those in Ohio, **other than this board**, filed any charges, allegations or complaints against you?

5.) [h]ave you surrendered, or consented to limitation of, or to reprimand or probation concerning, a license to practice any healthcare profession or state or federal privileges to prescribe controlled substances in any jurisdiction? You may answer "NO" to this question if the only such surrender or consent was given to this board.

In fact, in the May 21, 2002, Consent Agreement, Dr. Juang had admitted that he had received an Order to Show Cause from the Pennsylvania Board, and had agreed to the suspension of his Pennsylvania license and a fine.

CONCLUSIONS OF LAW

1. The Pennsylvania Board Consent Agreement and Order concerning Richard C. Juang, M.D., as set forth in Findings of Fact 1, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

2. Dr. Juang argued that his incorrect responses to questions 4 and 5 on his Ohio renewal application had been honest mistakes. Dr. Juang testified that he had answered, “No,” to those questions because the dates of his suspension had not yet been established, and were not established until September, October, or November 2002. Dr. Juang’s argument is not credible. The Consent Agreement indicates an effective date of May 21, 2002. It is simply not realistic to argue that the Pennsylvania Board would have adopted and made effective a Consent Agreement that was incomplete, and lacked the dates of Dr. Juang’s suspension.

Furthermore, questions 4 and 5 on the Ohio renewal application are clear and unambiguous, and the responses that Dr. Juang provided were clearly wrong. With regard to question 4, which concerned allegations being filed against him by another agency, the Consent Agreement previously signed by Dr. Juang stated that he had received an Order to Show Cause from the Pennsylvania Board. This document had set forth the Pennsylvania Board’s allegations against Dr. Juang. Consequently, Dr. Juang should have answered, “Yes,” to question 4.

With regard to question 5, which concerned agreeing to a limitation of a license, the Consent Agreement signed by Dr. Juang indicates that he had agreed that his license to practice medicine in Pennsylvania would be suspended for two weeks. Dr. Juang noted that his suspension was not scheduled to take place until November 2002, after he had signed his Ohio renewal application. Nevertheless, regardless of the date of enforcement, and even if one accepts Dr. Juang’s argument that the dates of the suspension were not established until later, Dr. Juang agreed to a limitation concerning a license to practice medicine at the time he entered into the Consent Agreement with the Pennsylvania Board. Consequently, Dr. Juang should have answered, “Yes,” to question 5.

Accordingly, the conduct of Dr. Juang as set forth in Findings of Fact 2 constitutes “fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(A), Ohio Revised Code.

3. The conduct of Dr. Juang as set forth in Findings of Fact 2, and as discussed in Conclusions of Law 2, constitutes “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

* * * * *

The failure of a licensee to honestly and completely answer questions on the Board’s renewal applications impedes this Board’s ability to protect the public, and merits sanction.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Richard C. Juang, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of thirty days.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

A handwritten signature in black ink, appearing to read 'R. Gregory Porter', written over a horizontal line.

R. Gregory Porter
Attorney Hearing Examiner



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 12, 2003

REPORTS AND RECOMMENDATIONS

Mr. Browning announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Mr. Browning noted that Board members were notified by e-mail the previous day that the Matter of Charles Vernon Porter, M.D., has been tabled for this month.

Mr. Browning asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Robert Alan Graor, M.D.; Faye F. Istanbooly, M.D.; Richard C. Juang, M.D.; and Alex Y. Tseng, D.O. A roll call was taken:

| | | |
|------------|----------------|-------|
| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Bhati | - aye |
| | Dr. Buchan | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |
| | Mr. Browning | - aye |

Mr. Browning asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

| | | |
|------------|-------------|-------|
| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Bhati | - aye |
| | Dr. Buchan | - aye |

| | |
|----------------|-------|
| Ms. Sloan | - aye |
| Dr. Davidson | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |
| Mr. Browning | - aye |

Mr. Browning noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Mr. Browning stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

RICHARD C. JUANG, M.D.

.....

DR. BHATI MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF RICHARD C. JUANG, M.D. DR. STEINBERGH SECONDED THE MOTION.

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Dr. Somani joined the meeting at this time.

.....

A vote was taken on Dr. Bhati's motion to approve and confirm:

| | | |
|-------|-------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Bhati | - aye |
| | Dr. Buchan | - aye |
| | Dr. Somani | - abstain |
| | Ms. Sloan | - aye |

| | |
|----------------|-----------|
| Dr. Davidson | - aye |
| Dr. Garg | - abstain |
| Dr. Steinbergh | - aye |

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

September 11, 2002

Richard C Juang, M.D.
1211 St. Ann Dr.
Erie, PA 16509

Dear Doctor Juang:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about May 21, 2002, you entered into a Consent Agreement and Order with the Commonwealth of Pennsylvania, Department of State, State Board of Medicine. Pursuant to the terms of that Consent Agreement and Order, your license to practice medicine in the State of Pennsylvania was suspended for a two week period and a \$3,500.00 fine was imposed for your failure to maintain professional liability insurance in violation of 40 P.S. Section 1301.701(a), 63 P.S. Section 422.41(6) and 49 Pa. Code Sections 16.31-35. A copy of the above-referenced Consent Agreement and Order is attached hereto and incorporated herein.
- (2) On or about June 10, 2002, you signed and submitted to the State Medical Board of Ohio an application for renewal of your license to practice medicine and surgery. You signed a statement in that application indicating that you "certify, under penalty of loss of [your] right to practice in the State of Ohio, ... that the information provided on this application for renewal is true and correct in every respect." You answered "NO" to questions numbered 4 and 5 on that renewal application which ask "At any time since signing your last application for renewal of your certificate:
 - 4.) [h]as any board, bureau, department, agency, or other body, including those in Ohio, **other than this board**, filed any charges, allegations or complaints against you? (Emphasis in the original).
 - 5.) [h]ave you surrendered, or consented to limitation of, or to reprimand or probation concerning, a license to practice any healthcare profession or state or federal privileges to prescribe controlled substances in any

mailed 9/12/02

jurisdiction? You may answer "NO" to this question if the only such surrender or consent was given to this board.

In fact, you admitted in the above referenced Consent Agreement and Order that you received an Order to Show Cause in the Pennsylvania matter. Further, you consented to suspension of your license and to a fine in the above-referenced Consent Agreement and Order.

The Pennsylvania Consent Agreement and Order as alleged in paragraph (1) above, individually and/or collectively, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently

Richard C. Juang, M.D.

Page 3

revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5151 5983
RETURN RECEIPT REQUESTED

b. Respondent's last registered address on file with the Board is 318 East Main Street, Girard, PA 16417.

c. Respondent engaged in the practice of medicine in Pennsylvania from July 27, 1997 through October 1, 1997.

d. Respondent did not have any basic professional liability insurance coverage during the period in paragraph 3.c. above.

4. The actions of Respondent, described above, violated the HCSM Act at 40 P. S. Section 1301.701(a) and the MP Act at 63 P. S. Section 422.41(6), 49 Pa. Code Section 16.31-35 in that Respondent did not maintain professional liability insurance during the period from July 27, 1997 through October 1, 1997.

5. The participants consent to issuance of the following Order in settlement of this matter:

a. Respondent shall pay a **CIVIL PENALTY** of \$3,500.00 (Three Thousand Five Hundred Dollars) by cashier's check, certified check, U. S. Postal money order, made payable to "Commonwealth of Pennsylvania." Respondent shall return the full civil penalty with this signed Consent Agreement and Order to the Prosecuting Attorney.

b. Respondent's License No. MD-018134-Y is **ACTIVELY SUSPENDED** for a period of Two (2) weeks, specifically from 11-18-02 to 12-3-02. Within 10 days prior to the active suspension period above, Respondent shall surrender his wall certificate, registration certificate and wallet card by mailing them or delivering them in person to:

Bernadette Paul, Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
Legal Office – Prosecution Division
116 Pine Street
Harrisburg, PA 17101

6. Respondent understands that the civil penalty provided for in this Consent Agreement and Order is not a premium for malpractice insurance and the CAT Fund surcharge, or in any way consideration for defense or indemnity coverage by the Pennsylvania Medical CAT Fund or the Board in the event of a malpractice claim against him, and that Respondent continues to have exposure to liability in this respect. The entire civil penalty will be retained by the Board under its statutory provision to impose and collect civil penalties for violations of the Act and its regulations cited in paragraph 4 above. 63 P. S. Section 422.39(b).

7. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

8. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

9. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

11. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

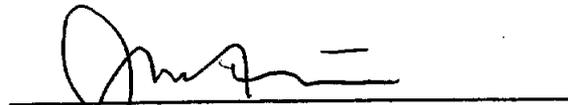
12. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.


Bernadette Paul
Prosecuting Attorney
Department of State

DATED: 5/6/02


Richard C. Juang, M. D.
Respondent

DATED: 4/9/02


James M. Antoun, Esq.
Attorney for Respondent

DATED:

ORDER

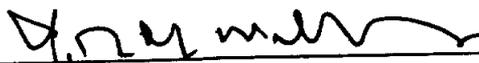
AND NOW, this *11th* day of *May*, 2002 the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

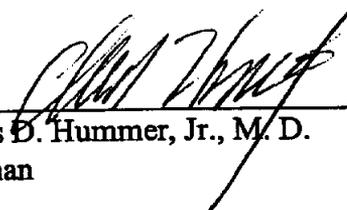
BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

STATE BOARD OF MEDICINE



David M. Williams
Acting Commissioner



Charles D. Hummer, Jr., M. D.
Chairman

Date of mailing: *5/24/02*

For the Commonwealth:

Bernadette Paul, Prosecuting Attorney
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent:

James M. Antoun, Esquire
MacDONALD ILLIG JONES & BRITTON
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BP/bld

PROSECUTION DIVISION

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