



**Department
of Health**

ANDREW M. CUOMO
Governor

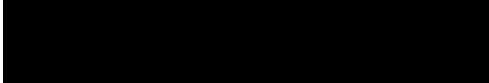
HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

June 21, 2017

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Shaohua Tang, M.D.



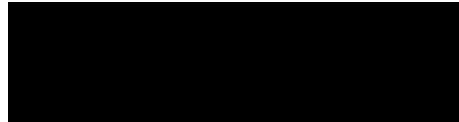
Re: License No. 222565

Dear Dr. Tang:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 17-170. This order and any penalty provided therein goes into effect June 28, 2017.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,



Robert A. Catalano, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Judith A. Carroll, Esq.
Capplis, Connors & Carroll, PC.
18 Tremont St., Suite 330
Boston, Massachusetts 02108

IN THE MATTER
OF
SHAOHUA TANG, M.D.

CONSENT
ORDER

Upon the application of (Respondent) SHAOHUA TANG, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and
it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,
either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at
the address in the attached Consent Agreement or by certified mail to Respondent's
attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,
whichever is first.

SO ORDERED.

DATE: 6/20/2017



ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
SHAOHUA TANG, M.D.

CONSENT
AGREEMENT

SHAOHUA TANG, M.D., represents that all of the following statements are true:

That on or about August 23, 2001, I was licensed to practice as a physician in the State of New York, and issued License No. 222565 by the New York State Education Department.

My current address is [REDACTED]

and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I agree not to contest the allegations in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

Pursuant to N.Y. Pub. Health Law § 230-a(3), my license to practice medicine in New York State shall be subject to a license limitation to preclude the practice of medicine, unless and until I successfully complete a Clinical Competency Assessment (CCA), as directed by the Director of OPMC (Director). After reviewing the CCA results and recommendations, the Director, in his sole discretion and as set forth below, may stay the license limitation in part or in its entirety. Pursuant to New York Public Health Law §230-a(9), the Director may also subsequently reinstate the license limitation in part or in its entirety, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and/or related to my practice in the future

Pursuant to N.Y. Pub. Health Law § 230-a(9), I shall be placed on probation for a period of sixty (60) months, subject to the terms set forth in attached Exhibit "B." The Director, in his sole discretion, may impose additional Terms and Conditions, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and my practice in the

future, as well as any additional Probation Terms and Conditions as are necessary to protect the public health.

I further agree that the Consent Order shall impose the following conditions:

In the event that Respondent seeks to pursue a partial or complete stay of the limitation precluding the practice of medicine as provided above, Respondent shall obtain a CCA performed by a program for such assessment as directed by the Director, subject to the following conditions as well as those provided elsewhere in this Consent Agreement. Respondent shall complete the assessment to the satisfaction of the Director, and shall cause a written report of such assessment to be provided directly to the Director within 60 days of the effective date of this Consent Order. Respondent shall be responsible for all expenses related to the CCA and shall provide to the Director proof of full payment of all costs that may be charged. This condition shall not be satisfied in the absence of actual receipt, by the Director, of such documentation, and any failure to satisfy shall constitute a violation of this Consent Order.

That, as directed by the Director, the Respondent shall identify a Preceptor, preferably a physician who is board certified in the same specialty, to be approved, in writing, by the Director. The Respondent shall cause the Preceptor to:

Develop and submit to the Director for written approval a remediation plan, which addresses the deficiencies/retraining recommendations identified in the CCA. Additionally, this proposal shall establish a timeframe for completion of the remediation program.

Submit progress reports at periods identified by OPMC certifying whether the Respondent is fully participating in the personalized continuing medical education program and is making satisfactory progress towards the completion of the approved remediation plan.

Report immediately to the Director if the Respondent withdraws from the program and report promptly to OPMC any noncompliance by the Respondent.

At the conclusion of the program, and at any time prior to the conclusion as Preceptor deems appropriate, submit to the Director a detailed assessment of the progress made by the Respondent toward remediation of all identified deficiencies, a recommendation regarding the need for any further remediation or training, and any recommendation regarding advisable restrictions, if any, on Respondent's future medical practice.

That Respondent shall be subject to any further Terms of Probation as may be imposed by the Director, in the Director's sole reasonable discretion, as the Director deems necessary based upon all relevant facts and circumstances then known to OPMC including, but not limited to, those related to the OPMC investigation of Respondent, the outcome of the CCA, the Preceptor's reports, and Respondent's practice in the future, as deemed by the Director to be necessary to protect the public health. Respondent, by making this Application, stipulates that the Director shall be so authorized.

That Respondent shall be solely responsible for all expenses associated with the terms and conditions of this Consent Order, including fees, if any, for the Clinical Competency Assessment, the personalized continuing medical education program, or the monitoring physician, and as further set forth in Exhibit "B."

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual

suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with

this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully

complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE

6/6/2017

SHAOHUA TANG, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 6/12/17



JUDITH A. CARROLL, ESQ.
Attorney for Respondent

DATE: 6/13/17



DAVID W. QUIST, ESQ.
Associate Attorney
Bureau of Professional Medical Conduct

DATE: 6/19/17



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "A"

IN THE MATTER
OF
SHAOHUA TANG, M.D.

STATEMENT
OF
CHARGES

SHAOHUA TANG, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 23, 2001, by the issuance of license number 222565 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 27, 2017, the Board of Registration in Medicine of the Commonwealth of Massachusetts ("Board") issued a Final Decision and Order ("Order"), on the basis of an Administrative Magistrate's Recommended Decision, dated on or about October 21, 2016, which in turn attached and incorporated by reference a Stipulation, to which Respondent agreed on or about June 10, 2016. The Order imposed terms of discipline slightly modified from those set forth in the Stipulation.

B. The Board found that Respondent was negligent on multiple occasions with regard to the care of three patients in his treatment and management of their back pain and his prescribing and/or medical recordkeeping practices, and engaged in misconduct by hiring one of those patients to provide computer repairs and by taking him to dinner. Pursuant to the Order, Respondent's license to practice medicine in the Commonwealth of Massachusetts was indefinitely suspended. The Board further provided that any stay of that suspension would be subject to Respondent's

completion of a clinical skills evaluation, to be followed by five years monitored probation subject to terms including a prohibition on the prescription of opioids during probation, a Board-approved practice plan, and any other terms deemed appropriate as a result of the outcome of the clinical skills evaluation.

C. Respondent's conduct upon which such findings of misconduct were based would, if committed in New York State, constitute professional misconduct under the Laws of New York State, pursuant to New York Education Law § 6530(3) (negligence on more than one occasion) and (32) (failure to maintain an adequate record).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

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 (32)) as alleged in the facts of the following:

1. The facts in Paragraphs A, B and C.

June 14, 2017
DATE: ~~May~~, 2017
Albany, New York


MICHAEL A. HISER, ESQ.
Deputy Counsel
Bureau of Professional Medical Conduct