



## Department of Health

ANDREW M. CUOMO  
Governor

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

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

May 30, 2019

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Pooja A. Rawal  
Senior Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
ESP, Corning Tower, Room 2512  
Albany, New York 12237

Ewald Antoine, M.D.  
[REDACTED]  
FCI Otisville  
Two Mile Drive  
Otisville, New York 10963

**RE: In the Matter of Ewald Antoine, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 19-131) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

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

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

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

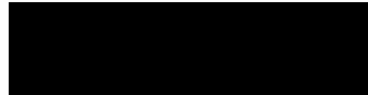
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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

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

Sincerely,



James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: cmg  
Enclosure

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IN THE MATTER	:
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OF	:
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EWALD ANTOINE, M.D.	:
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The Department appeared by Pooja A. Rawal, Senior Attorney. A Commissioner's Order of Summary Action, Notice of Referral Proceeding, and Statement of Charges, all dated February 27, 2019, were duly served upon Ewald Antoine, M.D., (Respondent), who was incarcerated in Otisville, New York. The Respondent participated in the hearing by telephone and was assisted by his daughter, Alexandra Huffman, who also participated by telephone from Edgewater, New Jersey.

After consideration of the entire record, the Hearing Committee unanimously votes 3-0 to sustain the charges that the Respondent committed professional misconduct in violation of Education Law (Educ. Law) § 6530(9), and that the penalty of revocation of his medical license is appropriate.

### **BACKGROUND**

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii) for "[h]aving been convicted of committing an act constituting a crime under federal law." Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

### **FINDINGS OF FACT**

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

1. Ewald Antoine, M.D., the Respondent, was licensed by the New York State Education Department to practice medicine on July 22, 1986, by the issuance of license number 167153. (Ex. 2.)
2. On or about August 21, 2018, in the United States District Court for the Southern District of New York, the Respondent was convicted of two counts of federal felonies. Specifically, the Respondent was convicted of one count of Conspiracy to Commit Health Care Fraud, Mail Fraud, and Wire Fraud (18 USC § 1349) and one count of Health Care Fraud (18 USC § 1347). (Ex. 4.)
3. The Respondent was sentenced to one year and one day of imprisonment on each count to run concurrently, three years of supervised release, an assessment of \$200.00, and joint and severable restitution with co-defendants in the amount of \$1,825,544.00. (Ex. 4.)



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

The Hearing Committee decided, by a vote of 3-0, that the evidence supports sustaining the charges of the Respondent having committed professional misconduct as defined in Educ. Law § 6530(9)(a)(ii).

### **HEARING COMMITTEE DETERMINATIONS**

The Department charged the Respondent with professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii). The charge contains one specification pertaining to Respondent's conviction of two counts of federal felonies on or about August 21, 2018, in the United States District Court for the Southern District of New York -- one count of Conspiracy to Commit Health Care Fraud, Mail Fraud, and Wire Fraud (18 USC § 1349) and one count of Health Care Fraud (18 USC § 1347). The Department alleges, and the Hearing Committee concludes, that the conviction constitutes professional misconduct under the laws of New York State as defined in Educ. Law § 6530(9)(a)(ii).


The Department has recommended that the Respondent's license to practice medicine in New York State be revoked. The Hearing Committee acknowledges the remorse expressed by the Respondent and considered the lengthy statement Respondent provided at the hearing. While the Respondent's statement was heartfelt, it was centered on his concerns over regaining his earning power for his family and restoring his personal image. The Hearing Committee found that the Respondent's aspiration to return to the practice of medicine was motivated solely by self-interest and lacked a desire to contribute to and serve the community. Based on the severity of the crimes for which he was convicted and Respondent's self-focused remorse, the Hearing Committee unanimously agrees with the Department's recommendation for revocation.

ORDER

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

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

Dated: May 25 2019  
Syracuse, New York

  
Andrew Merritt, M.D., Chairperson  
Reid Muller, M.D.  
Jeffrey Fudin, Pharm.D.

Pooja A. Rawal  
Senior Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

Ewald Antoine, M.D.  


FCI Otisville  
Two Mile Drive  
Otisville, New York 10963

## APPENDIX I

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

IN THE MATTER  
  
OF  
  
EWALD ANTOINE, M.D.

STATEMENT  
  
OF  
  
CHARGES

EWALD ANTOINE, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 22, 1986, by the issuance of license number 167153 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 21, 2018 in the U.S. District Court for the Southern District of New York, the Respondent was convicted of one count of Conspiracy to Commit Health Care Fraud, Mail Fraud, and Wire Fraud (18 USC § 1349); and one count of Health Care Fraud (18 USC § 1347), both federal felonies. The Respondent was sentenced to one year and one-day imprisonment to run concurrently on both counts, three years of supervised release, an assessment of \$200.00 and along with co-defendants, held jointly and severally liable for restitution for \$1,825,544.00.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: February 27, 2019  
Albany, New York



TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct