



Department of Health

ANDREW M. CUOMO
Governor

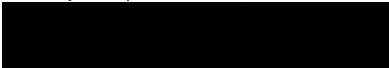
HOWARD A. ZUCKER, M.D., J.D.
Commissioner

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

January 15, 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ricky Sayegh, M.D.



Amy Kulb, Esq.
Jacobson Goldberg & Kulb, LLP
585 Stewart Avenue, Suite 500
Garden City, New York 11530

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

RE: In the Matter of Ricky Sayegh, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 19-009) 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: cmg
Enclosure

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

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IN THE MATTER :
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OF :
:
RICKY SAYEGH, M.D. :
:
-----X

DETERMINATION

AND

ORDER
19-009

A hearing was held on November 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 New York State Public Health Law (PHL), **MARY E. RAPPAZZO, M.D.**, Chairperson, **PROSPERE REMY, M.D.**, and **DAVID F. IRVINE, DIISc, P.A.**, 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.

A Commissioner's Order of Summary Action, Notice of Referral Proceeding and Statement of Charges, dated August 29, 2018, were duly served upon Ricky Sayegh, M.D. (Respondent), pursuant to PHL §230(10)(d)(i). The Department appeared by Senior Attorney Pooja Rawal. The Respondent appeared by telephone and through his attorney, Amy Kulb, Esq. The Hearing Committee received and examined documents from the Department (DOH Exhibits 1 - 4), and the Respondent (Respondent Exhibits A and B). The Department did not present any witnesses in support of their position. Jamil Risqalla, M.D., and Zaina Hishin testified on behalf of the Respondent; and the Respondent made an unsworn oral statement in his own behalf. 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 New York State Education Law (Educ. Law) §6530(9)(a)(ii), and that pursuant to PHL §230-a, the penalty of whole

suspension of his medical license until January 24, 2021, and completion of a medical ethics course approved by the Professional Medical Conduct Board, is appropriate.

BACKGROUND

The Department has brought the 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 professional misconduct pursuant to Educ. Law §6530(9)(a)(ii), having been convicted of an act constituting a crime under federal law. Specifically, the Respondent pled guilty to Racketeering-Transporting in aid of Travel Act-Acceptance of Bribes, in violation of title 18 of the United States Code (USC) §1952(a)(3) and 18 USC §1952(a)(2). Under PHL §230(10), the Department has 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 December 11, 2002, by the issuance of license number 227084. (Exhibit 2).

2. On May 18, 2017, the Respondent pleaded guilty to accepting bribes in exchange for referring patients to a particular laboratory for blood work. On October 16, 2017, the Respondent was sentenced to 30 months incarceration, one year of post-release supervision, payment of a \$10,000.00 fine, and forfeiture of \$400,000.00. (DOH Exhibits 3 and 4; Respondent's oral statement).

3. The Respondent suffers from Rheumatoid Arthritis, impacting his ability to treat patients. Rather than treat patients, the Respondent intends to seek employment either in an administrative

capacity, or teaching, or in research upon his release from prison, rather than treat patients.
(Respondent's oral statement).

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)(a)(ii).

VOTE: Sustained (3-0)

CONCLUSIONS OF LAW

The Department met its burden in showing that the Respondent was convicted of Racketeering-Transporting in aid of Travel Act-Acceptance of Bribes, in violation of title 18 of the United States Code (USC) §1952(a)(3) and 18 USC §1952(a)(2). Accordingly, 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."

In considering the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties; the Hearing Committee noted that the Respondent showed remorse, accepting responsibility for his actions, and while the crime was serious, no patients were harmed, and all the tests were warranted. The Committee also took into consideration the compelling testimony of the Respondent's character witnesses. Therefore, the Hearing Committee determines that because the Respondent's anticipated release from prison is January 24, 2019, his New York medical license shall be subject to the penalty of whole suspension until January 24, 2021, and that during this suspension, the Respondent must

successfully complete and pass a medical ethics course that has been pre-approved by the New York State Board of Professional Medical Conduct.

ORDER

IT IS HEREBY ORDERED THAT:


1. The specification of professional misconduct, as set forth in the Statement of Charges is sustained; and
2. The Respondent's license to practice medicine in the State of New York is hereby wholly **SUSPENDED** under PHL §230-a(2)(a), for a period of two years after his release from prison; and
3. The Respondent is ordered to complete and pass a medical ethics course as approved by the Board for Professional Medical Conduct pursuant to PHL §230-a(8) during his suspension; and
4. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL §230(10)(h).

**DATED: Albany, New York
, 2019**


Mary E. Rappazzo, M.D.
Chairperson

Prosper Remy, M.D.
David F. Irvine, DHSc., P.A.

To: Ricky Sayegh, M.D.


Amy Kulb, Esq.
Jacobson Goldberg & Kulb, LLP
585 Stewart Avenue, Suite 500
Garden City, NY 11530

Pooja Rawal, Esq.
Senior Attorney

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

APPENDIX I

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

IN THE MATTER
OF
RICKY SAYEGH, M.D.

STATEMENT
OF
CHARGES

RICKY SAYEGH, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 11, 2002, by the issuance of license number 227084 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 16, 2017, the Respondent pled guilty and was convicted in the United States District Court, District of New Jersey, to one count of Racketeering-Transporting in Aid of Travel Act-Acceptance of Bribes, in violation of 18 USC §1952(a)(3) and 18 USC § 2. The Respondent was sentenced to 30 months imprisonment followed by supervised release for a term of one year, ordered to pay a fine of \$10,000.00 and forfeiture of \$400,000.00.


SPECIFICATION OF CHARGES

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: August 29, 2018
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct