VER/SWM

State Medical Board of Ohio

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

June 13, 2001

Ching-Cheng Wu, M.D.
AKA Kenneth C. Wu, M.D.
9 Upland Terrace
Allegany, NY 14706

Dear Doctor Wu:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on June 13, 2001.

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 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG: jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7099 3220 0009 3046 0864
RETURN RECEIPT REQUESTED

Mailed 6.14.01

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on June 13, 2001, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Ching-Cheng Wu, M.D., aka Kenneth C. Wu, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

Anand G. Garg, M.D.
Secretary

(SEAL)

JUNE 13, 2001
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

CHING-CHENG WU, M.D. *
AKA KENNETH C. WU, M.D.
*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated April 11, 2001, notice was given to Ching-Cheng Wu, M.D., that the State Medical Board intended to consider disciplinary action against his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, on April 12, 2001, to the address of record of Dr. Wu, that being 112 W. Main Street, Allegany, NY 14706. The Notice was returned to our offices by the United States Postal Service. On May 8, 2001, a second mailing of the notice was sent via certified mail, return receipt requested, to 9 Upland Terrace, Allegany, NY 14706.

A signed certified mail receipt was returned the Medical Board offices from the second mailing documenting proper service of the notice. However, no hearing request has been received from Dr. Wu and more than thirty (30) days have now elapsed since the mailing of that notice.

WHEREFORE, for the reasons outlined in the April 11, 2001 notice of opportunity for hearing, which is attached hereto and incorporated herein, it is hereby ORDERED that the license of Ching-Cheng, Wu, M.D., aka Kenneth C. Wu, M.D., to practice medicine and surgery in the State of Ohio be REVOKED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13TH day of JUNE 2001, and the original thereof shall be kept with said Journal.

Anand G. Garg, M.D.
Secretary

(SEAL)

JUNE 13, 2001
Date

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

7099 3220 0009 3046 0567

Article Sent To:

CITE 2ND MLG

JAM

Postage	$ 2.41
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.84

COLUMBUS OH CALLER SERVICE
MAY 8 2001
Postmark Here
USPS

Name (Please Print Clearly) (To be completed by mailer)
CHING-CHENG WU MD AKA KENNETH C. WU, MD
Street, Apt. No.; or PO Box No.
9 UPLAND TERRACE
City, State, ZIP+4
ALLEGANY NY 14706

PS Form 3800, July 1999 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

JAM

1. Article Addressed to:

CHING-CHENG WU, M.D.
AKA KENNETH C. WU, M.D.
9 UPLAND TERRACE
ALLEGANY, NY 14706

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X Kenneth C. Wu

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)
7099 3220 0009 3046 0567

CITE 2ND MAILING

PS Form 3811, July 1999 — Domestic Return Receipt

102595-00-M-0952

AFFIDAVIT

I, Kay Rieve, being duly cautioned and sworn, do hereby depose and say:

1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")

2) That I serve the Board in the position of Acting Administrative Officer,;

3) That in such position I oversee the division responsible for retaining custody of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;

4) That I have this day carefully examined the records of the Board pertaining to Ching-Cheng Wu, M.D.

5) That based on such examination, I have found the last known address of record of Ching-Cheng Wu, M.D. to be:

12 W. Main Street
Allegany, NY 14706

6) Further, Affiant Sayeth Naught.

Kay Rieve
Acting Administrative Officer

Sworn to and signed before me, Angela D. Fields, Notary Public, this 30th day of May, 2001.

Angela D. Fields
Notary Public

NOTARIAL SEAL
STATE OF OHIO

ANGELA D. FIELDS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 05/14/06

State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

April 11, 2001

Ching-Cheng Wu, M.D.
AKA Kenneth C. Wu, M.D.
112 W. Main Street
Allegany, New York 14706

Dear Doctor Wu:

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) Your certificate to practice medicine and surgery in Ohio was suspended by operation of law on or about October 1, 1999, for non-payment of renewal fees, and has not been reinstated.

(2) The New York State Board for Professional Medical Conduct (hereinafter the "New York Board"), by Consent Order dated October 15, 1999, adopted your application for Consent Order and the provisions thereof. The Consent Agreement and Order, effective November 10, 1999, suspended your New York license for a period of two (2) years, stayed the suspension, imposed probationary terms including a practice monitor, and permanently limited your license to preclude you from practicing obstetrics.

In the Consent Agreement and Order, you admitted that you committed professional misconduct by reason of practicing the profession of medicine with negligence on more than one occasion, in your gynecological and obstetrics medical care and treatment of patients "C", "D" and "E" during the period 1994 through 1998. You specifically admitted that you failed to obtain adequate diagnostic tests during your pre-natal care of these three patients.

A copy of the New York Board Consent Agreement and Order is attached hereto and incorporated herein.

(3) By Decision dated May 31, 2000, the Division of Medical Quality, Medical Board of California (hereinafter the "California Board") adopted the attached Stipulation for Surrender of License effective June 7, 2000. In the Stipulation, you agreed that you would not petition for reinstatement of your California license for a period of three (3) years.

Mailed 4-12-01
Second Mailing 5-8-01

The California Board Decision was based upon the New York Board Consent Agreement and Order, paragraph two (2) above.

A copy of the California Board Decision and Stipulation for Surrender of License is attached hereto and incorporated herein.

(4) The Pennsylvania State Board of Medicine (hereinafter the "Pennsylvania Board"), by Order filed September 20, 2000, adopted and approved a Consent Order by which you agreed to surrender your Pennsylvania license. You further agreed not to seek renewal of that license for a period of five (5) years and to pay a civil penalty of $500.00. The Pennsylvania Board Consent Agreement and Order was based upon the New York Board Consent Agreement and Order, paragraph two (2) above.

A copy of the Pennsylvania Board Consent Agreement and Order is attached hereto and incorporated herein.

The New York Board Consent Agreement and Order, as alleged in paragraph two (2) above, constitutes "[t]he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to August 10, 2000.

Further, the California Board Decision and Stipulation for Surrender of License, as alleged in paragraph three (3) above, constitutes "[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, 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, as in effect prior to August 10, 2000.

Further, the Pennsylvania Board Consent Agreement and Order, as alleged in paragraph four (4) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, 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, as in effect prior to April 10, 2001.

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 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/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 0609
RETURN RECEIPT REQUESTED

SECOND MAILING:
9 Upland Terrace
Allegany, NY 14706
CERTIFIED MAIL NO. 7099 3220 0009 3046 0567
RETURN RECEIPT REQUESTED

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

IN THE MATTER OF KENNETH C. WU, M.D.	CONSENT ORDER

Upon the proposed agreement of KENNETH C. WU, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10/15/99.

Denise M. Bolan RPA-C
DENISE M. BOLAN, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF KENNETH C. WU, M.D.	CONSENT AGREEMENT AND ORDER BPMC #99-276

STATE OF NEW YORK)
COUNTY OF CATTARAUGUS) ss.:

KENNETH C. WU, M.D., (Respondent) being duly sworn, deposes and says:

That on or about June 18, 1976, I was licensed to practice as a physician in the State of New York, having been issued License No. 127255 by the New York State Education Department.

My current address is 112 Main Street, ~~Olean,~~ Allegany K.W. New York, 14706, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with Four specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the Third Specification, insofar as it relates to Factual Allegations C.1, D.1, and E.1, in full satisfaction of the charges against me. I hereby agree to the following penalty: First, my license to practice medicine in New York State shall be suspended for a period of two years, with the suspension being stayed pending my compliance with the Terms of Probation attached hereto as Exhibit "B", and made a part hereof; and second, my license to practice medicine in New York State shall be permanently limited to preclude

me from practicing obstetrics.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions: my practice of medicine shall be monitored in accordance with the Terms of Probation.

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of

the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this 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, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the

value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 10/6/99

Kenneth C. Wu

KENNETH C. WU, M.D.
RESPONDENT

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

DATE: 10/08/99

WILLIAM S. REYNOLDS, ESQ.
Attorney for Respondent

DATE: 10/12/99

MICHAEL A. HISER
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: October 14, 1999

ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

----------X

IN THE MATTER OF KENNETH C. WU, M.D.	:	STATEMENT OF CHARGES

----------X

KENNETH C. WU, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 18, 1976 by the issuance of license number 127255 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period December 1, 1997 through November 30, 1999, with a registration office address of 112 Main Street, Olean, New York 14706.

FACTUAL ALLEGATIONS

A. Respondent, an obstetrician and gynecologist, treated Patient A (Patients are identified in the appendix attached hereto and made a part hereof) from on or about February 12, 1998 through August 18, 1998 at his office at 112 Main Street, Olean, New York 14706 (hereafter, "the office") and at Olean General Hospital, 515 Main Street, Olean, New York 14760 (hereafter, "Olean General"). Respondent provided pre-natal and other obstetric care to Patient A. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care in that:

EXHIBIT "A"

1. Respondent failed to adequately evaluate the fetal heart rate monitoring strips of Patient A's fetus from 1:00 a.m. through 4:33 a.m. on August 18, 1998.

2. Respondent ordered the transport of Patient A to Children's Hospital of Buffalo at or about 3:30 a.m., which was inappropriate given the condition of the fetus as revealed in the fetal heart rate tracings.

3. Respondent failed to perform a caesarean section delivery of Patient A's fetus on August 18, 1998, despite medical indications.

B. Respondent treated Patient B at various times from on or about 1977 through July 1992 for gynecologic and obstetric care. Between November 1991 and July 1992, Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care in that:

1. Respondent failed to obtain or order medically indicated diagnostic tests in the second trimester of Patient B's pregnancy, including a serum glucose or glucose tolerance test.

C. Respondent treated Patient C from on or about August 15, 1994 through May 1996 relating to gynecologic and obstetric care, including the delivery of the patient's stillborn twins at 8 1/2 months gestation in or about May 1995. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care in that:

1. Respondent failed to obtain adequate diagnostic tests during his pre-natal care of Patient C in 1994 through 1995, including obtaining an alpha-feto protein test.

D. Respondent treated Patient D at various times from on or about October 19, 1995 through June 1996 relating to gynecologic and obstetric care, including on or about April 29, 1996. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care in that:

1. Respondent failed to obtain adequate diagnostic tests during his pre-natal care of Patient D in 1995 through 1996, including obtaining an alpha-feto protein test.

E. Respondent treated Patient E at various times from on or about April 21, 1994 through October 1998 relating to gynecologic and obstetric care, including through October 19, 1998. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care in that:

1. Respondent failed to obtain adequate diagnostic tests during his pre-natal care of Patient E in 1998, including obtaining an alpha-feto protein test.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(4) by reason of his practicing the profession of medicine with gross negligence on a particular occasion, in that Petitioner charges the following:

1. The facts in paragraphs A and A.1, A and A.2, and/or A and A.3.

SECOND SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(6) by reason of his practicing the profession of medicine with gross incompetence on a particular occasion, in that Petitioner charges the following:

2. The facts in paragraphs A and A.1, A and A.2, and/or A and A.3.

THIRD SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(3) by reason of his practicing the profession of medicine with negligence on more than one occasion,

in that Petitioner charges that Respondent committed two or more of the following:

3. The facts set forth in paragraphs A and A.1, A and A.2, A and A.3, B and B.1, C and C.1, D and D.1, and/or E and E.1.

FOURTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(5) by reason of his practicing the profession of medicine with incompetence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

4. The facts set forth in paragraphs A and A.1, A and A.2, A and A.3, b and B.1, C and C.1, D and D.1, and/or E and E.1.

DATED: October 12, 1999
Albany, New York

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

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.

2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.

3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].

4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.

6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

PRACTICE MONITOR

7. Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Approval of a monitor or supervisor is a condition precedent to

the Respondent's further practice of medicine and any practice of medicine without a pre-approved monitor is unauthorized within the meaning of N.Y. Educ. Law §6512, and may lead to criminal prosecution.

a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no less than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.

c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.

d. Respondent shall maintain medical malpractice insurance coverage with limits no less than $2 million per occurrence and $6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.

8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	
CHING CHENG WU, M.D. AKA Kenneth C. Wu, MD.	)	File No. 16-1999-104869
Physician's and Surgeon's Certificate No. A-36293	)	

DECISION

The attached Stipulation for Surrender of License is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 7, 2000.

IT IS SO ORDERED May 31, 2000.

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is true and correct copy of the original on file in this office.

1-5-2001
SIGNED DATE

Asst. Custodian of Records
TITLE

MEDICAL BOARD OF CALIFORNIA

By: _____
IRA LUBELL, M.D.
Chair, Panel A
Division of Medical Quality

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL
Supervising Deputy Attorney General
1300 I Street, Suite 125
P. O. Box 944255
Sacramento, California 94244-2550
Telephone: (916) 324-5336

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CHING CHENG WU, M.D.** AKA Kenneth C. Wu, M.D. 9 Upland Terrace Allegany, NY 14706 Physician and Surgeon's Certificate No. A-36293, Respondent.	Case No. 16-1999-104869 **STIPULATION FOR SURRENDER OF LICENSE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings, that the following matters are true:

1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of California, Department of Consumer Affairs ("Board") and is represented by Bill Lockyer, Attorney General of the State of California by Gail M. Heppell, Supervising Deputy Attorney General.

2. Ching Cheng Wu, M.D. (hereinafter "respondent") is

represented by William S. Reynolds Esq., O'Shea, Reynolds & Cummings, Suite 500, Seneca Building, 237 Main Street, Buffalo, NY 14203-2712. Respondent has counseled with his attorney concerning the effect of this stipulation which respondent has carefully read and fully understands.

3. Respondent has received and read the Accusation which is presently on file and pending in Case Number 16-1999-104869 before the Board, a copy of which is attached as Exhibit A and incorporated herein by reference.

4. Respondent understands the nature of the charges alleged in the Accusation and that, if proven at hearing, such charges and allegations would constitute cause for imposing discipline upon respondent's license issued by the Board.

5. Respondent is aware of each of his rights, including the right to a hearing on the charges and allegations, the right to confront and cross-examine witnesses who would testify against respondent, the right to testify and present evidence on his own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to contest the charges and allegations, and other rights which are accorded respondent pursuant to the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) and other applicable laws, including the right to seek reconsideration, review by the superior court, and appellate review.

6. In order to avoid the expense and uncertainty of a hearing, respondent freely and voluntarily waives each and every

one of these rights set forth above and agrees that, at a hearing, complainant could establish a factual basis for the charges contained in Accusation No. 16-1999-104869. Respondent agrees that cause exists to discipline his physician and surgeon's license pursuant to Business and Professions Code sections 2305 and 141, and hereby surrenders his license for the Board's formal acceptance.

7. Respondent understands that by signing this stipulation he is enabling the Medical Board of California to issue its order accepting the surrender of his license without further process. He understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this stipulation, without notice to or participation by respondent. In the event that this stipulation is rejected for any reason by the Board, it will be of no force or effect for either party. The Board will not be disqualified from further action in this matter by virtue of its consideration of this stipulation.

8. Upon acceptance of the stipulation by the Board, respondent understands that he will no longer be permitted to practice as a physician and surgeon in California, and also agrees to surrender and cause to be delivered to the Board both his license and wallet certificate before the effective date of the decision.

9. Respondent fully understands and agrees that if he ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for

reinstatement, the respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

10. Respondent understands and that he may not petition for reinstatement as a physician and surgeon for a period of three (3) years from the effective date of his surrender. Information gathered in connection with accusation number 16-1999-104869 may be considered by the Division of Medical Quality in determining whether or not to grant the petition for reinstatement. For the purposes for the reinstatement hearing, the allegations in accusation number 16-1999-104869 shall be deemed to be admitted by respondent, and respondent waives any all defenses based on a claim of laches.

11. All recitals contained in this stipulation are made solely for the purpose of settlement in this proceeding and for any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceedings.

ACCEPTANCE

I, Ching Cheng Wu, M.D., have carefully read the above stipulation and enter into it freely and voluntarily and with full knowledge of its force and effect, do hereby surrender my Physician and Surgeon's Certificate No. A-36293, to the Division of Medical Quality, Medical Board of California for its formal acceptance. By signing this stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will

lose all rights and privileges to practice as a physician and surgeon in the State of California and I also will cause to be delivered to the Board both my license and wallet certificate before the effective date of the decision.

DATED: 04/13/00.

Ching C. Wu
CHING CHENG WU, M.D.
Respondent

I have fully discussed with respondent, Ching Cheng Wu, M.D., terms and conditions and other matters contained in the above Stipulation for Surrender of License and approve its form.

DATED: 04/14/00.

William S. Reynolds, Jr. Atty
WILLIAM S. REYNOLDS, ESQ.
Attorney for Respondent

ENDORSEMENT

I concur in the stipulation.

DATED: 5/4/00.

BILL LOCKYER, Attorney General
of the State of California

Gail M. Heppell
Gail M. Heppell
Supervising Deputy Attorney General
Attorneys for Complainant

Exhibit A: Accusation

03573160-^CAD
^Cforms\surrendr [115 rev]

EXHIBIT A

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL, Supervising
Deputy Attorney General
1300 I Street, Suite 125
P. O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5336

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 17 2000
BY

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CHING CHENG WU, M.D.** AKA Kenneth C. Wu, M.D. 9 Upland Terrace Allegany, NY 14706 Physician and Surgeon's Certificate No. A-36293, Respondent.	Case No. 16-1999-104869 **ACCUSATION**

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about January 26, 1981, Physician and Surgeon's Certificate No. A-36293 was issued by the Board to Ching Cheng Wu, M.D. (hereinafter "respondent"), and at all times relevant to the charges brought herein, this license has

been in full force and effect. Unless renewed, it will expire on December 31, 2000.

JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:

A. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act and may recover the costs of probation monitoring if probation is imposed.

B. Section 2234(c) of the Code provides that repeated negligent acts constitute unprofessional conduct.

C. Section 2305 of the Code provides in pertinent part that the revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state that would have been grounds for discipline in California of a licensee under the Medical Practice Act constitutes unprofessional conduct.

D. Section 141(a) of the Code provides in pertinent part that a disciplinary action taken by another state for any act substantially related to the practice of medicine may be grounds for discipline of a licensee under the

California Medical Practice Act.

E. Section 125.3 of the Code provides in part that the Board may request the administrative law judge to direct any licentiate found to have committed a violation or violations of the licensing act to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

F. Section 14124.12(a) of the Welfare & Institutions Code provides in pertinent part that upon written notice of the Medical Board of California a physician and surgeon's medical license has been placed on probation as a result of a disciplinary action, no Medi-Cal claim for the type of surgical service or invasive procedure giving rise to the probationary order and performed on or after the effective date of said probationary order or during the period of probation shall be reimbursed, except upon a prior determination that compelling circumstances warrant the continuance of reimbursement during the probationary period for procedures other than those giving rise to the probationary order.

4. Respondent is guilty of unprofessional conduct within the meaning of Code sections 2234(c) and 2305, and is subject to discipline within the meaning of Code section 141(a) as more particularly set forth hereinbelow.

FIRST CAUSE FOR DISCIPLINE
(Out-of-State Discipline)
(Bus. & Prof. Code §§ 141(a), 2234(c), 2305]

5. On or about October 15, 1999, the New York State

Board for Professional Medical Conduct imposed disciplinary terms and conditions upon respondent's New York medical license after respondent's execution of a consent agreement on or about October 6, 1999 in case number BPMC No. 99-276 in which respondent admitted to allegations of negligence on more than one occasion.

6. Respondent's negligent conduct and the action of the New York State Board for Professional Medical Conduct as set forth in paragraph 5, above, constitute unprofessional conduct within the meaning of sections 2234(c) and 2305 and conduct, subject to discipline within the meaning of Code section 141(a).

PRAYER

WHEREFORE complainant requests that a hearing be held on the matters herein alleged and that, following the hearing, the Division issue a decision:

1. Revoking or suspending Physician and Surgeon's Certificate Number A-36293 heretofore issued to respondent Ching Cheng Wu, M.D.;

2. Revoking, suspending or denying approval of respondent's authority to supervise physician assistants pursuant to Code section 3527;

3. Ordering respondent to pay the Division the actual and reasonable costs of the investigation and enforcement of this case and the costs of probation monitoring if probation is imposed; and

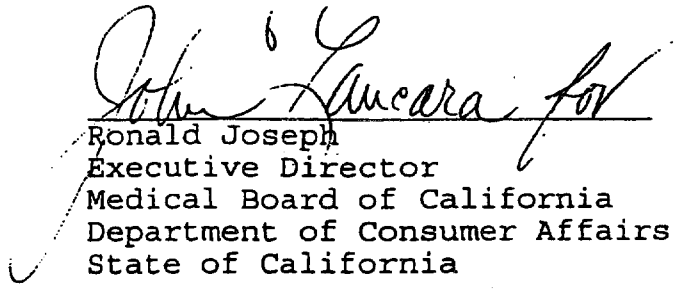
4. Taking such other and further action as the

///

///

Division may deem necessary or proper.

DATED: March 17, 2000.



Ronald Joseph
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

forms\accuse [115 rev]

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PROTHONOTARY
2000 SEP 20 PM 9:20
Department of State

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs	:	**Docket No. 0025-49-00**
vs.	:	**File No. 2000-49-00181**
Chin Cheng Wu, M.D. a.k.a. Kenneth Chung Wu, M.D., Respondent	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine (*hereinafter* "Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended (*hereinafter* "Act"), 63 P.S. § 422.1 et seq.

2. At all relevant and material times, Chin Cheng Wu a.k.a. Kenneth Chung Wu (*hereinafter* "Respondent"), license to practice medicine and surgery in the Commonwealth of Pennsylvania, License No. MD-036135-Y, was expired.

3. The Respondent admits that the following facts are true:

   a. Respondent's license expired on December 31, 1982, however, it may be continually renewed upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is 112 West Main Street, Allegheny, New York 14706.

c. The Respondent last practiced at 112 Main Street, Olean, New York 14706 and at Olean General Hospital, 515 Main Street, Olean New York 14706.

d. On or about November 10, 1999, the New York Department of Health, State Board of Professional Medical Conduct, entered a Consent Agreement and Order in which the Respondent's license to practice medicine was suspended for two years, stayed the suspension with conditions and terms of probation, and ordered Respondent's license permanently limited to preclude the practice of obstetrics. A true and correct copy of the Consent Agreement and Order is attached as Exhibit 1.

e. The actions of Respondent, described above, violated the Act at 63 P.S. § 422.41(4).

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

a. Respondent violated the Act at 63 P.S. § 422.41(4).

b. Respondent will ~~in~~ vo~~lun~~tarily surrender his license to practice medicine and surgery in the Commonwealth of Pennsylvania and agrees not to seek renewal of such license for a period of five (5) years from the date of the Board's Order in this matter. Upon adoption of this Consent Agreement and Order, Respondent

shall immediately cease and desist from the practice of medicine, and shall not represent himself as a board licensee in any manner whatsoever. Within 10 days of adoption of this Consent Agreement and Order, Respondent shall surrender his wall certificate, registration certificate and wallet card by mailing them or delivering them in person to:

Bureau of Professional and Occupational Affairs
Legal Office
116 Pine Street
Harrisburg, PA 17101

c. Respondent shall pay a **CIVIL PENALTY** of five hundred dollars ($500.00) by cashier's check, certified check, U.S. Postal money order or attorney's check, made payable to the Commonwealth of Pennsylvania. Respondent shall return the full Civil Penalty with the signed Consent Agreement.

5. 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; the right 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.

6. 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.

7. 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.

8. 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.

9. 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.

MED.CA1299

10. 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.

Clifford D. Swift
Prosecuting Attorney
Bureau of Professional and
Occupational Affairs

DATED: 7/26/00

Chin Cheng Wu
Respondent

DATED: 6/16/2000

William Reynolds, Esquire
Counsel for Respondent

DATED:

ORDER

AND NOW, this 13th day of September, 2000, 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

Dorothy Childress
Commissioner

STATE BOARD OF MEDICINE

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

Date of mailing:

For the Commonwealth:

Clifford D. Swift, Esquire
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent: 9/20/00

Robert B. Hoffman, Esquire
Reed, Smith, Shaw & McClay, LLP
Ninth Floor
213 Market Street
Harrisburg, Pennsylvania 17101-2132