



Department of Health

ANDREW M. CUOMO
Governor

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

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

October 22, 2020

CORRECTED COVER LETTER – NOW INCLUDES FINE LANGUAGE
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Raanan Pokroy, MD


RE: In the Matter of Raanan Pokroy, MD

Dear Parties:

Enclosed please find the Determination and Order (No. 20-250) 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.

Please reference the Case Name **AND** Determination and Order Number on all future correspondence regarding this matter.

MAIL PAYMENT OF THE FINE TO

New York State Department of Health
Bureau of Accounts Management
Corning Tower Building-Room 2748
Empire State Plaza
Albany, New York 12237

Payment of the civil penalty shall be made within thirty (30) days of the date of this letter.

Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes, but is not limited to, the imposition of interest, late payment charges and collection fees; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32).

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:

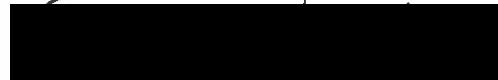
James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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,



James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: nm
Enclosure



Department of Health

ANDREW M. CUOMO
Governor

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

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

September 29, 2020

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Raanan Pokroy, MD


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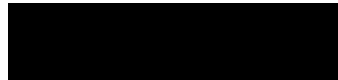
James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
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150 Broadway – Suite 510
Albany, New York 12204

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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

COPY

In the matter of

Raanan Pokroy, MD
NYS license # 276762

Determination
and Order

██████████
BPMC-20-250

A notice of referral proceeding and statement of charges, dated July 14, 2020, were served on Respondent Raanan Pokroy, MD. The statement of charges alleged professional misconduct in violation of New York State Education Law (Ed.L) 6530. (Exhibit 1.) A hearing was held at the New York State Department of Health on September 9, 2020, by videoconference.

Pursuant to Public Health Law (PHL) 230(10)(e), Jagdish M. Trivedi, MD, Chair, Richard F. Kasulke, MD, and Gail S. Homick-Herrling, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. John Harris Terepka, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by Ian H. Silverman, Esq. Raanan Pokroy, MD, (the Respondent) appeared *pro se*. The Petitioner submitted documents. (Exhibits 1-6.) The Respondent testified. A transcript of the hearing was made. After consideration of the entire record, the hearing committee issues this determination and order, sustaining the charges and imposing a censure and reprimand with a \$500 fine.

JURISDICTION

The Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(d). Pursuant to PHL 230(10)(p), a hearing on limited issues, or "direct referral

proceeding,” is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Penalties which may be imposed are set forth at PHL 230-a. Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

FINDINGS OF FACT

1. Respondent Raanan Pokroy, MD was authorized to practice medicine in New York State on August 11, 2014 under license number 276762. (Exhibit 5.)
2. In March 2019, the Board of Medical Examiners of the State of Nevada entered into a Settlement Agreement with the Respondent. In accordance with the agreement, the Respondent consented to the entry of an order finding that he engaged in conduct that violated Nevada Pharmacy Board regulations and failed to maintain proper medical records in violation of Nevada requirements. The Respondent was issued a public letter of reprimand and was ordered to pay costs and expenses of \$2,917.56 and a \$500 fine. The order was agreed to in settlement of allegations including that the Respondent engaged in unprofessional conduct by allowing unlicensed persons to use his authority to obtain, access and possess dangerous drugs without his supervision. (Exhibit 6.)

HEARING COMMITTEE DETERMINATION

The Nevada Board of Medical Examiners found misconduct and imposed discipline on the Respondent's medical license after charging that he deviated from the appropriate

standard of care, in particular with regard to his practices in supervising staff in medication administration. In his stipulation with the Nevada Board, the Respondent admitted to engaging in conduct that violated Nevada Pharmacy Board regulations, and to failure to maintain proper medical records. (Exhibit 6, page 4.)

The hearing committee agreed that the unprofessional conduct charged by the Nevada Board would, if committed in New York, constitute misconduct pursuant to Ed.L 6530(3), negligence on more than one occasion; 6530(11), permitting an unlicensed person to perform activities requiring a license; and 6530(32), failure to maintain accurate patient records.

The hearing committee unanimously determined (3-0) that, as alleged in the statement of charges, the Nevada Board order imposing a public reprimand, costs and expenses, and a fine established that the Respondent violated Ed.L 6530(9)(d) which defines professional misconduct, in pertinent part, as:

9. (d) Having his or her 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 revocation, suspension or other disciplinary action... would, if committed in New York state, constitute professional misconduct under the laws of New York state.

The Petitioner recommended that the Respondent receive a censure and reprimand along with a \$5,000 fine. The Respondent testified that the Nevada Medical Board action arose from an incident in which a nurse in his office improperly administered a vitamin injection without his knowledge. He claimed that no narcotics were involved and that the Nevada Medical Board originally determined to take no disciplinary action against him, but later did so only because the Nevada Pharmacy Board had acted.

The hearing committee unanimously (3-0) determined that a censure and reprimand, along with a \$500 fine, is an appropriate penalty.

ORDER

IT IS HEREBY ORDERED THAT:

1. A **censure and reprimand** is hereby imposed on the Respondent's license to practice medicine in New York State.
2. A **fine** in the amount of \$500 is hereby imposed.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York

9.23.2020

By:

[REDACTED]
Jagdish M. Trivedi, MD, Chair

Richard F. Kasulke, MD
Gail S. Homick-Herrling

To: Ian H. Silverman, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Empire State Plaza
Albany, New York 12237-0032

Raanan Pokroy, MD
[REDACTED]

APPENDIX I

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

IN THE MATTER

OF

RAANAN POKROY, M.D.

STATEMENT
OF
CHARGES

Raanan Pokroy M.D., the Respondent, was authorized to practice medicine in New York State on or about August 11, 2014, by the issuance of license number ~~180479~~ by ²⁷⁶⁷⁶² the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 7, 2019, the Board of Medical Examiners of the State of Nevada (Nevada Board) by way of Settlement Agreement publicly reprimanded the Respondent, ordered the Respondent to pay costs and expenses of \$2,917.56 and fined the Respondent \$500. The Nevada Board found that the Respondent engaged in unprofessional conduct by allowing staff, including RNs, none of whom were practitioners and none of whom were licensed to prescribe/order dangerous drugs, to use his authority to obtain, access and/or possess an inventory of dangerous drugs, when he was not onsite and without his direct supervision.

B. Respondent's conduct as described above upon which the disciplinary action in Nevada was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law § 6530 (3) (Practicing the profession negligently on more than one occasion);
2. New York Education Law § 6530 (11) (Permitting, aiding or abetting an unlicensed person to perform activities requiring a license); and/or
3. New York Education Law §6530 (32) failing to maintain a record for each patient which accurately reflects the evaluation of the patient.)

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 (2); (11) and/or (32) as alleged in the facts of the following:

1. The facts in Paragraphs A and B.

DATE: July 14 , 2020
Albany, New York


Timothy J. Mahar
Deputy Counsel
Bureau of Professional Medical Conduct