



## Department of Health

ANDREW M. CUOMO  
Governor

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

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

January 12, 2018

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Gordon Raskin, M.D.  
2801 Pinole Valley Road  
Suite 202  
Pinole, California 94564

Marc S. Nash, Esq.  
NYS Department of Health  
Corning Tower Room 2512  
Empire State Plaza  
Albany, New York 12237

**RE: In the Matter of Gordon Raskin, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No.18-011) 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 large black rectangular redaction box covers the signature area.

James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: nm

Enclosure

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

-----X  
: **IN THE MATTER** :  
: **OF** :  
: **GORDON RASKIN, M.D.** :  
: :  
: :  
-----X

**DETERMINATION**  
**AND**  
**ORDER**

BPMC-18-011

A hearing was held on November 15, 2017, at the offices of the New York State Department of Health (“Department”).<sup>1</sup> Pursuant to § 230(10)(e) of the Public Health Law (PHL), **SAMUEL F. BOSCO, M.D.**, Chairperson, **ELEANOR C. KANE, M.D.** and **DAVID IRVINE, DHS, P.A.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **DAWN MacKILLOP-SOLLER, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

The Department appeared by Marc S. Nash, Senior Attorney. A Notice of Referral Proceeding and Statement of Charges dated September 8, 2017, were served upon Gordon Raskin, M.D. (“Respondent”), who appeared by telephone and represented himself.<sup>2</sup> The Respondent testified on his own behalf. The Hearing Committee received and examined documents from the Department and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee unanimously votes 3-0 to sustain the charge that the Respondent committed professional misconduct, in violation of Education Law (Educ. Law) § 6530(9)(d), such that the

<sup>1</sup> The location of the hearing was 150 Broadway, Suite 510, Menands, New York.

<sup>2</sup> Copies of the Notice of Referral Proceeding and Statement of Charges are attached to this Determination and Order as Appendix I and were personally served on the Respondent on September 21, 2017, in Pinole, California, establishing jurisdiction pursuant to PHL § 230(10)(d)(i). At the hearing, the Department’s request to amend the Statement of Charges to reflect a date change was granted. [Exhibit 2; Transcript 18].

penalty of censure and reprimand, a fine and a license limitation, with two years' probation, with conditions, is appropriate.

### **BACKGROUND**

The Department brought the case pursuant to PHL § 230(10)(p), which provides for an expedited hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(d), "having (his) license to practice medicine revoked, suspended or having other disciplinary action taken..." where the conduct resulting in such disciplinary action taken against his license to practice medicine would, if committed in the state of New York, constitute professional misconduct under the laws of the state of New York.

This case is based on a Decision and Order of the Medical Board of California (California Board) effective September 16, 2016, finding the Respondent guilty of professional misconduct resulting from his prescription practices for controlled substances in excessive dosage amounts to his patients without any medical basis. The Department charges that had the Respondent's conduct occurred in New York, it would have constituted practicing the profession with negligence on more than one occasion, gross negligence on a particular occasion and failing to maintain a record for each patient which accurately reflects the evaluation of the patient, as defined in Educ. Law §§ 6530(3), 6530(4) and 6530(32), respectively.

### **FINDINGS OF FACT**

The Findings of Fact were made by the Hearing Committee after a review of the record in this matter. Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence. References in brackets refer to exhibits [Ex.] and transcript page numbers [T.]. The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. Gordon Raskin, M.D., the Respondent, was licensed to practice medicine in New York on October 17, 1983, by the issuance of license number 156242 by the Education Department. [Ex. 3].

2. In a Decision and Order by the California Board effective September 16, 2016, the Respondent's California medical license was subject to a stayed revocation contingent upon his completion of a five-year period of probation with conditions. The probation conditions included a practice monitor and courses in prescribing, medical recordkeeping and education related to prescribing Methadone and Suboxone. Also, the Respondent is subject to a four-year prohibition, with exceptions, against the treatment of pain management patients and prescribing schedule II or III controlled substances. [Ex. 4].

3. The California Board's determination was based on the Respondent's prescription practices for controlled substances to two pain management patients between 2010 and 2013. Within that period, the Respondent issued the patients prescriptions for Norco, a form of Hydrocodone, in high dosages and without monitoring them for addiction, performing physical assessments or documenting medical histories and physical examination findings. The California Board also found that the Respondent mishandled his prescription pads by leaving them accessible to one patient, who forged six additional Norco prescriptions and presented them for filling at various pharmacies. [Ex. 4].

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

#### **FIRST SPECIFICATION**

The Hearing Committee concluded that the evidence supports sustaining the charge of having committed misconduct as defined in Educ. Law § 6530(9)(d).

**VOTE: Sustained (3-0)**

## CONCLUSIONS OF LAW

The Hearing Committee considered the Respondent's prescription practices for controlled substances to his patients to be a breach of the standard of care. They based this on the Department's evidence showing the Respondent issued multiple prescriptions for Norco in increasing dosage amounts to one patient while simultaneously prescribing other drugs, such as Klonopin, Endocet, MS Contin, Neurontin and Nortriptyline. The Respondent continued these prescriptions without confirming whether the patient was receiving prescription drugs elsewhere. The Department's evidence also established the Respondent's prescriptions for Norco to a different patient while abandoning his prescription pads long enough for the patient to access them to forge additional Norco prescriptions, placing her at risk for severe harm. The Hearing Committee deemed the Respondent's prescription practices unsafe, especially considering they occurred amid his failure to perform physical examinations, document examination findings and obtain medical histories. [Ex. 4].

Although the Respondent accepted responsibility for his inadequate care of both patients, he attempted to minimize his culpability by claiming it is difficult to address "pain in his patients" and touting his decision to report his stolen prescription pads. Like New York, California requires physicians to safeguard prescription pads from unauthorized access. Also, both states require physicians prescribing controlled substances to perform physical examinations and document in patients' medical records reasons for prescriptions and side effects to drugs, practices the Respondent failed to perform. The Respondent's failures, had they occurred in New York, would have constituted a failure to maintain a record for each patient which accurately reflects the evaluation of the patient, practicing the profession with negligence on more than one occasion and practicing the profession with gross negligence on a particular occasion, as defined in Educ. Law §§ 6530(32), 6530(3) and 6530(4), respectively. [Ex. C, 4; T. 17, 23].

The Hearing Committee agreed with the Department's recommendation that the Respondent's New York medical license be subject to the penalty of censure and reprimand and a fine, with probation and conditions, including a practice monitor. The Hearing Committee deemed the fine and practice monitor appropriate to deter the Respondent against such harmful prescription practices in the future, particularly in light of his future employment plans, which include practicing in a New York rehabilitation facility. Additionally, the Hearing Committee found it necessary to impose a license limitation during the period of probation to prohibit the Respondent from prescribing schedule II and III controlled substances in New York State. [T. 13-14, 19].

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine is subject to a censure and reprimand, and the Respondent is placed on probation for a period of two years, subject to the conditions provided in the Terms of Probation (Appendix II);

2. A civil penalty of \$1,000.00 is assessed, which is payable within sixty (60) days of the effective date of this order;

3. A civil penalty not paid by that date shall be subject to all penalties of law related to debt collection by the State of New York. This includes, but is not limited to, the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27)]; State Finance Law § 18; CPLR § 5001; Executive Law § 32. Payments must be submitted to:

Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza - Corning Tower, Room 1717  
Albany, New York 12237;

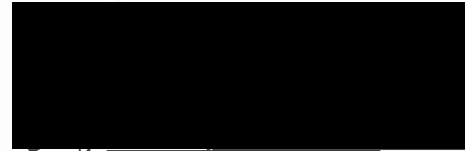
4. The Respondent's medical license in New York is subject to a prescribing limitation

during the period of probation to prohibit prescriptions for schedule II and III controlled substances;

5. The Respondent must comply with the terms of this Determination and Order and all the attached Terms of Probation; and

6. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL § 230(10)(h).

DATED: Albany, New York  
11/7/18, 2018



**Samuel F. Bosco, M.D.**  
**Chairperson**

**Eleanor C. Kane, M.D.**  
**David Irvine, DHSc, P.A.**

TO: Gordon Raskin, M.D.  
2801 Pinole Valley Road  
Suite 202  
Pinole, California 94564

Marc S. Nash, Esq.  
Senior Attorney  
Bureau of Professional Medical Conduct  
Corning Tower Building – Room 2512  
Empire State Plaza  
Albany, New York 12237



# APPENDIX I

### Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to PHL § 230(19).
2. Respondent shall maintain active registration of his license with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204 with the following information, in writing, and ensure that this information is kept current: a full description of his employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with and respond in a timely manner to OPMC requests to provide written periodic verification of his compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if he is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in the Determination and Order or as are necessary to protect the public health.
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. Respondent shall practice medicine in New York State only when monitored by a licensed physician, board certified in an appropriate specialty (practice monitor), who is proposed by Respondent and subject to the written approval of the Director of the OPMC.
  - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit the Respondent's medical practice at each and every location, on a random, unannounced basis at least monthly and shall examine a selection (no fewer than 20)

of records maintained by the Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to the OPMC.

- b. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of the OPMC.
  - c. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with § 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent commencing practice within the State of New York.
8. The terms set forth in the paragraphs above are the minimum probation terms to be imposed on the Respondent, and other terms may be added by the Director of the OPMC. All compliance costs, including expenses and fees associated with the practice monitor, shall be the Respondent's responsibility.
9. Respondent shall comply with these probationary terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

## **APPENDIX II**

IN THE MATTER  
OF  
GORDON RASKIN, M.D.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: GORDON RASKIN, M.D.  
2801 Pinole Valley Rd  
Suite 202  
Pinole, California 94564

GORDON RASKIN, 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 November 15, 2017, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.<sup>1</sup>

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

<sup>1</sup> For GPS purposes, enter "Menands", not "Albany".




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 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, prior to the hearing date.

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.

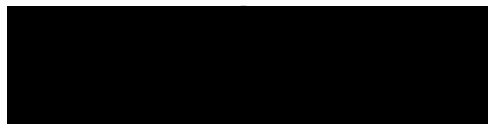
Department attorney: Initial here 

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: Albany, New York  
September 8, 2017



MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Marc S. Nash  
Senior Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, NY 12237

(518) 473-1706  
[Marc.Nash@health.ny.gov](mailto:Marc.Nash@health.ny.gov)



IN THE MATTER  
OF  
GORDON RASKIN, M.D.

*Amended*  
STATEMENT

OF  
CHARGES

GORDON RASKIN, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 17, 1983, by the issuance of license number 156242 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about August 19, 2016, the Medical Board of California (hereinafter, "California Board") by a Decision which incorporated a Stipulated Settlement and Disciplinary Order Dated <sup>July 15, 2016</sup> ~~August 5, 2014~~, revoked Respondent's Physician and Surgeon's license. However, the revocation was stayed and Respondent was placed on five years' probation with terms that Respondent: could not order, prescribe, dispense, administer, furnish, or possess any Schedule II or III controlled substances other than methadone, medical marijuana recommendations, and Suboxone; surrender his DEA license and renew for a new license in accordance to his prescription limitation; and complete courses in prescribing practices and medical record keeping. Respondent is prohibited from performing or treating patients for pain management and acute and chronic pain, his practice will be monitored, and Respondent is only permitted to supervise physician assistants at the Berkeley Treatment Services Center for patients receiving methadone treatment. This disciplinary action was based upon the First Amended Accusation dated July 5, 2016, which was incorporated into the Stipulated Settlement and Disciplinary Order. The First Amended Accusation charged Respondent of acts with gross negligence,

repeated acts of negligence and/or incompetence, excessive prescribing and/or prescribing dangerous drugs without a prior examination, prescribing controlled substances to an addict, and failure to maintain adequate patient records. Specifically, Respondent was charged with (1) failing to perform an initial complete history prior to prescribing opioids for chronic pain, (2) failing to obtain a specially consultation with an addiction specialist and/or pain management specialist, (3) failing to develop and document a treatment plan, (4) failing to obtain informed consent for opioid use, (5) failing to properly and safely maintain controlled substance prescription pads, (6) prescribed controlled substances to one patient for purposes other than maintenance on, or detoxification from controlled substances, and (7) failing to maintain adequate and/or legible documentation of patient history, physical examinations, and/or the rationale for changes in narcotic medication for two patients.

B. The Conduct resulting in the California 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 Law:

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(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, provided).

SPECIFICATION OF CHARGES  
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her 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), and (32)) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B.1; Paragraphs A and B and B.2; and/or Paragraphs A and B and B.3.

DATE: September 8, 2017  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct