

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

In the Matter of the Accusation
Against:

YIWEN Y. TANG, M.D.
Certificate No. C-15515,

Respondent.

NO. D-2745

DECISION

The attached Stipulation is hereby adopted by the Division
of Medical Quality of the Board of Medical Quality Assurance as its
Decision in the above-entitled matter.

This Decision shall become effective on September 2, 1982.

IT IS SO ORDERED September 2, 1982.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS
Secretary-Treasurer

Ex. 125



1 GEORGE DEUKMEJIAN, Attorney General
of the State of California
2 DAVID M. GALIE
Deputy Attorney General
3 6000 State Building
San Francisco, California 94102
4 Telephone: (415) 557-0752
5 Attorneys for Complainant

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BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
YIWEN Y. TANG, M.D.) No. D-2745
345 West Portal Avenue)
San Francisco, California) STIPULATION
Certificate No. C-15515)
Respondent.)

18 IT IS HEREBY STIPULATED by and between Yiwen Y. Tang,
19 M.D., respondent in this proceeding (hereinafter referred to
20 as "respondent") with the advice and consent of his attorneys
21 of record, Kenneth L. Freeman, Esq., and Patrick S. Hallinan,
22 Esq., and the Board of Medical Quality Assurance, Division of
23 Medical Quality (hereinafter referred to as "the Division")
24 by and through its attorney David M. Galie, Deputy Attorney
25 General, as follows:

26 1. That Accusation and Supplemental Accusation
27 No. D-2745 are presently pending before the Division.

1.

1 2. Respondent understands the nature of the charges
2 and allegations in this Accusation and Supplemental Accusation
3 and has had these explained to him by his attorneys.

4 3. Respondent is fully aware of his right to a
5 hearing on the charges and allegations in Accusation and
6 Supplemental Accusation No. D-2745; his right to reconsideration,
7 appeal and any and all other rights which may be afforded to
8 him under the California Administrative Procedure Act and the
9 laws of the State of California as they may relate to
10 Accusation and Supplemental Accusation No. D-2745.

11 4. Respondent hereby fully and voluntarily waives
12 his right to a hearing, reconsideration, appeal and any and
13 all other rights which may be afforded to him under the
14 California Administrative Procedure Act as they may relate to
15 Accusation and Supplemental Accusation No. D-2745.
16 This waiver is made upon the consent and advice of respondent's
17 counsel of record.

18 5. Respondent admits he administered laetrile to
19 patient Rubina Thulin in violation of section 1707.1 of the
20 Health and Safety Code, and admits this is a violation of
21 section 2252 (formerly section 2378.5) of the Business and
22 Professions Code. The laetrile was personally obtained by the
23 patient and administered at her request.

24 6. Based on the foregoing recitals and stipulations
25 it is further agreed and stipulated that four (4) months
26 from the date this stipulation is adopted, respondent's
27 certificate No. C-15515 shall be placed on inactive status
28 for a period of five (5) years.

1 7. Upon the expiration of said five (5) year period,
2 and not before, respondent may return said certificate to
3 active status, on condition that:

4 a) he meets the requirements of section 704
5 of the Business and Professions Code; and

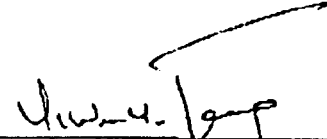
6 b) he takes and passes an oral-clinical
7 examination in General Medicine to be administered
8 by the Division or its designee. If respondent fails
9 this examination he must wait three (3) months
10 between re-examinations, except that after three
11 (3) failures he must wait one (1) year to take
12 each re-examination thereafter. The Division shall
13 pay the cost of the first examination and respondent
14 shall pay the cost for any subsequent examinations.
15 At respondent's sole expense, he shall be entitled
16 to have said examination(s) reported by a certified
17 short-hand reporter.

18 8. The parties hereto agree that this Stipulation
19 is an offer of settlement which shall be effective only if
20 adopted by the Division. In the event it is not adopted by
21 the Division, nothing herein shall be construed as a waiver
22 by respondent of any rights otherwise afforded to him; nor
23 shall anything herein be construed as an admission by respondent
24 of any of the charges in the Accusation or Supplemental
25 Accusation. Further, any admissions by respondent are for the
26 purposes of this proceeding only, and shall be otherwise null
27 and void, and inadmissible in any other proceeding or for any


1 other purpose.

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DATED: June 3, 1982


YIWEN Y. TANG, M.D.
Respondent

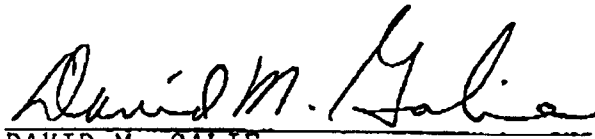
DATED: June 3, 1982


KENNETH L. FREEMAN, Esq.
Attorney for Respondent

DATED: June 3, 1982


PATRICK S. HALLINAN, Esq.
Attorney for Respondent

DATED: June 15, 1982


DAVID M. GALIE
Deputy Attorney General
Attorney for Complainant

DECLARATION OF SERVICE BY MAIL

Re: YIWEN Y. TANG, M.D.

No. D-2745

I, Susan Ferrari declare that I am over 18 years of age, and not a party to the within cause; my business address is 1430 Howe Avenue, Sacramento, California 95825. I served a true copy of the attached

DECISION

on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

Yiwen Y. Tang, M.D.
345 West Portal Avenue
San Francisco, CA 94127

David M. Galie
Deputy Attorney General
6000 State Building.
San Francisco, CA 94102

Kenneth L. Freeman
Attorney at Law
507 Polk Street, Suite 310
San Francisco, CA 94102

Patrick Hallinan
Attorney at Law
345 Franklin Street
San Francisco, CA 94102

Each said envelope was then, on September 2, 1982 sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid.

Executed on September 2, 1982, at Sacramento, California.

I declare under penalty of perjury that the foregoing is true and correct.

Susan Ferrari
DECLARANT

cc-6P
AK

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of the State of California
2 DAVID M. GALIE
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4 Telephone: (415) 557-0752
5 Attorneys for Complainant
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7

8 BEFORE THE
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DIVISION OF MEDICAL QUALITY
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation)
13 Against:)
14 YIWEN Y. TANG, M.D.) No. D-2745
345 West Portal Avenue)
15 San Francisco, California) SUPPLEMENTAL ACCUSATION
Certificate No. C-15515)
16 Respondent.)
17

18 Complainant, Robert Rowland supplements the Accusation
19 presently on file by charging and alleging in consecutively
20 numbered paragraphs to those in the Accusation as follows:

21 FOR A THIRD CAUSE FOR DISCIPLINARY ACTION

22 7. Complainant incorporates herein by this reference
23 the charges and allegations in paragraphs 1 through 6 inclusive.

24 8. On or about July 7, 1975 respondent in a grossly
25 negligent and incompetent manner diagnosed, prognosed, tested,
26 examined, treated, prescribed for, cared for and followed
27 patient Rubina Thulin, deceased. Included within such conduct

1 but not limited thereto was the following:

- 2 (a) prescribed a nutritional dietary regime
- 3 inappropriate and ineffective for this patient;
- 4 (b) prescribed Vitamin A in potentially toxic
- 5 amounts;
- 6 (c) prescribed B₁₇ (Laetrile [amygdalin]);
- 7 (d) failed to refer the patient for consultation
- 8 and management in the presence of a cancer
- 9 which continued to grow and which failed to
- 10 respond to his treatment or lack thereof.

11 9. The conduct alleged in paragraphs 7 and 8 constitutes
12 gross negligence and incompetence and is unprofessional and
13 grounds for disciplinary action under sections 2234(b) (formerly
14 section 2361(b) and 2234(d) (formerly section 2361(c).)

15 10. Complainant incorporates herein by reference the
16 charges and allegations contained in paragraphs 1 through 9.

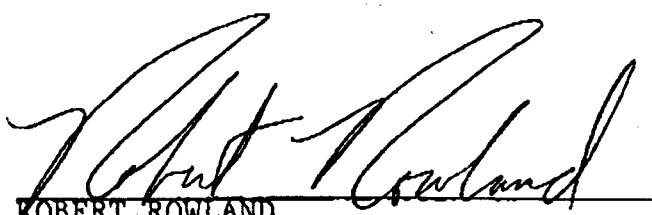
17 11. Respondent prescribed, sold, delivered, gave and
18 administered drugs, medicines, compounds or devices to this
19 patient for the diagnosis, treatment, alleviation or cure of
20 cancer, which drugs, devices, medicines or compounds were not
21 approved as per the requirements of Health and Safety Code
22 section 1707.1.

23 12. The violation of Health and Safety Code section
24 1707.1, as alleged in paragraph 11 is unprofessional conduct
25 under section 2252 (formerly section 2379.5). Grounds for
26 disciplinary action exist under that section in conjunction
27 with section 2234 (formerly section 2361).

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WHEREFORE, complainant prays that a hearing be held and upon proof of the matters charged herein that respondent's certificate be revoked or suspended or that the Board take such other action as may be deemed proper.

DATED: October 5, 1981



ROBERT ROWLAND
Executive Director
Board of Medical Quality Assurance
State of California
Complainant

cc-AP
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1 GEORGE DEUKMEJIAN, Attorney General
of the State of California
2 DAVID M. GALIE
Deputy Attorney General
3 6000 State Building
San Francisco, California 94102
4 Telephone: (415) 557-0752
5 Attorneys for Complainant

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8 BEFORE THE
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DIVISION OF MEDICAL QUALITY
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation)
13 Against:)
14 YIWEN Y. TANG, M.D.) No. D-2745
345 West Portal Avenue)
15 San Francisco, California) ACCUSATION
Certificate No. C-15515)
16 Respondent.)
17

18 Complainant, ROBERT ROWLAND, charges and alleges:

19 1. He is the Executive Director of the Board of
20 Medical Quality Assurance and makes these charges and files
21 this accusation in his official capacity. All section
22 references are to the Business and Professions Code unless
23 otherwise noted.

24 2. On December 29, 1953 respondent was issued
25 physician and surgeon certificate No. C-15515. Said certificate
26 is and has been at all times relevant hereto in full force
27 and effect.

1 3. Respondent was professionally employed by
2 Morton Levy from on or about February 2, 1977 until on or
3 about April 1, 1977. Respondent in a grossly negligent and
4 incompetent manner examined, tested, diagnosed, prognosed,
5 treated, prescribed and cared for Morton Levy. Included within
6 such conduct but not limited thereto, was the following:

7 (a) In March and April of 1977 respondent
8 administered heat treatments to the foot of the
9 patient who had a history of sensory loss and
10 vascular insufficiency in both lower extremities.
11 Such treatment was contra-indicated. As a result
12 the patient suffered a severe burn on his right foot.

13 (b) Respondent failed to perform an adequate
14 examination, to include a description of neurological
15 loss as a minimum, and failed to obtain an adequate
16 medical history.

17 (c) Respondent failed properly to monitor and
18 examine the patient during the heat treatments and as
19 a result failed to notice the burn injury until the
20 patient's foot had become infected.

21 (d) Respondent incorrectly diagnosed the burn
22 as "dermatitis bullosa".

23 (e) The patient was improperly referred to a
24 podiatrist by respondent for treatment of the burn
25 injury.

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1 (f) Respondent's diagnosis of "heavy metal
2 poisoning" was made without adequate clinical and
3 laboratory tests. On the basis of this inadequate
4 diagnosis respondent prescribed ETDA and penicillamine
5 both of which are medicines carrying considerable
6 risks of side effects and toxicities.

7 (g) Respondent's treatment of the patient with
8 the drugs adrenocorticotrophic extract and hydrochloric
9 acid (intravenously) were without proper medical basis.

10 (h) Respondent's diagnosis and treatment for
11 hypothyroidism was made without adequate clinical
12 and laboratory tests.

13 4. The conduct of respondent as alleged in
14 paragraph 3 above constitutes gross negligence and incompetency
15 and is grounds for disciplinary action under sections 2234(b)
16 (formerly section 2361(b)) and 2234(d) (formerly section 2361(c))
17 of the Business and Professions Code).

18 FOR A SECOND CAUSE FOR DISCIPLINARY ACTION

19 5. In a letter dated April 27, 1979, addressed and
20 sent to an insurance company and two consulting physicians,
21 respondent knowingly misrepresented the patient's basal body
22 temperature, stating these temperatures as the justification for
23 initiation of thyroid treatment.

24 6. Knowingly making or signing a document related to
25 the practice of medicine which falsely represents the existence
26 of a state of facts as alleged in paragraph 5 is unprofessional
27 conduct under section 2261 (formerly section 2411) and is grounds
28 for disciplinary action under sections 2220, 2227 and 2234.

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WHEREFORE, complainant prays that a hearing be held and upon proof of the matters charged herein that respondent's certificate be revoked or suspended or that the Board take such other action as may be deemed proper.

DATED: May 11, 1981



ROBERT ROWLAND, Executive Director,
Board of Medical Quality Assurance
State of California

Complainant