

Public

STATE OF NEW YORK

DEPARTMENT OF HEALTH

BPMC No. 14-177

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
ROMANCHAL MOSAI, M.D.  
CO-13-10-5585A

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

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TO: Romanchal Mosai, M.D.  
REDACTED

Romanchal Mosai, M.D.  
REDACTED

The undersigned, Howard A. Zucker, M.D., J.D., Acting Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **ROMANCHAL MOSAI, M.D.**, Respondent, licensed to practice medicine in the State of New York on October 27, 1978, by license number 136602, has been convicted of committing an act constituting a felony in the Circuit Court of the County of Orange, State of Florida which, if committed within New York State, would have constituted a felony under New York State law, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **ROMANCHAL MOSAI, M.D.**, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

**ANY PRACTICE OF MEDICINE IN VIOLATION OF THIS COMMISSIONER'S ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED**

**BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 17<sup>th</sup> day of September, 2014, at 10:30 a.m., at 150 Broadway, Suite 510, Menands, New York 12204-2719, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health no later than ten days prior to the hearing. Any charge and allegation not answered shall be deemed admitted. Respondent may wish to seek the advice of counsel prior to filing such answer.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §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 hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to

the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, 150 Broadway, Suite 510, Menands, NY 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

July 15, 2014

REDACTED

Howard A. Zucker, M.D., J.D.  
Acting Commissioner of Health  
New York State Department of Health

Inquiries should be addressed to:

Paul Tsui  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

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IN THE MATTER  
OF  
ROMANCHAL MOSAI, M.D.  
CO-13-10-5585-A

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STATEMENT  
OF  
CHARGES

ROMANCHAL MOSAI, M.D., Respondent, was authorized to practice medicine in New York State on October 27, 1978, by the issuance of license number 136602 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 24, 2013, in the Circuit Court of the County of Orange, State of Florida, Respondent pleaded nolo contendere to racketeering, a first degree felony, and adjudicated guilty. Respondent was sentenced to one day in jail, 20 years of probation, 200 hours of community service, fined \$21,655.70, and ordered to pay \$625.00 restitution.

B. On or about April 16, 2013, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Settlement Agreement (hereinafter "Florida Agreement"), inter alia, reprimanded the Respondent, fined him \$30,000.00 plus costs, suspended his license to practice medicine for a period of one year, and subjected him to probation supervision for a period of one year based upon the conviction for Racketeering as well as the inappropriate and excessive prescribing of Lortab to three patients, including two undercover police officers, without completing appropriate examinations and failing to maintain appropriate records. On or about September 30, 2013, the Florida Board issued a Final Order incorporating the Settlement Agreement of April 16, 2013, with certain amendments regarding the Respondent's plea in the Circuit Court, the terms of probation regarding a practice monitor, and a restriction on Respondent's license prohibiting him from prescribing controlled substances.

C. The conduct resulting in the Florida Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(9)(a)(iii) (Being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law).
2. New York Education Law §6530(2) (Practicing the profession fraudulently or beyond its authorized scope).
3. New York Education Law §6530(3) (Practicing the profession with negligence on more than one occasion).
4. New York Education Law §6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

D. On or about June 7, 2013, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine (hereinafter "Pennsylvania Board"), by an Adjudication and Order, inter alia, revoked Respondent's license to practice medicine in the Commonwealth of Pennsylvania based upon Respondent's conviction in the State of Florida as outlined in Paragraph "A."

### SPECIFICATIONS

#### FIRST SPECIFICATION

Respondent violated New York State Education Law §6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

## SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

2. The facts in Paragraphs B and C and C1, B and C and C2, B and C and C3, B and C and C4, and/or D.

## THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked, suspended, or having other disciplinary action taken 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 would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

3. The facts in Paragraphs B and C and C1, B and C and C2, B and C and C3, B and C and C4, and/or D.

DATED: July 15, 2014  
Albany, New York

REDACTED

MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct