



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

November 28, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thomas Ranieri, M.D.

Pooja A. Rawal, Esq.
NYS Department of Health
Corning Tower Room 2512
Empire State Plaza
Albany, NY 12237

RE: In the Matter of Thomas Ranieri, M. D.

Dear Parties:

Enclosed please find the Determination and Order (No. 22-242) 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,


Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: nm
Enclosure

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

COPY

-----X
IN THE MATTER
OF
THOMAS RANIERI, M.D.
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: DETERMINATION
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: AND
:
: ORDER
:

BPMC-22-242

A Notice of Referral Proceeding dated October 5, 2022 and Statement of Charges dated October 6, 2022 were duly served upon Thomas Ranieri, M.D. (Respondent). (Exhibits 1-3.) A hearing was held on November 16, 2022 via WebEx videoconference. Pursuant to § 230(10)(e) of the Public Health Law (PHL), **MARY E. RAPPAZZO, M.D.**, Chairperson, **ELAINE L. WILK, D.O.**, and **DAVID F. IRVINE, DHSc, P.A.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. **NATALIE BORDEAUX, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

The Department appeared by Pooja A. Rawal, Senior Attorney. The Respondent did not appear. The Hearing Committee received and examined documents from the Department (Exhibits 1-6). A transcript of the proceeding was made.

After consideration of the entire hearing record, the Hearing Committee hereby sustains the charge and revokes the Respondent's medical license. All findings, conclusions, and determinations are unanimous.

JURISDICTION

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 committing an act constituting a crime under federal law. Hearing procedures are set forth in Department regulations at 10 NYCRR Part 51. Under PHL §230(10), the Department had the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

1. On April 2, 1984, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 157792. (Exhibit 5.)
2. On August 26, 2021, the Respondent was convicted in the United States District Court for the Western District of Pennsylvania, following his guilty plea, to 14 felony counts of Distribution of Schedule II Controlled Substances Outside the Usual Course of Professional Practice, in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(C). From January 2, 2013 to June 26, 2013, the Respondent knowingly, intentionally and unlawfully issued seven prescriptions for Opana and seven prescriptions for Oxycodone, both Schedule II controlled substances, to a single patient outside the usual course of professional practice. Each prescription constituted a separate felony count. He was sentenced to time served and two years of supervised release for each count to be served concurrently. The Respondent was also assessed a criminal monetary penalty of \$1,400. (Exhibit 4.)

DISCUSSION

After due diligence as certified under oath, the Department was unable to personally serve the Respondent with the Notice of Hearing and Statement of Charges at least 30 days before the hearing. (Exhibit 1.) The Department subsequently sent the Notice of Hearing and Statement of Charges to the Respondent's last known address more than 15 days before the hearing by certified mail and mailed an additional copy of the documents to another address utilized by the Respondent when he last registered to practice medicine with the New York State Education Department. The certified mailing was returned as unclaimed by the Respondent and the additional mailing was also

returned to the Department. (Exhibit 2.) The Respondent was properly served with the Notice of Hearing and Statement of Charges in accordance with service requirements set forth in PHL § 230(10)(d)(i). The Department having established jurisdiction and proper notice, the ALJ determined that the hearing could proceed on the merits despite the Respondent's absence.

The Hearing Committee reviewed the Department's evidence showing the Respondent's conviction in a United States District Court for 14 felony counts of the federal crime of Distribution of Schedule II Controlled Substances. Based on this conviction, the Hearing Committee determined that the Respondent violated Education Law § 6530(9)(a)(ii) and sustained the charge.

In consideration of the full spectrum of penalties under PHL § 230-a, the Hearing Committee agreed with the Department's recommendation that revocation of the Respondent's medical license was warranted. The Hearing Committee considered that the Respondent's conduct leading to his criminal conviction involved using his medical license to distribute controlled substances in egregious amounts to a single patient, and that such conduct resulted in a conviction on 14 felony counts. The Respondent's behavior reflected an unwillingness to abide by applicable legal, professional, or ethical standards. His failure to even update his address with the licensing authorities of both New York and Pennsylvania, two states in which he possesses a medical license, only reinforced the Hearing Committee's conclusion.


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 in the state of New York is revoked pursuant to PHL § 230-a(4).
3. This Order shall be effective upon service on the Respondent in compliance with

PHL § 230(10)(h).

DATED: November 22, 2022
Albany, New York


Mary E. Rappazzo, M.D., Chairperson
Elaine L. Wilk, D.O.
David F. Irvine, DHSc, P.A.

To: Thomas Ranieri, M.D.


Pooja A. Rawal, Senior Attorney
Bureau of Professional Medical Conduct
New York State Department of Health
Corning Tower – Room 2512
Albany, NY 12237

IN THE MATTER

OF

THOMAS RANIERI, M.D.

STATEMENT

OF

CHARGES

THOMAS RANIERI, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 2, 1984, by the issuance of license number 157792 by the New York State Education Department.

FACTUAL ALLEGATIONS

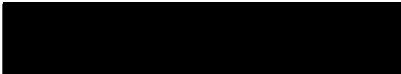
A. On or about August 31, 2019, in the United States Court for the Western District of Pennsylvania, the Respondent was convicted and sentenced to fourteen counts of Distribution of Schedule II Controlled Substances Outside of the Usual Course of Professional Practice (21 U.S.C. § 841(a)(1) and (b)(1)(C)). The Respondent was sentenced to time served and supervised release for two years to be served concurrently. Criminal monetary penalties of \$1,400.00 was also issued.

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: October 6, 2022
Albany, New York


HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct