



Department of Health

ANDREW M. CUOMO
Governor

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

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

June 4, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John Thomas Viti, Esq.
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10017

Amy T. Kulb, Esq.
Jacobson Goldberg & Kulb, LLP
585 Stewart Avenue – Suite 720
Garden City, New York 11530

Ronald Goodwich, M.D.


RE: In the Matter of Ronald Goodwich, M.D.

Dear Parties:

Enclosed please find the Determination, and Order (No. 18-126) 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. 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 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.

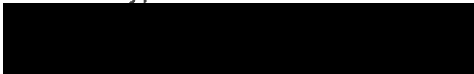
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., 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 black rectangular redaction box covering the signature of James F. Horan.

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: cac

Enclosure

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

**IN THE MATTER
OF
RONALD GOODWICH, M.D.**

**DETERMINATION
AND
ORDER**

BPMC-18-126

This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct ("the Department"). A March 6, 2017 [sic] Notice of Referral Proceeding, with March 6, 2018 Statement of Charges was served upon Ronald Goodwich, M.D. ("Respondent") and is attached to this Determination and Order as Appendix 1. A hearing, pursuant to N.Y. Public Health Law ("PHL") §230 and New York State Admin. Proc. Act §§301-307 and 401, was held on April 18, 2018, at the Department's offices at 90 Church Street, New York, New York.

Michael R. Golding, M.D., Chair, Elisa E. Burnis, M.D., and Michael N.J. Colon, Esq., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee ("Committee") in this matter. Ann H. Gayle, Administrative Law Judge, served as the administrative officer. The Department appeared by John Thomas Viti, Associate Counsel. Respondent appeared by Amy T. Kulb, Esq. Evidence was received and a transcript (pages 1-72) of this hearing was made.

After consideration of the entire record, the Committee issues this Determination and Order; all findings, conclusions, determinations and orders are unanimous, unless otherwise indicated.

STATEMENT OF CASE

This case was brought pursuant to PHL §230(10)(p) which provides for a hearing with circumscribed issues when a licensee is charged with misconduct based upon a criminal conviction under federal or state law and/or upon an administrative adjudication in another state regarding conduct that would amount to a crime and/or professional misconduct if committed in New York. N.Y. Education Law ("Educ. Law") §6530(9). The scope of the hearing is limited to a determination of the penalty, if any, to be imposed upon the licensee. In the instant case, Respondent is charged with professional misconduct pursuant to Educ. Law §6530(9)(a)(iii) for having been convicted of an act constituting a crime under Florida law.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter: Citations in brackets, which refer to transcript page numbers ["T"] and exhibits ["Ex"] that were accepted into evidence, represent evidence found persuasive by the Committee in arriving at a particular finding.

1. Respondent, Ronald Bradley Goodwich, M.D., was authorized by the New York State Education Department to practice medicine in New York State on February 18, 2010, by the issuance of license number 256226. [Ex 3]
2. On March 6, 2018, Respondent was served with a Notice of Referral Proceeding and Statement of Charges. [Ex 1; Ex 2]
3. On April 8, 2016, Respondent plead no contest and was adjudicated guilty of the crime of DUI (Driving Under the Influence) 1st Offense, a misdemeanor, under Florida Statute 316.193(2)(a)1a, and sentenced to probation for twelve months which could have been, and in fact was, terminated after serving six months. Additional sentencing conditions

included a six-month¹ revocation of Respondent's driver's license, impounding of his vehicle for ten days, \$500 fine, \$388² court costs, and requirements that Respondent perform fifty hours of community service, participate in a DUI class and a Victim Impact course, and submit to random breathalyzer/urinalysis at his expense. [Ex 4; T 8-9]

**CONCLUSIONS OF LAW
AND
DETERMINATION AS TO PENALTY**

The Département charged Respondent with one Specification of professional misconduct pursuant to Educ. Law §6530(9)(a)(iii) for having been convicted of an act constituting a crime under the law of another jurisdiction and which, if committed in this state would have constituted a crime under New York state law, namely, New York Vehicle and Traffic Law §1192.3 (driving while intoxicated), a misdemeanor.

The Committee takes Respondent's conviction seriously and, in reaching a determination, weighed this against its findings that Respondent, who has continued to work as a physician in Florida following his in-patient treatment, was very credible and clearly remorseful. The Committee further found that Respondent took responsibility for his wrongdoing and he did not give even a single excuse for his criminal behavior,

The Committee believes the five-year monitoring that is in place in Florida addresses both the crime for which Respondent was convicted and the protection of the public. The Committee believes that this Board's disciplining Respondent would not serve to enhance the public's protection any more than it is already protected by Respondent's demonstrated compliance with the Physicians Resource Network's monitoring and other conditions, and his

¹ The SOC erroneously stated "one-year suspension"

² The SOC erroneously stated "\$588"

sobriety for almost three years.

Pursuant to Educ. Law §6530, "any licensee found guilty of such misconduct under the procedures prescribed in section two hundred thirty of the public health law shall be subject to penalties as prescribed in section two hundred thirty-a of the public health law except that the charge may be dismissed in the interest of justice." While the Committee can sustain the charge and impose a penalty such as the penalty proposed by the Department, censure and reprimand, with or without a fine, the Committee concludes, by a 2-1 vote, that the charge against Respondent should be dismissed in the interest of justice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The charge of misconduct under Educ. Law §6530(9)(a)(iii) for having been convicted of an act constituting a crime under the law of another jurisdiction which, if committed in this state would have constituted a crime under New York state law, is dismissed in the interest of justice.
2. There shall be no disciplinary action taken against Respondent and no penalty shall be imposed.
3. This order shall be effective upon service on the Respondent as required under PHL §230(10)(h)

DATED: 450 Lexingt^o, New York
May 18 2018



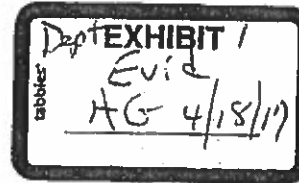
MICHAEL R. GOLDING, M.D., Chair
ELISA E. BURNS, M.D.
MICHAEL N.J. COLON, ESQ.

To: John Thomas Viti
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

Amy T. Kulb, Esq.
Jacobson Goldberg & Kulb, LLP
585 Stewart Avenue - Suite 720
Garden City, New York 11530

Ronald Goodwich, M.D.

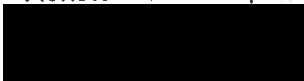

APPENDIX 1



IN THE MATTER
OF
RONALD GOODWICH, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: Ronald Goodwich, M.D.



PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. 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 April 18, 2018, at 10:30 a.m., at the offices of the New York State Department of Health, 90 Church Street, 4th Floor, New York, NY 10007.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which 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 or sworn testimony on your behalf. Such evidence 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 which 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.

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, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: 518-402-0748), (henceforth "Bureau of

Depts. Ex. 1

Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten 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. You may also file a written brief and affidavits with the Committee. All such documents 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, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge,

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

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 N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the 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 or other evidence which cannot be photocopied.

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

Department attorney; Initial here [REDACTED]

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 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.

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 OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York
March 6, 2017


Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

John Thomas Viti
Associate Counsel
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, NY 10007
(212) 417-4450

IN THE MATTER

OF

RONALD GOODWICH, M.D.

STATEMENT

OF

CHARGES

Ronald Goodwrich, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 18, 2010, by the issuance of license number 256226 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 8, 2016, in the County Court, Collier County Florida, Respondent plead no contest and was adjudicated guilty of Driving Under the Influence 1st Offense, 2nd degree -misdemeanor. Respondent was sentenced to a years' probation, one-year suspended driver's license, a \$500 fine, \$588 court cost and was order to participate in a DUI Class and Victim Impact Course.

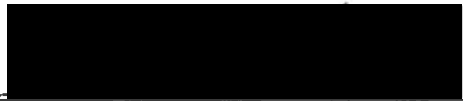
SPECIFICATION OF CHARGE

BEING CONVICTED OF AN ACT CONSTITUTING A CRIME

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9) (a) (iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which if committed within this state, would have constituted a crime under New York state law, specifically, New York Vehicle and Traffic Law §1192.03 (driving while intoxicated), DWI-1st Offense, a misdemeanor, as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: *March 6,* 2018
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct