



# Department of Health

ANDREW M. CUOMO  
Governor

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

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

June 30, 2020

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

David W. Quist, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

Roman B. Cham, M.D.  
[REDACTED]

Roman B. Cham, M.D.  
[REDACTED]

Roman B. Cham, M.D.  
[REDACTED]

**RE: In the Matter of Roman B. Cham, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 20-163) 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

COPY

-----X  
IN THE MATTER :  
OF :  
ROMAN B. CHAM, M.D. :  
-----X

DETERMINATION  
AND  
ORDER  
BPMC-20-163

A hearing was held on June 10, 2020, remotely via WebEx. Pursuant to Public Health Law (PHL) § 230(10)(e), **Richard F. Kasulke, M.D., Chairperson, Steven I. Sherman, D.O., and Heidi B. Miller, PA-C**, 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 **David W. Quist**, Associate Attorney. A Notice of Referral Proceeding and Statement of Charges dated April 28, 2020, were duly served upon **Roman B. Cham, M.D.**, (Respondent), who did not appear at the hearing.<sup>1</sup>

The Hearing Committee received and examined documents from the Department. (Exhibits 1-4.) The ALJ marked one exhibit into the hearing record. (ALJ Ex. I.) A stenographic reporter prepared a transcript of the proceeding.

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<sup>1</sup> The Notice of Referral Proceeding stated that the hearing would be held at the offices of the New York State Department of Health in Menands, New York. Due to COVID-19 restrictions, the ALJ sent the Respondent a letter dated June 1, 2020 informing him that the proceedings would commence remotely via WebEx and directed him to contact the Bureau of Adjudication to provide an email address to receive an invitation to join the hearing if he wished to participate. (ALJ Ex. I.) The Respondent did not contact the Bureau of Adjudication, nor did he appear the Department of Health office in Menands, New York on the day of the hearing.

### 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)(d) for "[h]aving 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." 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. Roman B. Cham, M.D., the Respondent, was authorized to practice medicine in New York State on October 20, 1978 by the issuance of license number 136102 by the New York State Education Department. (Ex. 3.)
2. On September 25, 2019, the Medical Board of California issued a Decision effective October 2, 2019 that is based on a Stipulated Surrender of License and Disciplinary Order (Order) signed by the Respondent on September 4, 2019. The Decision adopted the Order. Pursuant to

the terms of the Decision and the Order, the Respondent surrendered his license to practice medicine in California.

3. Pursuant to the terms of the Order, the Respondent agreed that a prima facie case could be established with respect to the charges and allegations in a Second Amended Accusation (case number 800-2016-028037) and that cause existed for discipline. The Respondent was charged with professional misconduct by committing repeated negligent acts regarding his treatment of three patients and that he failed to maintain an adequate and accurate record of his care and treatment of one of those three patients.

#### **VOTE OF THE HEARING COMMITTEE**

The Hearing Committee decides, by a vote of 3-0, that the evidence supports sustaining the charge of the Respondent having committed professional misconduct as defined in Educ. Law § 6530(9)(d).

#### **HEARING COMMITTEE DETERMINATIONS**

The Hearing Committee concludes that the conduct resulting in the disciplinary action, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(3) – “[p]racticing the profession with negligence on more than one occasion” and

Educ. Law § 6530(32) – “[f]ailing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient”.

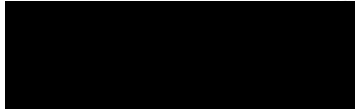
The Department has recommended that the Respondent’s license to practice medicine in New York State be revoked. Given the serious nature of the findings by the Medical Board of California, the Respondent’s failure to appear at the hearing to respond to the charges and allegations, and the Hearing Committee’s concern for the public in the State of New York, the Hearing Committee unanimously agrees with the Department’s recommendation.

**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).

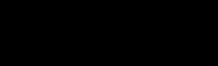
Dated: June 29, 2020  
Geneva, New York



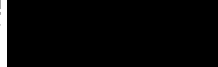
Richard F. Kesulke, M.D., Chairperson  
Steven I. Sherman, D.O.  
Heidi B. Miller, PA-C

David W. Quist  
Associate Attorney  
New York State Department of Health  
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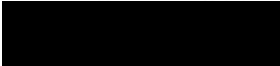
Roman B. Cham, M.D.



Roman B. Cham, M.D.



Roman B. Cham, M.D.



APPENDIX I

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

IN THE MATTER  
OF  
ROMAN B. CHAM, M.D.

STATEMENT  
OF  
CHARGES

ROMAN B. CHAM, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 20, 1978, by the issuance of license number 136102 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about September 25, 2019, the Medical Board of California ("Board") issued a Decision, effective on or about October 2, 2019, based on a Stipulated Surrender of License and Disciplinary Order, signed by Respondent on or about September 4, 2019. The case was initiated by a Second Amended Accusation (case no. 800-2016-028037), filed on or about June 18, 2019

B. Pursuant to the terms of the Stipulated Surrender of License and Disciplinary Order, which the Decision incorporated, Respondent agreed that a prima facie case could be established with respect to the charges and allegations, and that cause existed for discipline. The charges at issue were that Respondent committed professional misconduct by committing repeated negligent acts with regard to his treatment of three patients, and failed to maintain an adequate and accurate record regarding his care and treatment of one of those patients. Pursuant to the terms of the Stipulated Surrender of License and Disciplinary Order, which the Decision incorporated, Respondent surrendered his California medical license.



C. The conduct resulting in the Board's Decision and Order against Respondent would constitute misconduct under the laws of New York State pursuant to New York Education Law Section 6530(3) (negligence on more than one occasion), and/or (32) (failure to maintain a record).

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**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(3) and/or (32) as alleged in the facts of the following:

1. The facts in Paragraphs A, B, and C.

DATE: April 28, 2020  
Albany, New York

  
TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct