



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

February 2, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John Thomas Viti, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street
New York, New York 10007

Gordon Freedman, M.D.
[REDACTED]
FCI Oakdale I
Federal Correctional Institution
PO Box 5000
Oakdale, Louisiana 71463

RE: In the Matter of Gordon Freedman, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 22-014) 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.

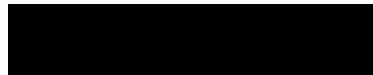
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, 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 Ms. Carney 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,



Dawn MacKillop-Soller
Acting Chief Administrative Law Judge
Bureau of Adjudication

DXM: cmg
Enclosure

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

COPY

-----X
IN THE MATTER
OF
GORDON FREEDMAN, M.D.
-----X

DETERMINATION
AND
ORDER
BPMC-22-014

A hearing was held on January 12, 2022, remotely by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), Gail Homick Herrling, Chairperson, Elaine L. Wilk, D.O., and Mehdi Khan, D.O., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by John Thomas Viti, Associate Counsel. A Notice of Referral Proceeding and Statement of Charges, both dated November 19, 2021, were duly served upon Gordon Freedman, M.D. (Respondent), who did not appear at the hearing. An Amended Statement of Charges, dated December 24, 2021, was served upon the Respondent under cover of letter by the same date.

The Hearing Committee received and examined documents from the Department. (Dept. Exs. 1-5.) A stenographic reporter prepared a transcript of the proceeding.

BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with one specification of professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii) for being convicted of committing an act constituting a crime under federal law. Pursuant to PHL §

230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

FINDINGS OF FACT

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

1. The Respondent was licensed to practice medicine in New York State on September 16, 1985 by issuance of license number 164116. (Dept. Ex. 3.)
2. On July 13, 2021, in the United States District Court for the Southern District of New York, the Respondent was found guilty after a plea of not guilty to three felony counts: conspiracy to violate the anti-kickback statute [18 USC 371], violation of the anti-kickback statute [42 USC 1320a-7b(b)(1)(B) and 18 USC 2], and conspiracy to commit honest services wire fraud [18 USC 1349]. (Dept. Ex. 4.)
3. In a separate but related matter on July 13, 2021, in the United States District Court for the Southern District of New York, the Respondent plead guilty to a felony count of distribution and possession with intent to distribute fentanyl and oxycodone for no legitimate medical purpose [21 USC 841(b)(1)(C)]. (Dept. Ex. 5.)
4. The Respondent was sentenced to prison as a result of the convictions and was incarcerated at the time of this hearing. (Dept. Exs. 2, 4, 5.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(a)(II).

HEARING COMMITTEE DETERMINATIONS

The Department has met its burden of proving the charge that the Respondent was convicted of committing an act constituting a crime under federal law. The Hearing Committee has determined that the acts upon which Respondent's convictions were based demonstrate a willingness of the Respondent to endanger the public for his own personal gain, as well as a complete disregard for lawfulness. As such, the Hearing Committee finds that the only appropriate penalty in this matter is revocation of the Respondent's license to practice medicine in the State of New York.

ORDER

Now, after reviewing the evidence from the hearing, 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 in the State of New York 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
January 27, 2022


Gail Homick Herrling, Chairperson
Elaine L. Wilk, D.O.
Mehdi Khan, D.O.

John Thomas Viti
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street
New York, NY 10007
[REDACTED]

Gordon Freedman, M.D. [REDACTED]
FCI Oakdale I
Federal Correctional Institution
PO Box 5000
Oakdale, LA 71463

IN THE MATTER
OF
GORDON FREEDMAN, M.D.

AMENDED
STATEMENT
OF
CHARGES

Gordon Freedman, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 16, 1985, by the issuance of license number 164116 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about July 13, 2021, in the United States District Court for the Southern District of New York, Respondent was found guilty on three felony counts: Conspiracy to Violate the Anti-Kickback Statute [18 U.S.C. § 371]; Violation of the Anti-Kickback Statute [42 U.S.C §§1320a-7b(b)(1) B; and 18 U.S.C. 2]; and Conspiracy to Commit Honest Services Wire Fraud [18 U.S.C. §1349]. On the same day, in a separate but related matter, Respondent pled guilty to one felony count of Distribution and Possession with Intent to Distribute Fentanyl and Oxycodone For No Legitimate Medical Purpose [21 U.S.C. §841(b)(1)(C)]. Respondent was convicted and sentenced to five (5) years imprisonment, on count one; five (5) years imprisonment on count two; and, one hundred twenty-one (121) months imprisonment on count three. Respondent was also convicted and sentenced in the related matter to two hundred ten (210) months imprisonment. All sentences were to run concurrently. Upon release from imprisonment, Respondent

will be on supervised release for a term of three (3) years, per count, with all terms to run concurrently.

SPECIFICATION OF CHARGES

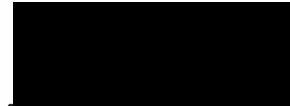
FIRST SPECIFICATION

CRIMINAL CONVICTION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) Being 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: December 24, 2021
New York, New York



HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct