



# Department of Health

ANDREW M. CUOMO  
Governor

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

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

May 13, 2020

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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

Rocco Cassetta, P.A.  


**RE: In the Matter of Rocco Cassetta, P.A.**

Dear Parties:

Enclosed please find the Determination and Order (No. 20-120) 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.

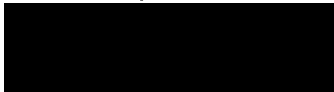
The notice of review served on the Administrative Review Board should be forwarded to:

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,

A solid black rectangular redaction box covering 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

COPY

IN THE MATTER

DETERMINATION

OF

AND

ROCCO CASSETTA, P.A.

ORDER

20-120

This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct (“the Department”). A Commissioner’s Order of Summary Action (“COSA”), Notice of Referral Proceeding (“NORP”) and Statement of Charges (“SOC”), all dated February 13, 2020, were served upon Rocco Cassetta, P.A. (“Respondent”). The SOC, which erroneously indicated that “Respondent was authorized to practice medicine” was amended on April 9, 2020, to correctly reflect that “Respondent was authorized to practice as a physician assistant.” The COSA, NORP and Amended SOC are attached to this Determination and Order as Appendix I. A hearing, pursuant to N.Y. Public Health Law (“PHL”) §230 and New York State Admin. Proc. Act §§301-307 and 401, was held by videoconference<sup>1</sup> on April 22, 2020. Evidence was received and a transcript (pages 1-24) of this hearing was made.

Frank E. Iaquinta, M.D, Chair, Prospere Remy, M.D., and Michael Colon, Esq., duly designated members of the State Board for Professional Medical Conduct (“Board”), served as the Hearing Committee (“Committee”) in this matter. Ann H. Gayle, Administrative Law Judge, served as the administrative officer. The Department appeared by Marc S. Nash, Associate Counsel. The Respondent, having been duly served with the COSA, NORP and SOC in

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<sup>1</sup> This hearing was scheduled to be held at the Department’s offices at 90 Church Street, New York, New York. Due to the COVID-19 pandemic, the format was changed to videoconference (Transcript pages 5-7).

conformity with the requirements of PHL §230.10(d), did not appear for the hearing (Exhibits 2, 2A, 2B, 2C, 2D; Transcript pages 5-7).

After consideration of the entire record, the Committee issues this Determination and Order; all findings, conclusions, and determinations are unanimous.

### **STATEMENT OF CASE**

This case was brought pursuant to PHL §230(10)(p) which provides for a hearing with circumscribed issues when a licensee is charged with misconduct based upon a criminal conviction under federal or state law and/or upon an administrative adjudication in another state regarding conduct that would amount to a crime and/or professional misconduct if committed in New York. N.Y. Education Law ("Educ. Law") §6530(9). In the instant case, Respondent is charged with professional misconduct pursuant to Educ. Law §6530(9)(a)(i) for having been convicted of an act constituting a crime under New York law. The scope of the hearing is limited to a determination of the penalty, if any, to be imposed upon the licensee.

### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the full record in this matter. Citations in parentheses refer to transcript page numbers ("T") and exhibits ("Ex") that were accepted into evidence.

1. On February 7, 2001, Respondent, Rocco Cassetta, P.A., was authorized, by the issuance of license number 008014 by the New York State Education Department, to practice as a physician assistant in New York State. Respondent's license is currently INACTIVE as of February 13, 2020, the effective date of the COSA. (Ex 1; Ex 2B; Ex 3; T 8-9, 13, 17)
2. On September 19, 2017, in New York State Supreme and County Courts, Dutchess County, Respondent pled guilty and was convicted of Criminal Possession of a Forged

Instrument in the 2<sup>nd</sup> degree, a felony, under New York State Penal Law (“Penal Law”) §170.25. On December 12, 2017, Respondent was sentenced to probation for a term of five years and required to pay three hundred seventy-five dollars in fees and surcharges. (Ex 5; T 17-18)

3. On October 23, 2017, in the State of New York, City Court of Peekskill, Respondent pled guilty and was convicted of Forgery in the 3<sup>rd</sup> degree, a misdemeanor, under Penal Law §170.05. Respondent was sentenced to conditional discharge for a period of one year and required to pay two hundred fifty dollars in fees and surcharges. (Ex 4; T 18-19)

### **CONCLUSIONS OF LAW**

The Department charged Respondent with two Specifications of professional misconduct pursuant to Educ. Law §6530(9)(a)(i) for having been convicted of an act constituting a crime under New York law. Based on Respondent’s September 19, 2017 and October 23, 2017 convictions, the First and Second Specifications are sustained.

### **DISCUSSION and**

### **DETERMINATION of PENALTY**

The Department is seeking a revocation of Respondent’s license “based upon the nature of the violation ... forged prescriptions” (T 20). The Committee, in reviewing the full range of penalties available pursuant to PHL §230-a, considered the gravity of Respondent’s convictions for these serious offenses, his failure to appear at the hearing to present evidence; and his repeated wrongdoing of having been convicted of similar offenses twice in two separate counties of New York State.


The Committee concludes that to protect the public revocation of Respondent’s license is the only appropriate penalty.

**ORDER**

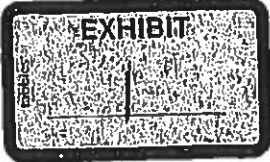
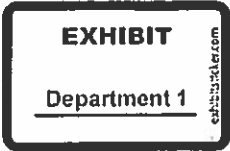
**IT IS HEREBY ORDERED THAT:**

1. The charges of misconduct under Educ. Law §6530(9)(a)(i) for having been convicted of acts constituting crimes under New York law are sustained.
2. Pursuant to PHL §230-a(4) Respondent's license to practice as a physician assistant shall be revoked.
3. This order shall be effective upon service on the Respondent by personal service or by certified mail as required under PHL §230(10)(h).

DATED: Yorktown Heights, New York  
May 8, 2020

  
FRANK E. IAQUINTA, M.D., Chair  
PROSPERE REMY, M.D.  
MICHAEL COLON, ESQ.

# APPENDIX 1



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

IN THE MATTER  
OF  
ROCCO CASSETTA, P.A.

COMMISSIONER'S  
ORDER OF  
SUMMARY  
ACTION

TO: [Redacted]

And  
[Redacted]

The undersigned, Sally Dreslin, M.S., R.N., Executive Deputy Commissioner, 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 Rocco Cassetta, P.A., New York license number 008014 (henceforth "Respondent"), 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 §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  
February 13, 2020

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

Inquiries should be directed to:

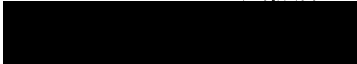
David W. Quist  
Associate Attorney  
Bureau of Professional Medical Conduct  
Division of Legal Affairs  
New York State Department of Health  
Corning Tower, Room 2512  
Albany, NY, 12237  
Phone: 518-473-4282  


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

IN THE MATTER  
OF  
ROCCO CASSETTA, P.A.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: ROCCO CASSETTA, P.A.



And

ROCCO CASSETTA, P.A.



PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on April 22, 2020, at 10:30 a.m., at the offices of the New York State Department of Health, 90 Church Street, 4<sup>th</sup> Floor, New York, New York 10007, and at such other adjourned dates, times and places as the committee may direct.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

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 OUT 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  
February 13, 2015



TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

David W. Quist  
Associate Attorney  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282



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

IN THE MATTER  
OF  
ROCCO CASSETTA, P.A.

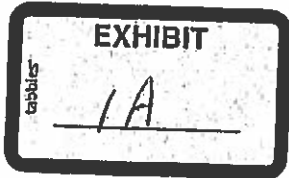
AMENDED  
STATEMENT  
OF  
CHARGES

ROCCO CASSETTA, P.A., the Respondent, was authorized to practice as a physician assistant in New York State on or about February 7, 2001, by the issuance of license number 008014 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 19, 2017, Respondent was convicted, pursuant to a guilty plea, of one count of Criminal Possession of a Forged Instrument, 2<sup>nd</sup> degree, a felony, pursuant to section 170.25 of the New York State Penal Law. The conviction occurred in the Supreme and County Courts of the State of New York in Dutchess County, New York. Respondent was sentenced to probation for a term of five years, and was required to pay fees and surcharges in the amount of approximately three hundred seventy-five dollars (\$375).

B. On or about October 23, 2017, Respondent was sentenced, pursuant to a conviction resulting from a guilty plea, of one count of Forgery, 3<sup>rd</sup> degree, a



misdemeanor, pursuant to section 170.05 of the New York State Penal Law. The conviction occurred in the Peekskill City Court in Peekskill, Westchester County, New York. Respondent was sentenced to conditional discharge for a period of one year, and was required to pay fees and surcharges in the amount of approximately two hundred fifty dollars (\$250).

**SPECIFICATION OF CHARGES**


**FIRST AND SECOND SPECIFICATIONS**

**CRIMINAL CONVICTION (N.Y.S.)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

1. The facts in Paragraph A.
2. The facts in Paragraph B.

DATE: April 9, 2020  
Albany, New York

  
\_\_\_\_\_  
TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct

To: Marc S. Nash, Associate Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, New York 12237-0032

Rocco Cassetta, P.A.

