



**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

Gregory Molden, M.D.  
[REDACTED]  
FPC Pensacola  
110 Raby Ave.  
Pensacola, Florida 32509

**RE: In the Matter of Gregory Molden, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 19-130) 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,

A solid black rectangular box redacting the signature of James F. Horan.

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

-----X  
: IN THE MATTER :  
: OF :  
: GREGORY MOLDEN, M.D. :  
-----X

DETERMINATION  
AND  
ORDER  
19-130

A hearing was held on May 15, 2019, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to Public Health Law (PHL) § 230(10)(e), Andrew Merritt, M.D., Chairperson, Reid Muller, M.D., and Jeffrey Fudin, Pharm.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

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 Gregory Molden, M.D., (Respondent), who was incarcerated in Florida and did not appear at the hearing.<sup>1</sup>

The Hearing Committee received and examined documents from the Department (Exhibits 1-4). A stenographic reporter prepared a transcript of the proceeding.

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<sup>1</sup> By letter dated April 30, 2019, and addressed to the Commissioner of Health, William T. Hughey of The Hughey Law Firm, PLLC, located in Texas, requested an adjournment on behalf of the Respondent. ALJ Champion received the letter on May 8, 2019 and denied the request. ALJ Champion offered Mr. Hughey the option to participate in the hearing by telephone, to which Mr. Hughey did not respond but rather asked for reconsideration of the adjournment request. ALJ Champion reconsidered and denied the request. ALJ Champion telephoned Mr. Hughey at the start of the hearing on May 15, 2019, at which time Mr. Hughey declined participating on the Respondent's behalf.

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. Gregory Molden, M.D., the Respondent, was licensed by the New York State Education Department to practice medicine on September 16, 1985, by the issuance of license number 164034. (Ex. 2.)
2. On or about September 25, 2018, in the United States District Court for the Eastern District of Louisiana, the Respondent was convicted of thirteen counts of federal felonies. Specifically, the Respondent was convicted of one count of Conspiracy to Commit Health Care Fraud (18 USC § 1349), one count of Conspiracy to Pay and Receive Illegal Health Care Kickbacks (18 USC § 371), and eleven counts of Health Care Fraud (18 USC §§ 1347 and 2). (Ex. 4.)

3. The Respondent was sentenced to 48 months imprisonment, one year of supervised release, an assessment of \$1,300.00, and restitution of \$626,405.00. (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 thirteen counts of federal felonies on or about September 25, 2018, in the United States District Court for the Eastern District of Louisiana -- one count of Conspiracy to Commit Health Care Fraud (18 USC § 1349), one count of Conspiracy to Pay and Receive Illegal Health Care Kickbacks (18 USC § 371), and eleven counts of Health Care Fraud (18 USC §§ 1347 and 2). 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).

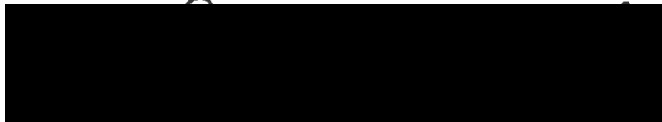
The Department has recommended that the Respondent's license to practice medicine in New York State be revoked. The Hearing Committee unanimously agrees with this recommendation.

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).

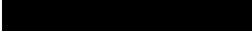
Dated: May 13, 2019  
Syracuse, New York



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

Gregory Molden, M.D.

  
FPC Pensacola  
110 Raby Ave.  
Pensacola, Florida 32509

APPENDIX I

IN THE MATTER  
OF  
GREGORY MOLDEN, M.D.

STATEMENT  
OF  
CHARGES

GREGORY MOLDEN, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 16, 1985, by the issuance of license number 164034 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about September 25, 2018 in the U.S. District Court for the Eastern District of Louisiana, the Respondent was convicted of one count of Conspiracy to Commit Health Care Fraud (18 USC § 1349); one count of Conspiracy to Pay and Receive Illegal Health Care Kickbacks (18 USC § 371); and eleven counts of Health Care Fraud (18 USC §§ 1347, 2), all federal felonies. Respondent was sentenced to 48 months imprisonment, with all counts to be served concurrently, one year of supervised release, an assessment of \$1,300.00 and restitution of \$626,405.00.



**SPECIFICATION OF CHARGES**

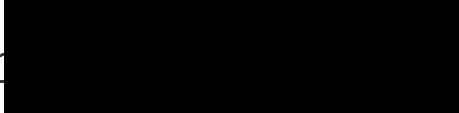
**FIRST SPECIFICATION**

**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