



Department of Health

ANDREW M. CUOMO
Governor

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

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

January 4, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ian Silverman, Esq.
NYS Department of Health
Corning Tower Room 2512
Empire State Plaza
Albany, New York 12237

Lauran Bryan, M.D.
1 Glen Ray Road
Alderson, WV 24910

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

Dear Parties:

Enclosed please find the Determination and Order (No. 18-005) 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,


James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: nm
Enclosure

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

IN THE MATTER
OF
LAURAN BRYAN, M.D.

DETERMINATION
AND
ORDER
BPMC-18-005

A hearing was held on August 16, 2017, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and Statement of Charges dated February 15, 2017, were served upon LAURAN BRYAN, M.D., the Respondent. Pursuant to § 230(10)(e) of the Public Health Law, Peter B. Kane, M.D., Chairperson, Ronald Uva, M.D., and Janet M. Miller, R.N., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Jude Mulvey, Esq., Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by Richard J. Zahnleuter, Esq., General Counsel, by Ian Silverman, Esq., of Counsel. The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence concerning personal service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Ex. 2) ruled that the Petitioner had met the requirements of law for service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed on the merits despite the Respondent's absence. Evidence was received and a transcript of the proceedings was made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

1. Lauran Bryan, M.D., the Respondent, was authorized to practice medicine in New York State on April 10, 1990, by the New York State Education Department's issuance of license number 181880. (Petitioner's Ex. 3).

2. On August 24, 2016, the Michigan Department of Licensing and Regulatory Affairs ("Michigan Board") issued a Final Order which suspended the Respondent's license to practice medicine for a minimum of six months and one day, voided the Respondent's controlled substance license, and ordered the Respondent to pay a \$10,000 fine. (Petitioner's Ex. 4).

3. On September 20, 2016, in the United States District Court for the Eastern District of Michigan, the Respondent was convicted of one count of Unlawful Distribution of Controlled Substances, 21 U.S.C. § 841(a)(1), a felony. (Petitioner's Ex. 5).

4. The Respondent was sentenced to twelve months and one day imprisonment followed by a one year term of supervised release, and a \$100.00 assessment. (Petitioner's Ex. 5).

HEARING COMMITTEE CONCLUSIONS

The Petitioner offered copies of the documents from the Michigan Board into evidence. Those documents established that the Respondent was found guilty of professional misconduct based upon a complaint alleging negligence on more than one occasion and moral unfitness, among other charges. Having made these findings, the Michigan Board suspended the Respondent's license, among other penalties. The Respondent's conduct in Michigan would have also constituted professional misconduct under the laws of New York if committed within

this State. Therefore, the Hearing Committee concluded that the Respondent has committed misconduct as defined in New York Education Law § 6530(9)(b) and (d).

The Petitioner also offered into evidence copies of the documents from the United States District Court which established the Respondent's federal criminal conviction. Therefore, the Hearing Committee concluded that the Respondent has committed misconduct as defined in New York Education Law § 6530(9)(a)(ii).

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

Respondent violated New York State Education Law Section 6530(9)(d) by having her license to practice medicine suspended 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.

VOTE: Sustained (3-0)

SECOND SPECIFICATION

Respondent violated New York State Education Law Section 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.

VOTE: Sustained (3-0)

THIRD SPECIFICATION

Respondent violated New York State Education Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Michigan Board filed an Administrative Complaint against Respondent alleging that she had committed negligence on more than one occasion and moral unfitness, among other allegations of misconduct. The Michigan Board gave the Respondent an opportunity to answer that complaint, but the Respondent failed to respond. Therefore, the allegations against the Respondent were deemed admitted, and the Michigan Board suspended her license. Although Suboxone is a controlled substance used to treat opioid dependency, the Respondent had prescribed both Suboxone and opioids to one of her patients at the same time. There is no medical reason to prescribe both these medications simultaneously to a patient. The Respondent also had given that same patient several prescriptions for opioids which were written for several other patients, knowing the prescriptions would be diverted. The Respondent later admitted to the DEA that she had prescribed controlled substances for no legitimate medical purpose to these patients and others. The Respondent was also criminally charged with this conduct and pleaded guilty in federal court to unlawful distribution of a controlled substance.

The Hearing Committee considered the full spectrum of penalties available pursuant to statute, including revocation, suspension, probation, censure, and the imposition of civil penalties. The Respondent used her medical license to prescribe controlled substances for no

legitimate medical purpose, endangering the health and safety of the public. She failed to appear in this proceeding or file a written answer to the charges against her. Based on the Respondent's professional misconduct and absent any evidence of remorse or rehabilitation, the Hearing Committee accepts the Petitioner's recommendation that the Respondent's license be revoked.

ORDER

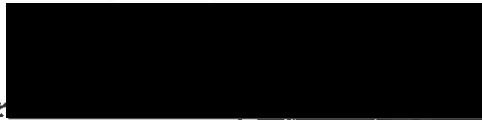
IT IS HEREBY ORDERED THAT:

The Respondent's license to practice medicine in the State of New York is revoked.

This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Albany, New York

JAN 2, 2018 ~~2017~~



Peter B. Kane, M.D.
Chairperson

Ronald Uva, M.D.
Janet M. Miller, R.N.

APPENDIX I

IN THE MATTER

OF

LAURAN BRYAN, M.D.

STATEMENT
OF
CHARGES

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

FACTUAL ALLEGATIONS

A. On or about March 17, 2016 the Michigan Department of Licensing and Regulatory Affairs. (hereinafter "MDL") summarily suspended the Respondent's medical license finding the public health, safety or welfare requires emergency action. The MDL's action was based upon an administrative complaint alleging that the Respondent inappropriately prescribed controlled substances (hydrocodone, oxycodone, suboxone) to six patients from 2011-2015. Respondent failed to respond to the Complaint as required within 30 days from the date of the receipt and thus her non-response was deemed an admission of the allegations contained in the Complaint. On or about August 24, 2016 the MDL issued a Final Order which dissolved the Order of Summary Suspension; suspended the Respondent's license to practice medicine in the state of Michigan for a minimum of six months and one day; voided the Respondent's controlled substance license and ordered the Respondent to pay a fine in the amount of \$10,000.

B. Respondent's conduct as described above, upon which the disciplinary action in Michigan 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;
2. New York Education Law §6530(4) (practicing the profession with gross negligence on a particular occasion;
3. New York Education Law §6530 (20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine;
4. New York Education Law §6530(29) (violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law; and/or
5. New York Education Law §6530 (32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

C. On or about December 12, 2015 in the United States District Court, Eastern District of Michigan, the Respondent was convicted of 1 count of the felony of Unlawful Distribution of Narcotics in violation of 21 U.S.C. § 841 (a) (1). On September 20, 2016 the Respondent was sentenced to twelve months and one day in federal prison to be followed by a term of probation of one year, and a \$100 assessment.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

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); (4); (20); (29) and/or (32)) as alleged in the facts of the following:

1. The facts in Paragraph A and B.

SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. 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 (namely N.Y. Educ. Law §§ 6530 (3); (15); (20); (29); and/or (32))) as alleged in the facts of the following:

2. The facts in Paragraph A and B.

THIRD 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:

3. The facts in Paragraph C.

DATE: February 15, 2017
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct