



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Acting Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

January 14, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John Thomas Viti, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

June Mossop, M.D.
[REDACTED]

RE: In the Matter of June Mossop, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 22-008) 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:

Jean T. Carney, 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 Ms. Carney 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,



Dawn MacKillop-Soller
Acting Chief Administrative Law Judge
Bureau of Adjudication

DXM: cmg
Enclosure

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

COPY

IN THE MATTER
OF
JUNE MOSSOP, M.D.

DETERMINATION
AND
ORDER

BPMC-22-008

A Notice of Hearing and Statement of Charges dated October 1, 2021 were duly served pursuant to §230(10)(d)(i) of the Public Health Law (PHL) upon June Mossop, M.D. (Respondent). (Exhibits 1-3.) Pursuant to PHL §230(10)(f), the hearing was held December 17, 2021. The Respondent failed to appear.¹ (Exhibits ALJ I and 1-3.) The hearing held by videoconference proceeded in her absence.

Pursuant to PHL §230(10)(e), Cassandra E. Henderson, M.D., Chair, Steven I. Sherman, D.O., and Susan Ksiazek, B.S. Pharm., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. Dawn MacKillop-Soller served as the Administrative Law Judge. The Department of Health, Bureau of Professional Medical Conduct (Department), appeared by John Thomas Viti, Esq. The Hearing Committee received and examined documents from the Department (Exhibits 1-9.) A transcript of the hearing was made. (Transcript, p. 1-43.)

The Hearing Committee votes 3-0 to sustain the charges that the Respondent committed professional misconduct as defined under Education Law §6530(16) by a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine, and Education Law §6530(21) by willfully making or filing a false report or failing to file a report required by law or by the health or education departments. The Hearing Committee

¹The Respondent also failed to appear during a December 13, 2021 telephone conference call and at the pre-hearing conference held December 16, 2021 despite voicemails, email correspondence, and letters sent to her attention detailing these events. (ALJ I.)

votes 3-0 to impose the penalties of censure and reprimand, suspension, and a fine pursuant to PHL §230-

a.

Findings of Fact

The Hearing Committee, by unanimous vote, hereby makes the following findings of fact:

1. The Respondent June Mossop, M.D. was authorized to practice medicine in New York State on March 5, 1996, by the issuance of license number 202302. (Exhibits 8 and 9.)

2. PHL Article 29-D requires the New York State Department of Health to collect certain information from physicians to create their individual profiles in a format made available to the public. The required information includes, among other things, details of medical education and Board certification; criminal convictions; medical license limitations; Board actions; and restrictions of hospital privileges, medical malpractice court judgments, and settlements in which payment was awarded dating back ten years. Physicians are required to update their profile information "within the six months prior to the expiration date of such physician's registration period, as a condition of registration renewal under article one hundred thirty-one of the education law." PHL §2995-a(4).

3. The Respondent failed to comply with the requirements of PHL Article 29-D. She is currently registered for a period of two years from June 1, 2021 through May 31, 2023 yet has not updated her physician profile since July 18, 2007 or within six months of the expiration of her last seven registration periods (2009, 2011, 2013, 2015, 2017, 2019, and 2021). (Exhibit 4.)

Discussion

There are two charges of misconduct: (1) "A willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine," as defined in Education Law §6530(16); and (2) "Willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department," as

defined in Education Law §6530(21). (Exhibit 1.) By letters dated October 7 and November 12, 2020 sent by certified mail and confirmed as received, the Respondent was informed she was under investigation by the Office of Professional Medical Conduct (OPMC) concerning her care and treatment of a patient and due to her failure to update her physician profile as required by law. (Exhibits 5-7.) In these letters, the OPMC directed the Respondent to update her physician profile and provided clear instructions to assist her with completing this process online or via telephone. The Respondent never updated her physician profile.

The October 1, 2021 Notice of Hearing advised the Respondent of the following:

Pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. (Exhibit 1.)

The Respondent failed to submit any answer to the charges. Factual allegation A in the Statement of Charges is therefore deemed admitted. PHL §230(10)(c)(2); Corsello v. New York State Dept. of Health, 300 A.D.2d 849, 851 (3^d Dept. 2002).

The Hearing Committee also sustains both charges as supported by the documentary evidence presented. The Respondent was notified that PHL §2995 mandates she update her physician profile "within six months prior to the expiration of each biennial registration period" as a condition of her registration renewal and that "(f)ailure to update your profile as required may result in disciplinary action." (Exhibit 5.) She failed to answer the charges that she violated the law and comply with OMPC directives and, she failed to appear at the hearing or present any evidence to refute them. The Hearing Committee considered the purpose in enforcing this requirement is to ensure patients have access to important information about physicians to enable them to make informed decisions about their medical care.

In considering the full spectrum of penalties under PHL § 230-a, including revocation, suspension, probation, censure and reprimand, and civil penalties, the Hearing Committee determined that the

penalties of censure and reprimand, suspension, and a fine in the amount of \$1,000 — \$500 for each charge — are appropriate. The OPMC letters specifically identified the authority of the OPMC to investigate the Respondent's "medical conduct" and specified the matters under investigation. (Exhibit 5.) The OPMC letters directed the Respondent submit to an interview, provide medical records of a patient, and update her physician profile because it had reasonable cause to question her care and treatment and medical recordkeeping involving a patient between May 2011 and April 2015. (Exhibit 5.)

The Hearing Committee noted the Respondent's disregard for her obligations as a physician to abide by the law and adhere to OPMC directives to update her physician profile includes failing to complete this task seven consecutive times in the past 14 years. Her seeming awareness of this delinquency expressed by telephone to the Department's attorney has been met with no corrective action. (Transcript, p. 30-31.) Her track record of non-responsiveness pertaining to following such a basic, straightforward rule that applies to all physicians raises red flags for the Hearing Committee regarding her approach to handling other, more complex medical practice requirements. The Department is required to ensure physicians comply with this law so patients have access to information that could impact their quality of care. The Department's enforcement of this law protects patients by providing them with details of a physician's medical practice, including license limitations, loss of hospital privileges, and adverse legal action.

The Hearing Committee agrees with the Petitioner in its recommendation to impose the penalties of a censure and reprimand and suspension until the Respondent properly updates her physician profile but determines to also impose a fine totaling \$1,000 because she has paid no heed to the Department's directives, instead blatantly ignoring them. Her failure to make any effort to address the charges warrants imposing these penalties, especially considering they resulted from an underlying investigation of a complaint regarding the Respondent's inadequate care of a patient.

Order

IT IS HEREBY ORDERED THAT:

1. The First and Second Specification of Charges, as set forth in the Statement of Charges, are sustained.
2. The Respondent's license to practice medicine in the State of New York is hereby wholly suspended under PHL §230-a(2)(e), until such time as the Respondent updates her physician profile in compliance with PHL §2995-a.
3. The Respondent's license to practice medicine in the State of New York is also subject to a censure and reprimand under PHL §230-a(1) and payment of a fine totaling \$1,000, or \$500 for each charge, under PHL §230-a(7).
4. This Determination and Order shall be effective upon service on the Respondent in compliance with PHL §230(10)(h).

DATED: Albany, New York
December 30, 2021


Cassandra E. Henderson, M.D. (Chair)

Steven I. Sherman, D.O.
Susan Ksiazek, B.S. Pharm.

TO: John Thomas Viti, Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

June Mossop, M.D.



**IN THE MATTER
OF
JUNE MOSSOP, M.D.**

**STATEMENT
OF
CHARGES**

June Mossop, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 5, 1996, by the issuance of license number 202302 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. New York Public Health Law Article 29-D §2995-a requires the New York State Department of Health to collect certain information from New York State licensed physicians in order to create individual profiles on licensees in a format to be made available to the public. New York Public Health Law Article 29-D §2995-a(4) requires "In addition to such periodic reports and providing the same information, each physician shall update his or her profile information within the six months prior to the expiration date of such physician's registration period, as a condition of registration renewal under article one hundred thirty-one of the education law." Respondent, who is registered to practice medicine in New York, last updated her profile on July 18, 2007 and has failed, at least through March 23, 2021, to provide the information required.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILURE TO COMPLY

Respondent violated New York Education Law §6530(16) by her willful or grossly negligent failure to comply with substantial provisions of federal, state or local laws, rules or regulations governing the practice of medicine, in that Petitioner alleges the facts of:

1. Paragraph A.


SECOND SPECIFICATION

FAILURE TO FILE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

2. Paragraph A.

DATE: October 1, 2021
New York, New York


HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct