



Department of Health

ANDREW M. CUOMO
Governor

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

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

April 11, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Noble Ezukanma, M.D.
Texarkana FCI
4001 Leopard Drive
Texarkana, Texas 75501

Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Empire State Plaza
Albany, New York 12237-0032

RE: In the Matter of Noble Ezukanma, M.D.

Corrected Board Number

Dear Parties:

Enclosed please find the corrected Determination and Order Board Number (No.18-083) 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: cac
Enclosure

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

In the matter of

Noble Ezukanma, M.D.
NYS license # 193264

Determination
and Order

18-083

A commissioners's order of summary action, notice of referral proceeding and statement of charges, all dated December 26, 2017, were served on Respondent Noble Ezukanma, M.D. The statement of charges alleged professional misconduct in violation of New York State Education Law 6530. A hearing was held at offices of the New York State Department of Health, 259 Monroe Avenue, Rochester, New York, on March 14, 2018.

Pursuant to Public Health Law 230(1)(c), Charles J. Vacanti, M.D., Chairperson, Paul C. Harrington, M.D., and Paul J. Lambiase, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. John Harris Terepka, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by Marc S. Nash, Esq. Noble Ezukanma, M.D. (the Respondent) did not appear, although duly served with notice of the hearing in conformity with the requirements of PHL 230(10)(d). (Exhibit 2.) Evidence was received and a transcript of the proceedings was made. After consideration of the entire record, the hearing committee issues this determination and order sustaining the charges and revoking the Respondent's license to practice medicine.

JURISDICTION

As is set forth in Public Health Law 230(1)&(7) and Education Law 6530, the legislature created the State Board for Professional Medical Conduct in the Department of Health and authorized it to conduct disciplinary proceedings in matters of professional medical conduct. In this case, the Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(a)(ii).

Pursuant to PHL 230(10)(p), a hearing on circumscribed issues, or "direct referral proceeding," is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

Witnesses for the Petitioner:	None
Petitioner exhibits:	1 - 5

Witnesses for the Respondent:	None
Respondent exhibits:	None

A transcript of the hearing was made.

FINDINGS OF FACT

1. Respondent Noble Ezukanma, M.D. was authorized to practice medicine in New York State on August 11, 1993 under license number 193264. (Exhibit 3.)

2. On September 13, 2017, in the United States District Court, Northern District of Texas Dallas Division, the Respondent was found guilty of one felony count of Conspiracy to Commit Health Care Fraud (18 U.S.C. § 1347&1349), and six felony counts of Health Care Fraud (18 U.S.C. § 1347&2). The Respondent was sentenced to a prison term of 200 months, followed by supervised release for a term of three years. In addition, Respondent was ordered to pay a monetary penalty in the amount of \$700, and restitution to Medicare in the amount of \$34,003,151.24. (Exhibit 4.)

HEARING COMMITTEE DETERMINATION

After reviewing records obtained from the United States District Court, Northern District of Texas Dallas Division (Exhibit 4), the hearing committee unanimously determined that, as alleged in the statement of charges, the Respondent violated Ed.L 6530(9)(a)(ii) which defines professional misconduct, in pertinent part, as:

9. (a) Being convicted of committing an act constituting a crime under... (ii) federal law.

The Petitioner recommended revocation of the Respondent's license.

The Respondent was duly served by personal service with notice of the hearing but failed to answer the charges or appear at the hearing. (Exhibit 2.) The Respondent was convicted of serious crimes for engaging in health care fraud. He was given a lengthy prison sentence and ordered to pay restitution of over \$34 million. The hearing committee agreed that the evidence amply supported the Petitioner's recommendation that the Respondent's license be revoked.

The hearing committee's vote sustaining the charge and revoking the Respondent's license was unanimous (3-0).

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in New York State is revoked.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHIL 230(10)(h).

Dated: Albany, New York

29 March 2018

By:



Charles J. Vacanti, M.D., Chair

Paul C. Harrington, M.D.

Paul J. Lambiase

To: Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Empire State Plaza
Albany, New York 12237-0032

Noble Ezukanma, M.D.


Texarkana FCI
4001 Leopard Drive
Texarkana, Texas 75501

APPENDIX I

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

IN THE MATTER
OF
NOBLE EZUKANMA, M.D.

STATEMENT
OF
CHARGES

NOBLE EZUKANMA, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 11, 1993, by the issuance of license number 193264 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 24, 2017, in the United States District Court, Northern District of Texas, Dallas Division, Respondent was found guilty of one felony count of Conspiracy to Commit Health Care Fraud [18 U.S.C. §§ 1349 and 1347], and six felony counts of Health Care Fraud [18 U.S.C. §§ 1347 and 2]. On September 13, 2017, Respondent was convicted and sentenced to a total term of two hundred (200) months' incarceration followed by a three-year period of supervised release. Respondent was assessed a monetary penalty in the amount of Seven Hundred Dollars (\$700.00) and ordered to make restitution to Medicare, jointly and severally with six co-defendants, in the amount of \$34,003,151.24.

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.

DATE: December 26, 2017
Albany, New York



MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct