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HEALTH

Public

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

December 2, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lauran Anthea Mae Bryan, M.D.
26711 Woodward Avenue – Suite LL1
Huntington Woods, MI 48070

Lauran Anthea Mae Bryan, M.D.
REDACTED ADDRESS

Jude B. Mulvey, Esq.
NYS Department of Health
ESP – Corning Tower – Room 2512
Albany, New York 12237

RE: In the Matter of Lauran Anthea Mae Bryan, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 11-292) 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. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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,

REDACTED SIGNATURE

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:cah

Enclosure

State of New York : Department Of Health
State Board For Professional Medical Conduct

In the Matter of

Lauran Anthea Mae Bryan, M.D. (Respondent)

Determination and Order No. 11-292

COPY

Eleanor C. Kane, M.D. (Chair), Arsenio G. Agopovich, M.D. and Richards H. Edmonds, Ph.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to New York Public Health Law (PHL) §230(10)(p)(McKinney Supp. 2011). James F. Horan, Administrative Law Judge, served as the Committee's Administrative Officer. The Department of Health (Petitioner) appeared by Jude Mulvey, Esq. The Respondent failed to appear and no one appeared on the Respondent's behalf. The Committee proceeded to conduct the hearing in the Respondent's absence, received and examined documents and heard argument from the Petitioner. A stenographic reporter prepared a transcript of the proceeding. After consideration of the record, the Hearing Committee sustains the charge that the Respondent's misconduct in another state would constitute professional misconduct in New York State and makes the Respondent liable to disciplinary action against her license to practice medicine in New York (License). The Committee votes to censure and reprimand the Respondent, to fine the Respondent \$1,000.00 and to place the Respondent on probation for one year under the terms that appear in Appendix I to this Determination.

Background

The State Board for Professional Medical Conduct (BPMC) functions pursuant to PHL §230 *et seq.* as a duly authorized professional disciplinary agency of the State of New York. The Petitioner brought this case before BPMC pursuant to PHL §230(10)(p), which provides an expedited hearing (Referral Proceeding) for charges alleging a violation under New York Education Law (EL) §6530(9)(McKinney Supp. 2011). That statute addresses prior criminal convictions in New York State or another jurisdiction or prior administrative adjudications regarding conduct that would amount to professional misconduct, if committed in New York. In a Referral Proceeding, the statute limits the Committee to determining whether the prior conviction or adjudication occurred, whether to impose a penalty against the New York license and, if so, the nature and severity for the penalty against the license, In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996).

The Petitioner charged that the Respondent violated New York Education Law (EL) §6530(9)(d) by committing professional misconduct, because the duly authorized professional disciplinary agency from another state, Michigan, took disciplinary action against the Respondent's medical license in that state, for conduct that would constitute professional misconduct, if the Respondent had committed such conduct in New York. The Petitioner's Statement of Charges [Hearing Exhibit 1] alleged that the Respondent's misconduct in Michigan would constitute misconduct if committed in New York, under the following specifications:

- practicing medicine fraudulently, a violation under EL § 6530(2); and,

- engaging in conduct in the practice of medicine that evidences moral unfitness in practice, a violation under EL § 6530(20).

Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix II.

Witnesses

For the Petitioner:	None
For the Respondent:	None

Findings of Fact

The Committee made the following Findings of Fact after reviewing the entire record in this matter. The brackets following the Findings cite to exhibits [Ex.] the Committee found persuasive in arriving at a particular finding. In instances in which other information in the record conflicts with the evidence on which the Committee relied in making the Findings, the Committee considered and rejected that other information. Under PHL § 230(10), the Petitioner bore the burden to prove its case by a preponderance of the evidence. The Committee agrees unanimously on all Findings.

1. The Respondent received her License (# 181880) from the New York State Education Department on April 10, 1990 [Ex. 3].
2. The Respondent also holds a license to practice medicine in the State of Michigan [Ex. 4].

3. The Board of Medicine of the State of Michigan (Michigan Board) holds the authority under the Michigan Public Health Code (PHC) to discipline licensees for violating the PHC [Ex. 4].
4. In January 2010, charges before the Michigan Board alleged that the Respondent violated PHC §§ 16221(a) and 16221(b)(iv) by failing to exercise due care and engaging in conduct that evidenced a lack of good moral character [Ex. 4].
5. The Respondent entered into a Consent Order with the Michigan Board on November 17, 2010, in which the Respondent neither admitted nor denied the charges, but acknowledged that the Board could treat the allegations as true.
6. The Michigan Board found the allegations against the Respondent true and found the allegations constituted violations under PHC §§ 16221(a) and 16221(b)(iv).
7. The Michigan Board voted to censure and reprimand the Respondent, to fine the Respondent \$1000.00, to order the Respondent to complete a continuing medical education course on medical ethics and to place the Respondent on probation for one year.

Hearing Committee Conclusions

The case before the Michigan Board involved charges that the Respondent drafted a letter fraudulently in February 2009 and submitted the letter to Blue Cross/Blue Shield of Michigan. The letter appeared to be from the American Board of Plastic Surgery (ABPS) and the letter stated that ABPS had approved the Respondent's application for Maintenance of Certification in Plastic Surgery. The charges alleged further that ABPS had, in fact, advised the Respondent in December 2008 that ABPS had not approved the Respondent's application and had

had found the application incomplete. The Respondent accepted a Consent Agreement with the Michigan Board, indicated that she neither admitted nor denied the charges, but agreed that the Michigan Board could treat the charges as true. The Respondent agreed further to accept disciplinary action against her Michigan License. The Michigan Board did treat the charges as true. The Consent Order noted that, at a compliance conference, the Respondent took responsibility for the letter at issue. The Michigan Board also noted that there were no prior disciplinary actions against the Respondent.

The Committee concludes that the duly authorized disciplinary agency of the State of Michigan found the Respondent guilty of professional misconduct and that the same agency took disciplinary action against the Respondent. The Committee concludes further that the conduct the Respondent committed in Michigan, if committed in New York would amount to misconduct as: fraud in the practice of medicine, a violation under EL § 6530(2) and, engaging in conduct in practice that evidences moral unfitness, a violation under EL § 6530(20). In addition, the Committee concludes that the Respondent's conduct makes her liable for disciplinary action against her License pursuant to EL § 6530(9)(d). The Committee infers from the Respondent's acceptance of the penalty in Michigan, that there was merit to the Michigan charges, Herberman v. Novello, 280 A.D.2d 814, 720 N.Y.S.2d 626 (3rd Dept. 2001).

Hearing Committee Determination

The Respondent failed to appear at the hearing, either in person or by counsel. The Committee's Administrative Officer, after considering the documentary evidence concerning service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Ex. 1 & 2),

2), ruled that the Petitioner had met the requirements of law for service of the process, that BPMC had obtained jurisdiction over the Respondent and that the hearing could proceed on the merits despite Respondent's absence. In addition to the Notice of Hearing [Ex. 1] and affidavit of service on the Respondent [Ex. 2], the Administrative Officer also received into evidence a New York State Education Department document relating to the Respondent's License [Ex. 3] and the Michigan Consent Order and supporting documents [Ex. 4].

Due to Respondent's failure to appear at the Referral Proceeding, the Committee received no explanation from the Respondent concerning her conduct and no evidence in mitigation. The Petitioner requested that the Committee impose a sanction against the Respondent similar to what the Michigan Board imposed. The Committee agrees that a censure and reprimand, \$1000.00 fine and one year on probation will provide the appropriate sanction for the Respondent's conduct. The terms for the probation appear as Appendix I to this Determination and the probation will take effect at such time as the Respondent returns to New York State to practice medicine. The terms include a requirement that the Respondent appear before the Executive Secretary of BPMC, or the Executive Secretary's designee, to confirm that the Respondent has complied with all provisions from the Michigan Consent Order and that her Michigan license is in good standing.

ORDER

Based on the foregoing, the Committee issues the following ORDER:

1. The Committee sustains the First Specification contained in the Statement of Charges (Ex. 1);

2. The Committee censures and reprimands the Respondent;
3. The Committee places the Respondent on probation for one year under the terms that appear in Appendix I to this Determination;
3. The Committee fines the Respondent \$1,000.00, payable to NYS Department of Health, Health, Bureau of Accounts Management, Corning Tower Room 1717, Empire State Plaza, Albany, Albany, New York 12237 within 90 days of the effective date of this Order;
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of laws relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; and non-renewal of permits or licenses (Tax Law, section 171(27); State Finance Law, section 18; CPLR, section 5001; Executive Law, section 32;
5. This Order shall be effective on personal service on the Respondent or 7 days after the date of mailing of a copy to Respondent by certified mail or as provided by PHL §230(10)(h).

DATED: 29 November, New York
2011

REDACTED SIGNATURE

Eleanor C. Kane, M.D. (Chair),
Arsenio G. Agopovich, M.D.,
Richard H. Edmonds, Ph.D.

NYS DEPT OF HEALTH

NOV 30 2011

**DIVISION OF LEGAL AFFAIRS
BUREAU OF ADJUDICATION**

TO: Luran Anthea Mae Bryan, M.D.
26711 Woodward Avenue, Suite LL1
Huntington Woods, MI 48070

Luran Anthea Mae Bryan, M.D.

REDACTED ADDRESS

Jude B. Mulvey, Esq.
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237

Appendix I

Terms of Probation

1. Respondent shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records, which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. At such time as she returns to New York State to practice medicine, Respondent shall appear before the Executive Secretary of BPMC, or the Executive Secretary's designee, and shall confirm that the Respondent has complied with all terms from the Michigan Consent Order and that the Respondent's license to practice medicine in Michigan is in good standing.

8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

Appendix II

Statement of Charges (attached)

IN THE MATTER

OF

**LAURAN ANTHEA MAE BRYAN, M.D.
CO-10-12-7879-A**

**NOTICE OF
REFERRAL
PROCEEDING**

TO: LAURAN ANTHEA MAE BRYAN, M.D.
26711 Woodward Avenue
Suite LL1
Huntington Woods, MI 48070

LAURAN ANTHEA MAE BRYAN, M.D.

REDACTED ADDRESS

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 17th day of November, 2011, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, NY 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges that 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 who shall be an attorney admitted to practice in New York state. You may produce evidence and/or sworn testimony on your behalf. Such evidence and/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 that 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.

EXHIBIT

1

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, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten (10) days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten (10) days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health, whose name appears below. You may file a written brief and affidavits with the Committee. Six (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney, indicated below. 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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, disclosure of the evidence that Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence, and a description of physical and/or other evidence that cannot be photocopied.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here _____

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the 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 (5) 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: Albany, New York

August 31, 2011

REDACTED SIGNATURE

PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Jude B. Mulvey
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

IN THE MATTER**OF****LAURAN ANTHEA MAE BRYAN, M.D.
CO-10-12-7879-A**

STATEMENT**OF****CHARGES**

LAURAN ANTHEA MAE BRYAN, M.D., Respondent, was authorized to practice medicine in New York state on April 10, 1990, by the issuance of license number 181880 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 17, 2010, the State of Michigan, Department of Community Health, Bureau of Health Professions, Board of Medicine, Disciplinary Subcommittee (hereinafter "Michigan Board"), by a Consent Order and Stipulation (hereinafter "Michigan Order"), REPRIMANDED Respondent, placed her on probation for one (1) year, fined her \$1,000.00, and required her to take a CME course in medical ethics, based on altering certification records.

B. The conduct resulting in the Michigan Board's 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(2) (practicing the profession fraudulently);
- and/or
2. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS**FIRST SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraphs A and/or B.

DATED: *August 31*, 2011
Albany, New York

REDACTED SIGNATURE

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct