



# Department of Health

ANDREW M. CUOMO  
Governor

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

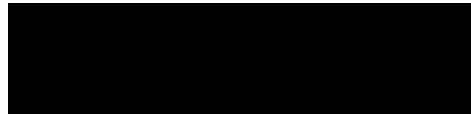
SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

April 23, 2019

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Darren M. Gelber, Esq.  
Wilentz, Goldman & Spitzer, P.A.  
90 Woodbridge Center Drive  
Suite 900 Box 10  
Woodbridge, New Jersey 07095-0958

Scott Hollander, D.O.



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

**RE: In the Matter of Scott Hollander, D.O.**

Dear Parties:

Enclosed please find the Determination and Order (No. 19-096) 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.

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 Respondent or the Department may seek a review of a committee determination.

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:

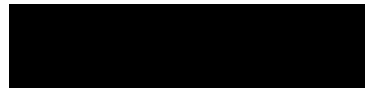
James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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 Judge 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,

A solid black rectangular box redacting the signature of James F. Horan.

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**

-----X  
:  
**IN THE MATTER** :  
:  
**OF** :  
:  
**SCOTT HOLLANDER, D.O.** :  
:  
-----X

**DETERMINATION**  
  
**AND**  
  
**ORDER**  
**19-096**

A hearing was held on April 17, 2019, at the offices of the New York State Department of Health (Department), 90 Church Street, New York, New York. Pursuant to § 230(10)(e) of the Public Health Law (PHL), **THOMAS T. LEE, M.D., M.B.A.**, Chairperson, **ELISA E. BURNS, M.D.**, and **RUTH HOROWITZ, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **NATALIE J. BORDEAUX, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

The Department appeared by Marc S. Nash, Senior Attorney. A Notice of Referral Proceeding and Statement of Charges dated February 8, 2019 were duly served upon Darren M. Gelber, Esq., who appeared at the hearing and represented Scott Hollander, D.O. (Respondent), who testified at the hearing. (Exhibits 1-2.) There were no other witnesses. The Hearing Committee received and examined documents from the Department (Exhibits 1-4) 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 (Educ. Law) § 6530(9)(d). However, for the reasons set forth below, the Committee finds that no penalty is warranted.

## JURISDICTION

The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(d), by “[h]aving his license to practice medicine revoked, suspended or having other disciplinary action taken...after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the...other disciplinary action involving the license...would, if committed in New York state, constitute professional misconduct under the laws of New York state.” In cases of professional misconduct based solely upon a violation of Educ. Law § 6530(9), a licensee is entitled to a hearing, the scope of which is limited to whether there is a relevant conviction or administrative determination and, if so, the nature and severity of the penalty to be imposed. PHL § 230(10)(p). The Department had the burden of proving its case by a preponderance of the evidence. PHL § 230(10)(f); 10 NYCRR 51.11(d)(6).

## FINDINGS OF FACT

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

1. On April 21, 2011, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 261215. (Exhibit 3.)
2. On November 9, 2017, the Respondent and the Pennsylvania Board of Osteopathic Medicine (“Pennsylvania Board”) entered into a Consent Agreement and Order, whereby the Respondent was fined \$1,000 for practicing as an osteopathic physician and surgeon in the Commonwealth of Pennsylvania on at least four occasions during a 14 ½-month period in which his Pennsylvania medical licensure had lapsed. (Exhibit 4.)

## DISCUSSION

The Hearing Committee unanimously concludes that the Respondent violated Educ. Law § 6530(9)(d) because the conduct resulting in the Pennsylvania Board's disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of the State of New York, specifically, Educ. Law § 6530(2), practicing the profession fraudulently or beyond its authorized scope. The Respondent's Pennsylvania medical license had lapsed from December 1, 2014 through February 16, 2016 due to the Respondent's failure to timely renew his license with the Pennsylvania Board. However, the Respondent practiced as an osteopathic physician and surgeon in Pennsylvania during that period on at least four occasions. Physicians practicing in the State of New York are also required to register and timely renew their registration as a precondition to practicing medicine within the state.

In consideration of the full spectrum of possible penalties under PHL § 230-a, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties, the Hearing Committee disagrees with the Department's recommendation of censure and reprimand. While the Committee does not discount the importance of adhering to state license renewal requirements, the Committee finds that additional penalties imposed upon the Respondent for his infraction of a filing requirement in another state would serve no purpose. For this reason, the Hearing Committee has determined not to impose a penalty in this matter.

## ORDER

### **IT IS HEREBY ORDERED THAT:**

1. The specification of professional misconduct, as set forth in the Statement of Charges, is sustained; and
2. This Order shall be effective upon service on the Respondent in accordance with the


requirements of PHL § 230(10)(h).

DATED: New York, New York  
April 22, 2019

  
Thomas T. Lee, M.D., M.B.A.  
Chairperson

Elisa E. Burns, M.D.  
Ruth Horowitz, Ph.D.

To: Darren M. Gelber, Esq.  
Wilentz, Goldman & Spitzer, P.A.  
90 Woodbridge Center Drive  
Suite 900 Box 10  
Woodbridge, New Jersey 07095-0958

Scott Hollander, D.O.  


Marc S. Nash  
Senior Attorney  
Bureau of Professional Medical Conduct  
New York State Department of Health  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, New York 12237

# APPENDIX I

IN THE MATTER  
OF  
SCOTT HOLLANDER, D.O.

STATEMENT  
OF  
CHARGES

SCOTT HOLLANDER, D.O., the Respondent, was authorized to practice medicine in New York State on or about April 11, 2011, by the issuance of license number 261215 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about November 9, 2017, Respondent and the Pennsylvania Board of Osteopathic Medicine (hereinafter "Pennsylvania Board") entered into a Consent Agreement and Order in which Respondent was fined One Thousand Dollars (\$1,000.00) as he failed to timely renew his license and practiced while his license was lapsed.
- B. The conduct resulting in the Pennsylvania Board'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(2) (Practicing the profession fraudulently or beyond its authorized scope).




SPECIFICATION OF CHARGES

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 medicine 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 (namely N.Y. Educ. Law § 6530(2)) as alleged in the facts of the following:

1. The facts in Paragraphs A.

DATE: February 8, 2019  
Albany, New York

  
TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct