



Department of Health

ANDREW M. CUOMO
Governor

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

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

March 12, 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marios Papachristou, M.D.


Ian H. Silverman, Associate Counsel
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 Marios Papachristou, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 19-048) 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**

-----X
: **IN THE MATTER** :

DETERMINATION

: **OF** :

AND

: **MARIOS PAPACHRISTOU, M.D.** :

ORDER

19-048

-----X
A Commissioner's Order of Summary Action, Notice of Referral Proceeding and Statement of Charges, all dated December 19, 2018, were served upon Marios Papachristou, M.D. (Respondent). A hearing was held on February 14, 2019, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to Public Health Law (PHL) § 230(10)(e), **Mary E. Rappazzo, M.D.**, Chairperson, **Lyon M. Greenberg, M.D.** and **David F. Irvine, DHSc, P.A.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. **Dawn MacKillop-Soller**, Administrative Law Judge, served as the administrative officer.

Ian H. Silverman, Associate Counsel for the Bureau of Professional Medical Conduct, appeared for the Department. The Respondent was duly served with the charges and notice of hearing pursuant to PHL § 230(10)(d)(i), but failed to appear. (Exhibit 2.) The Hearing Committee received and examined documents from the Department (Exhibits 1-4) and the Respondent (Exhibit A) and a transcript of the proceeding was made.

The Hearing Committee votes 3-0 to sustain the charge that the Respondent committed professional misconduct as defined in Education Law (Educ. Law) § 6530(9)(a)(ii) and determined, pursuant to PHL § 230-a, to revoke the Respondent's medical license.

JURISDICTION

By Order dated December 19, 2018, the Commissioner of Health, Howard A. Zucker, M.D., J.D., summarily suspended the Respondent's medical license pursuant to PHL § 230(12)(b). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, specifically 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(C) and 18 U.S.C. § 1347. A licensee charged solely with a violation of Educ. Law § 6530(9) 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). Hearing procedures are set forth in Department regulations at 10 NYCRR Part 51. 10 NYCRR 51.11(d). The Department had the burden of proving its case by a preponderance of the evidence. PHL § 230(10)(f).

FINDINGS OF FACT

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

1. On June 2, 2016, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 284720. (Exhibit 3.)
2. On December 13, 2018, in the United States District Court, Western District of Pennsylvania, the Respondent was convicted, following his plea of guilty, of one felony count of knowingly, intentionally and unlawfully dispensing and distributing a Schedule II controlled substance in violation of 21 U.S.C. § 841(a)(1) & (b)(1)(C), and one felony count of health care fraud in violation of 18 U.S.C. § 1347. The Respondent was sentenced to 24 months of imprisonment followed by a three-year period of supervised release, to run concurrently on both counts. A \$200 special assessment and \$15,000 fine were imposed, along with restitution in the amount of \$591.78. (Exhibit 4.)

DISCUSSION

The Hearing Committee unanimously decided that the Respondent's convictions of two felonies under federal law establishes he violated Educ. Law § 6530(9)(a)(ii), which defines professional misconduct as:

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

The Hearing Committee considered the full spectrum of penalties under PHL § 230-a, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties and agreed with the Department's recommendation to revoke the Respondent's medical license. The Respondent engaged in illegal prescription practices involving controlled substances, criminal conduct he claims was precipitated by his opioid addiction. (Exhibit A.) The committee considered the Respondent's remorse for his wrongful conduct and treatment in a residential addiction program for severe opioid abuse, but was particularly concerned that he misused his medical license over a period of years to issue unlawful prescriptions to further his drug dependency. (Exhibit A.) Also, the Respondent's prescription practices, which placed himself and others at risk for harm, only ended when he was caught, resulting in his incarceration. Most importantly, the committee deemed his practice of medicine unsafe because his treatment and recovery remain ongoing.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct set forth in the Statement of Charges is **SUSTAINED**.
2. The Respondent's license to practice medicine in New York State is **REVOKED**.
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

Mary E. Rappazzo 8, 2019


Mary E. Rappazzo, M.D.
Chairperson

Lyon M. Greenberg, M.D.
David F. Irvine, DHSc, P.A.

To: Marios Papachristou, M.D.

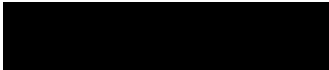

Ian H. Silverman, Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building – Room 2512
Empire State Plaza
Albany, New York 12237

EXHIBIT I

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

IN THE MATTER
OF
MARIOS PAPACHRISTOU, M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: MARIOS PAPACHRISTOU, M.D.


The undersigned, Sally Dreslin, M.S., R.N., Executive Deputy Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that MARIOS PAPACHRISTOU, M.D. (henceforth "Respondent"), New York license number 284720, has pleaded or been found guilty or convicted of committing an act constituting a felony under New York State law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a felony under New York State law, as is more fully set forth in the Statement of Charges attached to the Notice of Referral Proceeding or Notice of Hearing and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York, or practice in any setting under the authority of Respondent's New York license.

Any practice of medicine in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within ninety days of the service of this order and shall end within ninety days thereafter. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law

EXHIBIT
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1 m
add
2-14-19 RLR

§230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding provided to the Respondent contemporaneously with this Order.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
December 17, 2018


Sally Dreslin, M.S., R.N.
Executive Deputy Commissioner of Health
New York State Department of Health

Inquiries should be directed to:

Ian H. Silverman, Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
Bureau of Professional Medical Conduct
Corning Tower – 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

IN THE MATTER
OF
MARIOS PAPACHRISTOU, M.D.

STATEMENT
OF
CHARGES

MARIOS PAPACHRISTOU, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 2, 2016 by the issuance of license number 284720 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. On or about May 3, 2018 in the United States District Court for the Western District of Pennsylvania, the Respondent was found guilty of one count of the felony Knowingly, Intentionally, and Unlawfully Dispensing and Distributing a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841 (1) (1) and 841 (b) (1) (c) and one count of the felony Health Care Fraud, in violation of Title 18, United States Code, Section 1347. On or about December 13, 2018, the Respondent was convicted and sentenced to 24 months imprisonment per count (to run concurrently) followed by 3 years supervised release per count (to run concurrently) and ordered to pay a \$200 assessment and restitution in the amount of \$591.78.

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 1.

DATE: December 19, 2018
Albany, New York


Timothy J. Mahar /
Acting Deputy Counsel
Bureau of Professional Medical Conduct