

Public



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

October 4, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Morgan Kia Grant, M.D.
REDACTED

Robert Bogan, Esq..
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Morgan Kia Grant, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 10-185) 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

James F. Horan, Acting Director
Bureau of Adjudication

JFH:djh

Enclosure

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

IN THE MATTER
OF
MORGAN KIA GRANT, M.D.

:
:
: **Determination**
: **and Order**
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:
:

BPMC NO. 10-185

A notice of referral proceeding and statement of charges, both dated May 14, 2010, were served on Respondent **Morgan Kia Grant, M.D.** The statement of charges alleged violation of New York State Education Law 6530. A hearing was held at offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York, on August 18, 2010.

Pursuant to Public Health Law 230(10)(e), **Frank E. Iaquinta, M.D.**, Chairperson, **Jose M. David, M.D., M.A.**, and **Frances E. Tarlton**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. **John Harris Terepka**, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by **Thomas G. Conway, Esq.**, General Counsel, and appeared by **Robert Bogan, Esq.**, of counsel. **Morgan Kia Grant, M.D.** (the Respondent) appeared pro se. 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.

JURISDICTION

As is set forth in Public Health Law 230(1)&(7) and Education Law 6530, the legislature created the State Board for Professional Medical Conduct in the Department of Health (the Department), and authorized it to conduct disciplinary proceedings in matters of professional medical conduct.

Definitions of professional misconduct applicable to physicians, physician assistants and specialist assistants are set forth in Ed.L 6530 and 6531. In this case, the Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(a)(i).

Pursuant to PHL 230(10)(p), a "direct referral procedure" is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

Witnesses for the Petitioner:	None
Petitioner exhibits:	Department Exhibits 1-6.
Witnesses for the Respondent:	Morgan Kia Grant, M.D. Beth Grant
Respondent exhibits:	Respondent Exhibits A-I.

A transcript of the proceedings was made. (Hearing transcript, pages 1-55.)

FINDINGS OF FACT

An opportunity to be heard having been afforded the parties and evidence having been considered, it is hereby found:

1. Respondent Morgan Kia Grant, M.D. was authorized to practice medicine in New York State on April 8, 1999 under license number 213622. (Department Exhibit 4.)
2. On August 10, 2009, in the City Court of Geneva, County of Ontario, New York, the Respondent was found guilty, based upon a plea of guilty, of criminal possession of stolen property in the fifth degree, in violation of New York Penal Law 165.40, a class A misdemeanor. On October 19, 2009, the Respondent was sentenced to a conditional discharge with 250 hours community service and a \$1,000 fine. (Department Exhibit 5.)

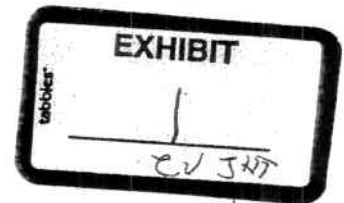
HEARING COMMITTEE DETERMINATION

The Petitioner presented Geneva City Court records establishing that the Respondent pleaded guilty to criminal possession of stolen property. (Department Exhibit 5.) The Respondent acknowledged that he committed this crime. (Hearing transcript, page 39.) The hearing committee unanimously concluded that, as alleged in the statement of charges, the Respondent violated Ed.L 6530(9)(a)(i) which defines professional misconduct, in pertinent part, as "Being convicted of committing an act constituting a crime under... New York State law."

The committee agreed that some action was indicated because the Respondent's commission of a crime – possession of stolen property - should not simply be overlooked. The committee noted, however, that the crime in question did not involve the Respondent's practice of medicine, and arose in connection with medical issues of his own that are being addressed. The committee was impressed by the Respondent's actions in that regard and saw

APPENDIX I

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



IN THE MATTER
OF
MORGAN KIA GRANT, M.D.
CO-09-10-6965-A

NOTICE OF
REFERRAL
PROCEEDING

TO: MORGAN KIA GRANT, M.D.
REDACTED

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 21st day of July, 2010, 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.

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

May 14, 2010

REDACTED

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

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER
OF
MORGAN KIA GRANT, M.D.
CO-09-10-6965-A

STATEMENT
OF
CHARGES

MORGAN KIA GRANT, M.D., Respondent, was authorized to practice medicine in New York state on April 8, 1999, by the issuance of license number 213622 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 10, 2009, in the City Court of Geneva, Ontario County, New York, Respondent was found guilty, based on a plea of guilty, of criminal possession of stolen property in the fifth degree, in violation of New York Penal Law §165.40, a class A misdemeanor, and on or about October 19, 2009, was sentenced to a conditional discharge, two hundred fifty (250) hours community service, a \$1,000.00 fine, and a \$200.00 assessment.

SPECIFICATION

Respondent violated New York State Education Law §6530 (9)(a)(i) by having been convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *May 14*, 2010
Albany, New York

REDACTED

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