



# Department of Health

**ANDREW M. CUOMO**  
Governor

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

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

July 25, 2017

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Pooja Rawal, Senior Attorney  
Bureau of professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, New York 12237

Steven M. Young, P.A.  


**RE: In the Matter of Steven M. Young, P.A.**

Dear Parties:

Enclosed please find the Determination and Order (No. 17-204) 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:

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,

  
James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: *lym*  
Enclosure

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

**ORIGINAL**

**IN THE MATTER  
OF  
STEVEN M. YOUNG, P.A.**

**DETERMINATION  
AND  
ORDER**

**BPMC-17-204**

A hearing was held on June 14, 2017, at the offices of the New York State Department of Health ("Department"), Bureau of Adjudication, 150 Broadway, Suite 510, Albany, New York 12204. A Notice of Referral Proceeding and a Statement of Charges, both dated March 10, 2017, were served upon the Respondent, Steven Young, P.A.

Pursuant to Section 230(10)(e) of the Public Health Law, Ravinder Mantani, M.D., Chair, Ronald Uva, M.D., and Ms. Gail S. Homick-Herling, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee in this matter. Denise Lepicier, Administrative Law Judge, served as the administrative officer. The Department appeared by Pooja Rawal, Senior Attorney, Bureau of Professional Medical Conduct. The Respondent, Steven Young, P.A., did not appear. Evidence was received and a transcript of this proceeding was made. After consideration of the entire record, the hearing committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). This statute

provides for a hearing in which evidence is “strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed” when a licensee is charged based upon a violation of New York Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a federal conviction or a criminal conviction regarding conduct which is a crime in New York State or upon an administrative adjudication in another state regarding conduct that would amount to professional misconduct if committed in New York.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b), by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, and pursuant to New York Education Law §6530(9)(d), by having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another 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 state.

A copy of the Statement of Charges is attached to this Determination and Order as Appendix I.

#### **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. All hearing committee findings were unanimous.

1. Steven M. Young, P.A., the Respondent, did not appear at the hearing although notified of the hearing by personal service on May 10, 2017. (Ex. 1; Ex. 2)
2. The Respondent was authorized to practice as a physician's assistant in New York State on May 28, 1992, by the issuance of license number 004270 by the New York State Education Department. (Ex. 3)
3. On or about September 22, 2016, the Arizona Regulatory Board of Physician Assistants ("Arizona Board"), entered an order accepting the surrender of Respondent's license based on Respondent's failure to comply with an Interim Order issued by the Board on May 30, 2016, ordering Respondent to a Neuropsychological Evaluation and Treatment with an Addiction Medicine Specialist. (Ex. 4, p. 1-2)
4. The Arizona Board held that the failure to comply with the interim order constituted unprofessional conduct in violation of Arizona Revised Statute § 32-2501(18)(k), "violation of a formal order, probation or stipulation issued by the board." (Ex. 4, p. 2)

#### **CONCLUSIONS OF LAW**

The hearing committee unanimously agreed that the Arizona Board concluded that Respondent failed to comply with an order of the Arizona Board and that this conduct would be a violation of Education Law § 6530(29) in New York state, i.e., "[v]iolating any term . . . or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law." The Department met its burden to demonstrate that the conduct in Arizona for which Respondent was disciplined would be misconduct had it occurred in New York. The factual allegations alleged in paragraphs A, B and B1 are all sustained.

The first specification charges that Respondent violated Education Law § 6530(9)(b) by

having been “found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state.” Respondent’s conduct would violate Education Law § 6530(29) if it had occurred in New York. Respondent was found to have violated Arizona Revised Statute § 32-2501(18)(k) by failing to comply with a board order. The hearing committee unanimously sustained the first specification.

The second specification charges that Respondent violated Education Law § 6530(9)(d) by having surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another 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 state. Respondent’s conduct would violate Education Law § 6530(29) if it had occurred in New York. The Respondent’s certificate to practice was surrendered in Arizona. The hearing committee unanimously sustained the second specification.

#### **DETERMINATION AS TO PENALTY**

The Hearing Committee has considered the full range of sanctions available pursuant to PHL Education§ 230-a, including: (1) censure and reprimand; (2) suspension of the license, wholly or partially; (3) limitation on practice; (4) revocation of the license; (5) annulment of the license or registration; (6) limitation on registration or further licensure; (7) monetary penalties; (8) a course of education or training; (9) performance of public service; and, (10) probation. The hearing committee has concluded that the only appropriate sanction is a revocation of Respondent’s license.

The committee considers this an appropriate sanction in light of the fact that Respondent failed to comply with the Arizona Board's requirement that he submit to evaluation and treatment. The committee believes revocation is the only sanction which can adequately protect the people of this state from Respondent's return to practice in this state.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**.
2. The license of the Respondent to practice medicine in New York State is **REVOKED**.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: \_\_\_\_\_, New York  
July \_\_\_\_\_, 2017



July 18, 2017

**RAVINDER MAMTANI, M.D., CHAIR**

**RONALD UVA, M.D.  
GAIL S. HOMICK-HERLING**

To:

Pooja Rawal, Senior Attorney  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, N.Y. 12237

Steven M. Young, P.A.





## APPENDIX I

IN THE MATTER  
OF  
STEVEN YOUNG, P.A.

STATEMENT  
OF  
CHARGES

Steven Young, P.A., the Respondent, was authorized to practice as a physician assistant in New York State on or about May 28, 1992, by the issuance of license number 004270 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 22, 2016, the Respondent signed a non-disciplinary Interim Consent Agreement ("ICA") for Practice Limitation and Evaluation with the Arizona Regulatory Board of Physicians Assistants ("Arizona Board"). This was based upon the Respondent's self-reporting his September 28, 2015 arrest for Driving While under the Influence as well as additional charges of DUI/Drugs, and possession of prescription only drugs, a misdemeanor. On September 22, 2016, the Respondent waived his right to a hearing/appeal and agreed to a Surrender of his license as a physician's assistant in the state of Arizona. The Surrender was based on Respondent's admission that he failed to notify his supervising physician or place of practice that he entered into an ICA, that he provided care to three patients in violation of the ICA, and that he failed to complete a

Neuropsychological Evaluation and Treatment with an addiction Medicine Specialist.

B. The Conduct resulting in the Arizona Department's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following section of New York State Law:

1. New York Education Law § 6530(29) (Violating any term of probation or condition or limitation imposed on the licensee pursuant to N.Y. Pub. Health § 230).

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

#### **HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(29)) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B1.

**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 his or her license to practice as a physician assistant 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 as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B1.

DATE: April 14, 2017  
Albany, New York

  
Michael A. Hiser  
Deputy Counsel  
Bureau of Professional Medical Conduct