



Department of Health

KATHY HOCHUL
Governor

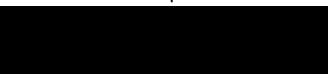
JAMES V. McDONALD, M.D., M.P.H.
Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

August 14, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Anna Steiner, M.D.



Marc S. Nash, 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 Anna Steiner, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-170) 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:

Jean T. Carney, 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 Ms. Carney 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,


Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: nm
Enclosure

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

COPY

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IN THE MATTER
OF
ANNA STEINER, M.D.
-----x

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: DETERMINATION
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: AND
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: ORDER
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BPMC-23-170

A Notice of Referral Proceeding and Statement of Charges dated June 8, 2023, were duly served upon Anna Steiner, M.D. (Respondent) pursuant to Public Health Law (PHL) § 230(10)(d)(i). (Exhibits 1-3.) A hearing was held on August 9, 2023, via WebEx videoconference. Pursuant to PHL § 230(10)(e), **RAVINDER MAMTANI, M.D.**, Chairperson, **ATUL GUPTA, M.D.**, and **DAVID F. IRVINE, DHSc, P.A.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. **NATALIE BORDEAUX**, Administrative Law Judge (ALJ), served as the administrative officer.

The Department appeared by Marc S. Nash, Associate Counsel. The Respondent did not appear. The Hearing Committee received and examined documents from the Department. (Exhibits 1-8). A transcript of the proceeding was made. After consideration of the entire hearing record, the Hearing Committee hereby issues this Determination and Order, revoking the Respondent's license to practice medicine. All findings, conclusions, and determinations are unanimous.

BACKGROUND

The Department brought the case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Education Law § 6530(9). The Respondent is charged with the following specifications of professional misconduct: (1) being convicted of committing an act constituting a crime under federal law in violation of Education

Law § 6530(9)(a)(ii); and (2) having disciplinary action taken against her medical license in Massachusetts, after the action was instituted by a duly authorized professional agency of that 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, a violation of Education Law § 6530(9)(d). Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in New York on August 11, 2014, under license number 276787. (Exhibit 5.)

2. By Final Decision and Order dated June 25, 2020, the Massachusetts Board of Registration in Medicine (Massachusetts Board) determined to revoke the Respondent's right to renew her medical license, after finding that from October 2014 until at least November 2017, the Respondent repeatedly issued prescriptions for Blue Cross Blue Shield of Massachusetts members to obtain high-cost compounds or topical medications, aerosol sprays, and durable medical equipment (DME) for individuals without having examined, met, or interacted with them, with whom she did not have a physician-patient relationship, and who did not request the medication from her. The Massachusetts Board concluded that the Respondent's actions constituted professional misconduct in violation of General Laws 112 § 5 and 243 CMR 1.03(5)(a)(3) by engaging in conduct that places into question her competence to practice medicine, including but not limited to gross misconduct in the practice of medicine, or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions. (Exhibit 8.)

3. On May 18, 2023, in the United States District Court, Eastern District of New York, the Respondent was convicted, following her guilty plea, of two counts of False Statements Relating to Health Care Matters (18 U.S.C. § 1035(a)). Between January 2015 and January 2019, the Respondent participated in a scheme in which she prescribed and ordered DME for individuals without evaluating, examining, and treating them, and ultimately caused the submission of over \$7.6 million in claims to the Medicare Program for DME on behalf of over 3,000 beneficiaries. Her actions also resulted in the submission of over \$9.8 million in claims to Medicare for diagnostic testing for over 900 Medicare beneficiaries, and the submission of claims to private insurers for services that were not provided. She was sentenced to five years' probation, ordered to pay restitution in the amount of \$6,452,920.52, and was assessed a criminal monetary penalty of \$200. (Exhibits 6, 7.)

DISCUSSION

On June 14, 2023, a process server attempted to personally serve the Respondent with the Notice of Referral Proceeding and Statement of Charges at her last known address, but was informed by the occupant of the home that the Respondent was unknown to her. (Exhibits 2, 4.) After certifying under oath that personal service could not be made after due diligence, the Department served the Notice of Hearing and Statement of Charges by certified mail to the Respondent's last verified address, pursuant to PHL § 230(10)(d). (Exhibits 1-4.) Upon the Department having established jurisdiction and proper notice, the ALJ determined that the hearing could proceed on the merits despite the Respondent's absence.

First Specification of Charges

The Hearing Committee reviewed the Department's evidence showing the Respondent's 2023 conviction in a United States District Court of two counts of False Statements Relating to

Health Care Matters, a federal crime. Based on this conviction, the Hearing Committee determined that the Respondent violated Education Law § 6530(9)(a)(ii) and sustained the first specification.

Second Specification of Charges

The 2020 Massachusetts Board order found that the Respondent committed professional misconduct by repeatedly issuing prescriptions for individuals without having examined, met, or interacted with them, with whom she did not have a physician-patient relationship, and who did not request the medication from her, in exchange for a fee from telemedicine companies for each prescription written. The Massachusetts Board determined that the Respondent's actions reflected practice of the profession with gross incompetence, gross negligence on a particular occasion, and negligence on more than one occasion. (Exhibit 8.)

The Hearing Committee agreed that the Respondent's conduct resulting in the Massachusetts Board's disciplinary action would, if committed in New York, constitute misconduct pursuant to: Education Law § 6530(3), practicing the profession with negligence on more than one occasion; Education Law § 6530(4), practicing the profession with gross negligence on a particular occasion; and Education Law § 6530(6), practicing the profession with gross incompetence. The Hearing Committee thus determined that the Respondent violated Education Law § 6530(9)(d) and sustained the second specification.

After determining to sustain both specifications of charges, the Hearing Committee considered all possible penalties authorized by PHL § 230-a, and agreed with the Department's recommendation that the Respondent's medical license be revoked. The Respondent's criminal conviction and the disciplinary actions taken by the Massachusetts Board reflected abuse of her medical license for pecuniary gain. Her fraudulent actions, perpetrated over the course of approximately four years and resulting in over \$6 million in ill-begotten gains, was egregious and

harmful at least 3,900 patients, along with public and private insurance providers. Her failure to appear for this hearing only underscored the Respondent's disregard for the law and for the integrity of her medical license. For all of these reasons, the Hearing Committee determined to revoke the Respondent's medical license.

ORDER

IT IS HEREBY ORDERED THAT:

1. The first and second specifications of professional misconduct, as set forth in the Statement of Charges, are sustained.
2. The Respondent's license to practice medicine in the state of New York is hereby revoked. PHL § 230-a(4).
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

DATED: _____, 2023
_____, New York



2023
12
AVJ

Ravinder Mamtani, M.D., Chairperson
Atul Gupta, M.D.
David F. Irvine, DHSc, P.A.

To: Anna Steiner, M.D.



Marco S. Nash, Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Albany, New York 12237

IN THE MATTER
OF
ANNA STEINER, M.D.

STATEMENT
OF
CHARGES

ANNA STEINER, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 11, 2014, by the issuance of license number 276787 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 18, 2023, in the United States District Court, Eastern District of New York, Respondent was convicted of two counts of False Statements Related to Health Care Matters [18 U.S.C. § 1035(a)] and sentenced to a total of five years' probation, assessed \$200.00, and ordered to pay restitution of \$6,452,920.52.

B. On or about June 5, 2020, the Massachusetts Board of Registration in Medicine (hereinafter "Massachusetts Board") issued a Final Decision and Order which revoked Respondent's inchoate right to renew her medical license. This disciplinary action was based on findings that from approximately October 2014 to November 2017, Respondent issued prescriptions for high-cost compounds or topical medications, durable medical equipment, TENS units, and braces without an examination, a physician-patient relationship, and without request from patients.

C. The conduct resulting in the Massachusetts 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 Laws:

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); and/or
3. New York Education Law § 6530(6) (Practicing the profession with gross incompetence).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent violated Education Law § 6530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraph A.

SECOND 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 the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's 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), (6)) as alleged in the facts of the following:

2. Paragraphs B and C.1, B and C.2, and/or B and C.3.

DATE: June 8, 2023
Albany, New York



JEFFREY J. CONKLIN
Deputy Counsel
Bureau of Professional Medical Conduct