



Department of Health

ANDREW M. CUOMO
Governor

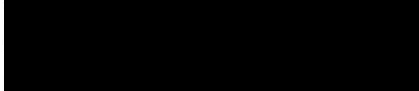
HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

September 14, 2020

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Cornelia Gallo, M.D.



Ian H. Silverman, Esq.
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Cornelia Gallo, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 20-234) 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.

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 Respondent or the Department may seek a review of a committee determination.

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:

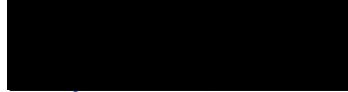
James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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 Judge 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

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

COPY

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| -----X | : | |
| IN THE MATTER | : | DETERMINATION |
| | : | |
| OF | : | AND |
| | : | |
| CORNELIA GALLO, M.D. | : | ORDER |
| | : | BPMC-20-234 |
| -----X | : | |

In accordance with Public Health Law (PHL) §230, and the New York State Administrative Procedure Act (SAPA) Article 3, a hearing was held by videoconference on August 13, 2020. Pursuant to PHL §230(10)(e), William P. Dillon, M.D., Chairperson, Richard F. Kasulke, M.D., and Paul J. Lambiase, duly designated members of the State Board for Professional Medical Conduct (BPMC), served as the Hearing Committee in this matter. Jean T. Carney, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Associate Counsel Ian H. Silverman. The Respondent appeared in person, pro se. Jurisdiction over the Respondent was obtained by service of the Notice of Referral Proceeding and Statement of Charges. The Hearing Committee received and examined documents from the Department (Exhibits 1-4). The Respondent testified in her own behalf. A stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charges that the Respondent committed professional misconduct in violation of

Education Law §6530(9)(d), and that pursuant to PHL §230-a, the penalty of Censure and Reprimand is appropriate.

BACKGROUND

The Department brought the case pursuant to PHL §230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Education Law §6530(9).

The Respondent is charged with professional misconduct pursuant to Educ. Law §6530(9)(d), having had disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in such action would, if committed in New York State, constitute professional misconduct under the laws of New York State.

Under PHL §230(10), the Department had 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. The Respondent was authorized to practice medicine in New York State on November 19, 1993, by the issuance of license number 194282. (Exhibit 3).

2. On October 16, 2019, the Respondent executed a Consent Order with the State of Connecticut Medical Examining Board (CT Board) that took effect on November 19, 2019. (Exhibit 4).

3. Pursuant to the terms of the Consent Order, the Respondent's license to practice medicine was reprimanded. In addition, she was placed on probation for one year with a practice monitor who would review random patient records and report to the CT Board quarterly; and was required to attend and successfully complete courses in documentation standards, laboratory testing pertinent to prescriptions, and communications with patients who have limited communication. The CT Board also imposed a civil penalty of \$10,000. (Exhibit 4).

4. The Consent Order arose from allegations that the Respondent did not meet the standard of care for one patient by not obtaining the patient's previous treatment records, failing to adequately document any communication with the patient's previous provider, failing to examine the patient at appropriate intervals, failing to perform adequate laboratory tests pertinent to medications she prescribed, and failing to make timely reports to the patient's case manager. (Exhibits 1 and 4).

5. The Respondent has fully complied with the terms and conditions of the CT Board's Order. (Respondent's testimony).

VOTE OF THE HEARING COMMITTEE

The Hearing Committee concludes that the evidence supports sustaining the charge of having committed misconduct as defined in Educ. Law §6530(9)(d).

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATIONS

The Department met its burden of proving by a preponderance of the evidence that the Respondent committed professional misconduct as alleged in the Statement of Charges. The evidence shows that the Respondent had disciplinary action taken by the CT Board wherein she was reprimanded and placed on probation for one year, for failing to maintain a record which accurately reflects the evaluation and treatment of the patient. If committed in New York State, the Respondent's actions would establish professional misconduct pursuant to Educ. Law §6530(32). The committee concludes that the Respondent's actions constitute professional misconduct as defined in Educ. Law §6530(9)(d).

In considering the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties; the Hearing Committee noted that the Respondent promptly complied with the terms and conditions imposed on her by the CT Board, that no patients were harmed by her actions, and that she has made significant changes in her practice since being disciplined by the CT Board. In addition, the Hearing Committee appreciated


the Respondent's appearance at the hearing, finding that the Respondent was clearly contrite, and took full responsibility for her actions. Therefore, the Hearing Committee determines that censure and reprimand is an appropriate penalty.


ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct as set forth in the Statement of Charges is sustained;
2. The Respondent is censured and reprimanded; and
3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL §230(10)(h).

DATED: Albany, New York
SEPT 8TH, 2020


William P. Dillon, M.D., Chairperson
Richard F. Kasulke, M.D.
Paul J. Lambiase

To: Cornelia Gallo, M.D.


Ian H. Silverman, Esq.
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower Building – Room 2512
Empire State Plaza
Albany, New York 12237

APPENDIX A

IN THE MATTER
OF
CORNELIA GALLO, M.D.

STATEMENT
OF
CHARGES

CORNELIA GALLO, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 19, 1993 by the issuance of license number 194282 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 19, 2019 the Connecticut Medical Examining Board (Connecticut Board) issued a Consent Order with the Respondent whereby the Respondent was reprimanded, her license was placed on probation for a period of one year, ordered to pay a \$10,000 fine and required to complete courses in documentation standards, laboratory testing pertinent to prescriptions and communication with patients who have limited communication and with guardians and case managers. Respondent was disciplined by the Connecticut Board for failing to meet the standard of care for one patient and inadequate record keeping. Respondent treated Patient 1 various times from on or about October 13, 2015 through October 30, 2018. Respondent failed to obtain Patient 1's previous treatment records; failed to document, or adequately document, any communication with Patient 1's previous provider; Respondent's initial history and evaluation at two subsequent encounters were incomplete; Respondent failed to examine Patient 1 at appropriate intervals; failed to perform appropriate laboratory tests pertinent to medications she prescribed and failed to make timely reports to the Department of Developmental Services case manager.

B. Respondent's conduct as described above upon disciplinary action was taken in Connecticut was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion) and/or
2. New York Education Law §6530 (32) (failing to maintain a record)

SPECIFICATION OF CHARGES
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/or (32)) as alleged in the facts of the following:

1. The facts in Paragraph A and B.

DATE: July 8, 2020
Albany, New York



Timothy J. Mahar
Deputy Counsel
Bureau of Professional Medical Conduct