



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

October 6, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Panna L. Shah, M.D.
Inmate No.: 92-G-1422
Bayview Correctional Facility
550 West 20th Street
New York, New York 10011-2878

George Weinbaum, Esq.
3 Barker Avenue
White Plains, New York 10601

Stacey Mondschein, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001-1810

RE: In the Matter of Panna L. Shah, M.D.

Dear Dr. Shah, Mr. Weinbaum and Ms. Mondschein:

Enclosed please find the Determination and Order (No. ARB-93-86) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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 than be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,

Tyrone T. Butler nam

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nam
Enclosure

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

-----X

IN THE MATTER	:	<u>ADMINISTRATIVE</u>
	:	<u>REVIEW BOARD</u>
OF	:	<u>DETERMINATION</u>
	:	<u>AND ORDER</u>
PANNA L. SHAH, M.D.	:	<u>NO. BPMC-93-86</u>

-----X

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "REVIEW BOARD"), consisting of Robert M. Briber, Maryclaire B. Sherwin, Edward C. Sinnott, M.D., Winston S. Price, M.D. and William B. Stewart, M.D. held deliberations on July 30, 1993 to review the Professional Medical Conduct Hearing Committee's (hereinafter the "HEARING COMMITTEE") July 16, 1993 Determination revoking Dr. Panna L. Shah's license to practice medicine in New York State. Dr. Shah requested the Administrative Review through a Notice of Review which the Review Board received on July 9, 1993. James F. Horan served as Administrative Officer to the Review Board. George Weinbaum, Esq. filed a brief on behalf of Dr. Shah on July 9, 1993 and Stacey Barrie Mondschein, Esq. filed a response brief on behalf of the Office of Professional Medical Conduct (OPMC) on July 17, 1993.

SCOPE OF REVIEW

New York Public Health Law (PHL) Section 230(10)(i), Section 230-c(1) and Section 230-c(4)(b) provide that the Review Board shall review:

- whether or not a Hearing Committee Determination and penalty are consistent with the Hearing Committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL Sec. 230-a.

Public Health Law Section 230-c (4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law Section 230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

HEARING COMMITTEE DETERMINATION

OPMC brought this proceeding against Dr. Shah pursuant to Public Health Law Section 203(10)(p) and Education Law Section 6530(9), which provide an expedited hearing in cases in which professional misconduct charges against a physician are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York. The expedited hearing determines the nature and severity of the penalty which the

Hearing Committee will impose based upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this matter found that the OPMC had met its burden of proof in establishing that the Respondent had been convicted, in Kings County Supreme Court, for Grand Larceny Third Degree, sixteen counts of Offering a False Instrument for Filing and seven counts of Filing a False Business Record, all Class E Felonies. The Hearing Committee found that the Respondent had received a sentence of one to three years imprisonment and a fine of Fifty-Four Thousand (\$54,000.00) Dollars. The Hearing Committee concluded that the Respondent committed professional misconduct by virtue of these convictions.

The Hearing Committee voted to revoke the Respondent's license to practice medicine in New York State. The Committee determined that the Respondent used her position for her own unjust enrichment, to the detriment of her patients. The Committee concluded that the Respondent had issued prescriptions for controlled substances virtually on demand and had billed the Medicare Program for services which she never rendered. The Committee found that the Respondent schemed to defraud the government, that the scheme was motivated by greed and that the scheme constituted a serious breach of the public trust which warranted the revocation of her license.

The Committee also noted in their Determination that the Respondent is apparently impaired due to long standing psychiatric difficulties. The Committee found that the Respondent, a board-

certified psychiatrist, had very little insight into her own problems and was not in therapy of any kind at the time of the hearing.

THE REQUEST FOR REVIEW

The Respondent has asked the Review Board to modify the Hearing Committee's penalty. The Respondent asserts that the penalty is too severe because the Respondent is impaired by a longstanding history of psychiatric difficulties and because the Respondent has already been fined and imprisoned for her misconduct. The Respondent also asserts that she is remorseful and she that she did provide services to her patients. The Respondent promises that she will not work in private practice any longer.

The Respondent asks that the Review Board reduce the penalty in this case to a one year suspension, probation, two hundred hours community service, mandatory psychiatric treatment and participation in an impaired physician's program.

THE REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes unanimously to sustain the Hearing Committee's Determination finding that Dr. Shah was guilty of professional misconduct due to her conviction on twenty-four felony counts arising from a scheme to defraud the Medicaid Program.

The Review Board votes unanimously to sustain the Hearing Committee's Determination to revoke the Respondent's license to practice medicine in New York State. The Review Board sees no reason to modify the Hearing Committee's Determination in this matter. The Respondent carried on a scheme to defraud the Medicaid System, which directly involved her practice of medicine. The Respondent has raised her psychiatric impairment as a mitigating factor, but she is not receiving treatment for that condition currently. The Review Board believes that the Hearing Committee's penalty is consistent with the Committee's findings and conclusions and we believe the penalty was appropriate in view of the extent of the misconduct in this case.

ORDER

NOW, based upon this Determination, the Review Board issues the following ORDER:

1. The June 16, 1993 Determination by the Hearing Committee on Professional Medical Conduct, finding Panna Shah, M.D. guilty of professional misconduct based upon her criminal conviction for twenty-four felony counts for defrauding the Medicaid Program, is hereby **sustained**.
2. The Hearing Committee's Determination revoking Dr. Shah's license to practice medicine in the State of New York is hereby **sustained**.

ROBERT M. BRIBER

MARYCLAIRE B. SHERWIN

EDWARD C. SINNOTT, M.D.

WINSTON S. PRICE, M.D.

WILLIAM A. STEWART, M.D.

IN THE MATTER OF PANNA SHAH, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the result in the Determination and Order in the Matter of Dr. Shah.

DATED: Syracuse, New York
September 7, 1993

A handwritten signature in cursive script that reads "William A. Stewart". The signature is written in dark ink and is positioned above the printed name.

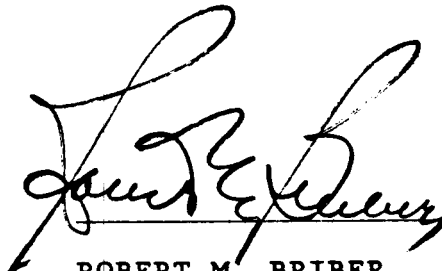
WILLIAM A. STEWART, M.D.

IN THE MATTER OF PANNA SHAH, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Shah.

DATED: Albany, New York .

September 9, 1993



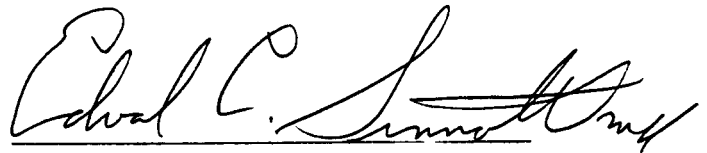
Handwritten signature of Robert M. Briber, written in cursive over a horizontal line.

ROBERT M. BRIBER

IN THE MATTER OF PANNA SHAH, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Shah.

DATED: Roslyn, New York
September 8, 1993

A handwritten signature in cursive script, reading "Edward C. Sinnott", written over a horizontal line.

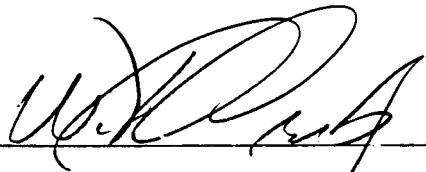
EDWARD C. SINNOTT, M.D.

IN THE MATTER OF PANNA SHAH, M.D.

WINSTON S. PRICE M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the result in the Determination and Order in the Matter of Dr. Shah.

Dated: Brooklyn, New York

September 13, 1993

A handwritten signature in dark ink, appearing to read 'W.S. Price', is written over a horizontal line.

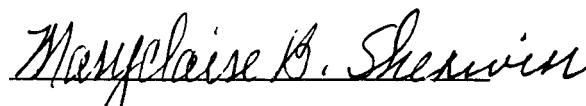
WINSTON S. PRICE, M.D.

IN THE MATTER OF PANNA SHAH, M.D.

MARYCLAIRE B. SHERWIN, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Shah.

DATED: Malone, New York

September 10, 1993


MARYCLAIRE B. SHERWIN



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

June 16, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Panna L. Shah, M.D.
Inmate No.: 92-G-1422
Bayview Correctional Facility
550 West 20th Street
New York, New York 10011-2878

George Weinbaum, Esq.
3 Barker Avenue
White Plains, NY 10601

Stacey Mondschein, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

RE: In the Matter of Panna L. Shah, M.D.

Dear Dr. Shah, Mr. Weinbaum and Ms. Mondschein:

Enclosed please find the Determination and Order (No. BPMC-93-86) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon 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 if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

New York State Department of Health
Office of Professional Medical Conduct
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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 than 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 (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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.

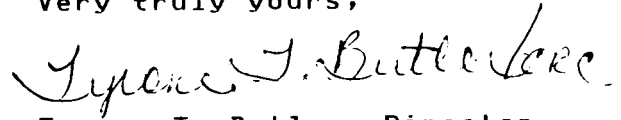
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Corning Tower -Room 2503
Empire State Plaza
Albany, New York 12237-0030

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.

Very truly yours,

A handwritten signature in cursive script, reading "Tyrone T. Butler".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:crc
Enclosure

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

-----X
IN THE MATTER

OF

PANNA L. SHAH, M.D.
-----X

: DETERMINATION

: AND

: ORDER
-----X

ORDER NO. BPMC-93-86

A Notice of Hearing and Statement of Charges, both dated April 20, 1993, were served upon the Respondent, Panna L. Shah, M.D. **JERRY WAISMAN, M.D. (Chair), STANLEY L. GROSSMAN, M.D., and CAROLYN C. SNIPE**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. A hearing was held on May 20, 1993. The Department of Health appeared by Stacey Mondschein, Esq., Assistant Counsel. The Respondent appeared by George Weinbaum, Esq. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law

Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Panna L. Shah, M.D. (hereinafter "Respondent"), was authorized to practice medicine in New York State on September 30, 1977 by the issuance of license number 132688 by the New York State Education Department. Respondent was last registered with the New

York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992. (Pet. Ex. #2A and 2B).

2. On or about July 7, 1992, Respondent was convicted in New York State Supreme Court, Kings County, of one count of Grand Larceny in the Third Degree, sixteen counts of Offering a False Instrument in the First Degree and seven counts of Filing False Business Records in the First Degree. Respondent was sentenced to a term of incarceration of one to three years and was fined \$54,000. (Pet. Ex. #3A, 3B and 3C).

3. In September, 1992, Respondent was incarcerated at the Bedford Hills Correctional Facility, a maximum security prison. In April, 1993, she was transferred to a work-release program at the Bayview Correctional Facility, in New York City. At the time of this hearing, Respondent was still living at the Bayview Correctional Facility. (12-13, 27-28).

4. Respondent testified that she was placed at Bedford Hills because she was suicidal at the time of her incarceration. Bedford Hills Correctional facility was the only prison with an inpatient psychiatric unit. (12-13).

5. Respondent testified that she has a long history of severe depression. She stated that she first attempted suicide in 1978, following the death of her mother. (14-16).

6. Respondent testified that she first entered psychotherapy in 1978, following her first suicide attempt. She also testified that prior to her incarceration, she was undergoing

psychotherapy and was treated with lithium and Tofranil. Since her transfer to the Bayview Correctional Facility, Respondent has not been in psychotherapy of any kind. (30, 32, 37-38).

7. Respondent is a psychiatrist. She was board-certified in adult neurology and psychiatry in 1980, and board-certified in child psychiatry in 1984. (15).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee unanimously concluded that the Department has met its burden of proof. The preponderance of the evidence demonstrates that on July 7, 1992, Respondent was convicted of twenty-four felony counts involving the theft of funds from the Medicaid system.

The Hearing Committee further concluded that Respondent committed professional misconduct within the meaning of Education Law Section 6530(9)(a)(i), by virtue of these criminal convictions. As a result, the Hearing Committee sustained the specification of misconduct alleged in the Statement of Charges.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that

Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Any individual who receives a license to practice medicine is placed into a position of public trust. Respondent used her position of trust for her own unjust enrichment, to the detriment of her patients. Respondent was convicted of multiple criminal acts, over a five-year period. She fraudulently billed the Medicaid program for services which were never rendered, and essentially issued prescriptions for controlled substances on demand. (See, Pet. Ex. # 3A and 3C). Respondent's scheme to defraud the government, motivated by greed, constituted a serious breach of the public trust and warrants revocation of her license.

In addition, it became apparent to the members of the Hearing Committee that Respondent is impaired, due to a long-standing history of psychiatric difficulties. During Respondent's rambling testimony, she testified that she has a long history of severe depression, and that she first attempted suicide in 1978, following the death of her mother. She underwent psychotherapy for many years, and was treated with lithium and Tofranil. She was incarcerated at a maximum security prison, because she was suicidal and required inpatient psychiatric treatment. Nevertheless, she

stated that she was not in therapy of any kind, as of the date of the hearing.

Respondent, a board-certified psychiatrist, demonstrated very little insight into her problems. She testified that she left an institutional practice setting for private practice, because she was unable to effectively treat her patients. While in private practice, she committed the illegal conduct which resulted in her criminal conviction. At the hearing, she stated that once paroled, she hoped to obtain work in an institutional setting. (See, Tr., pp. 19-20, 25, 35-36). When confronted with this seeming contradiction, Respondent merely replied, "That was then. This is now." (See, Tr., p. 36).

Respondent's counsel acknowledged, in his closing statement, that Respondent "is a physician who has been impaired and who may be impaired right now and who, I believe, needs help." (See, Tr., pp. 52-53). The members of the Hearing Committee agree with this assessment. Under the totality of the circumstances, however, the Committee unanimously determined that revocation was the only appropriate sanction.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specification of professional misconduct contained within the Statement of Charges dated April 20, 1993 (Petitioner's Exhibit #1) is SUSTAINED, and

2. Respondent's license to practice medicine in the State of New York is **REVOKED**.

DATED: Albany, New York
1993

Jerry Weisman
JERRY WEISMAN, M.D. (Chair)

STANLEY L. GROSSMAN, M.D.
CAROLYN C. SNIPE

TO: Stacey Mondschein, Esq.
Assistant Counsel
New York State Department of Health
5 Penn Plaza - 6th Floor
New York, New York 10001

George Weinbaum, Esq.
3 Barker Avenue
White Plains, New York 10601

Panna L. Shah, M.D.
Inmate No.: 92-G-1422
Bayview Correctional Facility
550 West 20th Street
New York, New York 10011-2878

APPENDIX I

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

IN THE MATTER

OF

PANNA L. SHAH, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: PANNA L. SHAH, M.D.
Inmate No.: 92-G-1422
Bayview Correctional Facility
550 West 20th Street
New York, New York 10011-2878

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 20th day of May, 1993 at 11:00 o'clock in the forenoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: NANCY MASSARONI, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before May 10, 1993 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before May 10, 1993 and a copy of all papers must be served on the same date on the Department of

Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE
AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED.

YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York
~~March 30, 1993~~
April 2

CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Stacey B. Mondschein
Assistant Counsel
Bureau of Professional
Medical Conduct
212-613-2617

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

-----X
IN THE MATTER : STATEMENT
OF : OF
PANNA L. SHAH, M.D. : CHARGES
-----X

PANNA L. SHAH, M.D., the Respondent, was authorized to practice medicine in New York State on September 30, 1977 by the issuance of license number 132688 by the New York State Education Department. The Respondent was last registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992.

FACTUAL ALLEGATIONS

- A. On or about July 7, 1992, Respondent was convicted by jury verdict in New York State Supreme Court, the County of Kings, of one count of Grand Larceny in the Third Degree, eighteen counts of Offering a False Instrument in the First Degree and seven counts of Filing False Business Records in the First Degree. Respondent was sentenced to a term of incarceration of not less than one nor more than three years and was fined \$54,000.00. Respondent is currently serving her sentence at Bayview Correctional Facility.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN CONVICTED OF AN ACT CONSTITUTING A CRIME
UNDER NEW YORK STATE LAW

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(i) (McKinney Supp. 1993) in that she has been convicted of crimes under New York State law. Petitioner charges:

1. The facts in paragraph A.

DATED: New York, New York

April 20, 1993



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct