



Department of Health

ANDREW M. CUOMO
Governor

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

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

June 26, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Nathaniel White, Esq.
Bureau of Professional Medical Conduct
Corning Tower Building – Room 2512
Empire State Plaza
Albany, New York 12237

Ronald Kahn, M.D.
[REDACTED]
FCI Beaumont Low
P.O. Box 26020
Beaumont, Texas 77720

RE: In the Matter of Ronald Kahn, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No.18-154) 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.

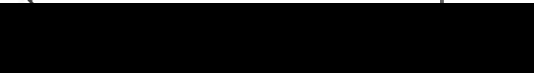
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., 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

JFK: cac
Enclosure

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

-----X
IN THE MATTER

OF

RONALD KAHN, M.D.
-----X

DETERMINATION

AND

ORDER

18-154

A hearing was held on June 14, 2018, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to §230(10)(e) of the Public Health Law (PHL), **LYON M. GREENBERG, M.D.**, Chairperson, **VIRGINIA R. MARTY**, and **JOSEPH S. BALER, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **JEAN T. CARNEY, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

The Department appeared by Associate Counsel Nathaniel White. A Notice of Referral Proceeding and Statement of Charges, dated April 23, 2018, were duly served pursuant to PHL §230(10)(d)(i) upon Ronald Kahn, M.D. (Respondent), who failed to appear. The Hearing Committee received and examined documents from the Department (Exhibits 1-11) and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charge that the Respondent committed professional misconduct, in violation of Education Law §6530(9)(a)(ii), and that pursuant to PHL §230-a, the penalty of revocation of his license is appropriate.

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 professional misconduct pursuant to Education Law §6530(9)(a)(ii), by having been convicted of an act constituting a crime under federal law, specifically Conspiracy to Commit Health Care Fraud (18 USC §§1347 and 1349), and Conspiracy to Pay and Receive Health Care Kickbacks (18 USC §371, and 42 USC §1320a-7b[b][2]). Under PHL §230(10), the Department had the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was authorized to practice medicine in New York State on May 9, 1995, by the issuance of license number 199248. (Exhibit 9).
2. On or about July 21, 2017, in the United States District Court, Southern District of Texas, Houston Division, the Respondent was found guilty after trial of two felonies: one count of Conspiracy to Commit Health Care Fraud; and one count of Conspiracy to Pay and Receive Health Care Kickbacks. The Respondent was sentenced to 60 months in prison, three years post-release supervision, and ordered to pay restitution in the amount of \$3,063,647.90 to Medicare. (Exhibit 11).
3. Over the span of seven years, the Respondent signed plans of care so that fraudulent claims could be billed to Medicare for services that were neither medically necessary, nor rendered. For a period of at least two years, the Respondent paid and received kickbacks in exchange for the referrals of Medicare beneficiaries, for whom the Respondent submitted claims to Medicare. (Exhibit 10).

VOTE OF THE HEARING COMMITTEE

The Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

VOTE: Sustained (3-0)

CONCLUSIONS OF LAW

The Hearing Committee reviewed the Department's evidence showing that the Respondent was convicted after a trial of two felonies, namely, Conspiracy to Commit Health Care Fraud (18 USC §§1347 and 1349), and Conspiracy to Pay and Receive Health Care Kickbacks (18 USC §371, and 42 USC §1320a-7b[b][2]). Based on these convictions, the Hearing Committee determined that the Respondent violated Education Law §6530(9)(a)(ii), which states that professional misconduct includes "being convicted of committing an act constituting a crime under...federal law."

Although the Respondent was duly served with notice of the hearing pursuant to PHL §230(10)(d), he failed to respond to the charges. The Hearing Committee considered that the Respondent's fraudulent activities took place over a sustained period of time, and involved a significant amount of federal funds, and agreed with the Department's recommendation that his medical license in New York State be revoked pursuant to PHL §230-a.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges is sustained;
2. The Respondent's license to practice medicine is REVOKED; and

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

DATED: Albany, New York

June 26th, 2018

[REDACTED]
Lyon M. Greenberg, M.D.
Chairperson

Virginia R. Marty
Joseph S. Balor, M.D.

To: Ronald Khan, M.D.

[REDACTED]
FCI Beaumont Low
Federal Correction Institution
PO Box 26020
Beaumont, Texas 77720

Nathaniel White, Esq.
Associate Counsel
Bureau of Professional Medical Conduct
Coming Tower Building – Room 2512
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NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RONALD KAHN, M.D.

STATEMENT
OF
CHARGES

RONALD KAHN, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 9, 1995, by the issuance of license number 199248 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 22, 2018, in the United States District Court, Southern District of Texas, Holding Session in Houston, following a trial in which Respondent was found guilty after a plea of not guilty, Respondent was convicted of one felony count of Conspiracy to Commit Health Care Fraud [18 U.S.C. §§ 1349 and 1347] and one felony count of Conspiracy to Pay and Receive Health Care Kickbacks [18 U.S.C. § 371 and 42 U.S.C. § 1320a-7b(b)(2)]. Respondent was sentenced to a total term of 60 months imprisonment, followed by three years of supervised release. Respondent was ordered to pay restitution to Medicare in the amount of \$3,063,647.90 and pay an assessment of \$200.00.

SPECIFICATION OF CHARGES


FIRST SPECIFICATION

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: April 23, 2018
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct