

IN THE MATTER
OF
BRET OSTRAGER, D.O.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: BRET OSTRAGER, D.O.
#67628-050
Otisville FCI
Two Mile Drive
Otisville, NY 10963

The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on professional conduct of the State Board for Professional Medical Conduct, has determined that Bret Ostrager, D.O., Respondent, New York license number 189123, has pleaded or been found guilty or convicted of committing an act constituting a felony under New York State law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a felony under New York State law, as is more fully set forth in the Statement of Charges attached to the Notice of Referral Proceeding or Notice of Hearing and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York, or practice in any setting under the authority of Respondent's New York license.

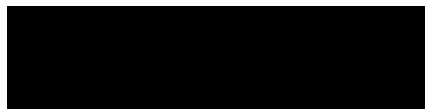
Any practice of medicine in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within ninety days of the service of this order and shall end within ninety days

thereafter. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. 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 a date and at a location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding provided to the Respondent contemporaneously with this Order.

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
September 2, 2016



Sally Dreslin, M.S., R.N.
Executive Deputy Commissioner,
for
Howard A. Zucker, M.D., J.D.
Commissioner of Health
New York State Department of Health

Inquiries should be directed to:

David Quist
Associate Attorney
Bureau of Professional Medical Conduct
Coming Tower – Room 2512
Empire State Plaza
Albany, NY 12237

IN THE MATTER
OF
BRET OSTRAGER, D.O.

STATEMENT
OF
CHARGES

BRET OSTRAGER, D.O., the Respondent, was authorized to practice medicine in New York State on or about June 9, 1992, by the issuance of license number 189123 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 22, 2015 in the United States District Court for the District of New Jersey, Respondent pled guilty to three criminal counts, all federal felonies, consisting of: 1) one count of conspiracy to violate the federal anti-kickback statute and travel act, in violation of 18 USC section 371, 2) one count of illegal remuneration in violation of the federal anti-kickback statute, in violation of 42 USC section 1320a-7b(b)(1)(A) and 18 USC section 2, and 3) one count of use of the mail and facilities in interstate commerce and interstate travel to promote, carry on and facilitate commercial bribery, in violation of 18 USC sections 2 and 1952(a)(1) and (3).

Pursuant to that plea, Respondent was convicted of those felonies and sentenced on or about June 8, 2016, *inter alia*, to imprisonment for a term of 37 months, to be followed by supervised release for a period of one year subject to mental health

treatment, new debt restrictions, disclosure and prior approval of any self-employment or business activity and other conditions, payment of a fine in the amount of \$30,000 and forfeiture in the amount of \$101,270.

SPECIFICATION OF CHARGES
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:

1. The facts in Paragraph A.

DATE: September 2, 2016
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct