

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

June 2, 2010

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Tatyana Kisina, M.D.

REDACTED

Nathan L. Dembin, Esq.  
Nathan L. Dembin & Associates  
1123 Broadway – Suite 1117  
New York, New York 10010

Tatyana Kidina, M.D.  
3065 Brighton 14<sup>th</sup> Street R  
Brooklyn, New York 11235

Robert Bogan, Esq.  
NYS Department of Health  
ESP – Corning Tower - Room 2512  
Albany, New York 12237

**RE: In the Matter of Tatyana Kisina, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 10-91) 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:cah

Enclosure

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

**COPY**

IN THE MATTER  
OF  
TATYANA KISINA, M.D.

DETERMINATION

AND

ORDER

BPMC #10-91

A hearing was held on May 19, 2010, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Referral Proceeding, dated March 28, 2008, and a Statement of Charges, dated March 26, 2008, were served upon the Respondent, **Tatyana Kisina, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **Ravinder Mamtani, M.D.**, Chairperson, **James R. Dickson, M.D.**, and **Thomas W. King, Jr., M.P.A., P.E.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent appeared in person and was represented by Nathan L. Dembin & Associates, **Nathan L. Dembin, Esq.**, of Counsel.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

## **BACKGROUND**

This case was brought pursuant to Public Health Law § 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law § 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law § 6530(9)(a)(i). Copies of the Commissioner's Order and Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

## **WITNESSES**

For the Petitioner:

None

For the Respondent:

Tatyana Kisina, M.D.

## **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Tatyana Kisina, M.D., the Respondent, was authorized to practice medicine in New York State on November 23, 2001, by the issuance of license number 223341 by the New York State Education Department (Petitioner's Ex. 4).

2. On May 11, 2007, in the Supreme Court of the State of New York, Queens County, New York, the Respondent was convicted of two counts of insurance fraud in the third degree, in violation of New York Penal Law § 176.20, a class D felony, and two counts of falsifying business records in the first degree, in violation of New York Penal Law § 175.10, a class E felony. On or about October 25, 2007, the Respondent was sentenced to a \$10,000.00 fine, a \$10.00 CVA fee, a \$200.00 surcharge and five years probation. (Petitioner's Ex. 5).

3. Effective March 28, 2008, a Commissioner's Order issued by Richard F. Daines, M.D., the Commissioner of the Petitioner, suspended the Respondent's license to practice medicine. The reason for the suspension was the Respondent's felony convictions. The suspension is still in effect. (Petitioner's Ex. 1).

#### **VOTE OF THE HEARING COMMITTEE**

##### **SPECIFICATION**

"Respondent violated New York Education Law § 6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York state law..."

VOTE: Sustained (3-0)

#### **HEARING COMMITTEE DETERMINATION**

The Respondent was convicted of two counts of insurance fraud in the third degree and two counts of falsifying business records in the first degree. All four crimes are felonies. Despite these crimes, this Hearing Committee has formed a favorable opinion of the Respondent. We found her testimony to be sincere and credible. She testified credibly that her employer, not the Respondent, profited from the crimes. She testified credibly that she has had no other problems with the law. She stated that there was no possibility that she would repeat her crimes and we are convinced that this is true. The

attorney for the Petitioner stated on the hearing record that he believed that the Respondent had testified truthfully.

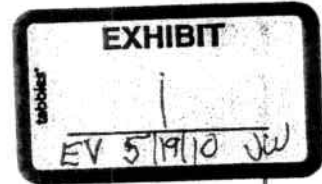
The Respondent has suffered enough. She has been unable to practice medicine since the Commissioner's Order was issued on March 28, 2008. The Respondent spent approximately \$350,000.00 for the services of attorneys for the criminal proceedings and appeals. The Petitioner recommended that the Respondent's license be suspended during the time that the Commissioner's Order is in effect. The Hearing Committee agrees that this is a sufficient penalty. The Respondent will be suspended from the practice of medicine from March 28, 2008, until the effective date of the Order that appears on the next page.



# **APPENDIX I**



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



IN THE MATTER  
OF  
TATYANA KISINA, M.D.  
CO-07-09-5449-A

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: TATYANA KISINA, M.D.

TATYANA KISINA, M.D.  
3065 Brighton 14<sup>th</sup> Street R  
Brooklyn, NY 11235

**REDACTED**

The undersigned, Richard F. Daines, M.D., 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 **TATYANA KISINA, M.D.**, Respondent, licensed to practice medicine in the State of New York on November 23, 2001, by license number 223341, has been convicted of committing an act constituting 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 **TATYANA KISINA, M.D.**, Respondent, 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. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN  
DEFIACE OF THIS COMMISSIONER'S ORDER SHALL  
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE  
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY  
CONSTITUTE UNATHORIZED 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 15<sup>th</sup> day of May 2008, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, 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.

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. 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, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, 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

*3/28*, 2008

**REDACTED**

\_\_\_\_\_  
RICHARD F. DAINES, M.D.  
Commissioner of Health

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
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  
TATYANA KISINA, M.D.  
CO-07-09-5449-A

STATEMENT  
OF  
CHARGES

TATYANA KISINA, M.D., Respondent, was authorized to practice medicine in New York state on November 23, 2001, by the issuance of license number 223341 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 11, 2007, in the Supreme Court of the State of New York, Queens County, New York, Respondent was convicted of two (2) counts of insurance fraud in the third degree, in violation of New York Penal Law §176.20, a class D felony, and two (2) counts of falsifying business records in the first degree, in violation of New York Penal Law §175.10, a class E felony, and on or about October 25, 2007, was sentenced to a \$10,000.00 fine, a \$10.00 CVA fee, a \$200.00 surcharge, and five (5) years probation.

**SPECIFICATION**

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

1. The facts in Paragraph A.

DATED: *March 26*, 2008  
Albany, New York

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