



**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

July 28, 2020

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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

Gregory Organ, M.D.  
[REDACTED]

Gregory Organ, M.D.  
[REDACTED]

**RE: In the Matter of Gregory Organ, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 20-190) 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  
GREGORY ORGAN, M.D.

:  
DETERMINATION  
:  
AND  
:  
ORDER  
:  
BPMC-20-190  
-----X

A hearing was held on July 16, 2020, remotely via WEB EX. Pursuant to Public Health Law Section 230(10)(e), Ravinder Mamtani, M.D., Chairperson, Mohammad-Reza Ghazi-Moghadam, 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 in this matter. Sean O'Brien, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department of Health (the Department) appeared by Marc Nash, Associate Counsel. An Amended Notice of Referral Proceeding and Statement of Charges, dated June 10, 2020, were duly served upon Gregory Organ, M.D. (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department (Exhibits 1-7). A stenographic reporter prepared a transcript of the proceeding.

After consideration of the entire record, the Hearing Committee sustains the charge that the Respondent committed professional misconduct in violation of Education Law Section 6530(9) and votes that the penalty of revocation is appropriate.

### BACKGROUND

The Department brought this case pursuant to Public Health Law Section 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). The Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d) for "[h]aving his...license to practice medicine revoked, suspended or having other disciplinary action taken...where the conduct resulting in the revocation, suspension or other disciplinary action involving the license...would, if committed in New York state, constitute professional misconduct under the laws of New York state." Pursuant to Public Health Law Section 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 Public Health Law Section 230 "shall be subject to penalties as prescribed in [Public Health Law Section 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. Gregory Organ M.D., the Respondent, was authorized to practice medicine in New York State on August 18, 1988, by issuance of license number 175897 by the New York State Education Department. (Exhibit. 4).
2. On or about May 7, 2019, the Medical Board of California (California Board) issued a Decision which adopted a Stipulated Settlement and Disciplinary Order signed by the Respondent on March 22, 2019, which revoked Respondent's Physician and Surgeon's license, stayed the revocation, and placed the Respondent on three years' probation, during which time the Respondent was ordered to: abstain from the personal use and possession of controlled substances, dangerous drugs, and any drugs requiring a prescription; be subject to biological fluid testing; enroll and

participate in an ethics course; and the Respondent was prohibited from supervising physician assistants and advance practice nurses. (Exhibit 5).

3. The May 7, 2019, action by the California Board was based on information which could establish a prima facie case of discipline because the Respondent was convicted on his guilty plea to a misdemeanor violation of California Health and Safety Code Section 11350(a)--possession of a controlled substance. The Respondent's conviction and conduct would constitute disciplinary violations including a criminal conviction, a drug related conviction and unprofessional conduct. (Exhibit 5).

4. On or about March 12, 2020, the California Board issued a Decision which adopted a Proposed Decision dated February 11, 2020, which revoked the stay of revocation and revoked the Respondent's Physician and Surgeon's certificate. This discipline was based on findings the Respondent violated his probation by failing to refrain from the use of controlled substances as documented by the Respondent's positive urinalysis for cocaine metabolite five weeks after being placed on probation. (Exhibit 6).

5. On April 21, 2020, the California Board denied the Respondent's Request for Reconsideration of the Board's revocation order. (Exhibit 7).

#### 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 Education Law Sections 6530(9)(b) & (d).

#### HEARING COMMITTEE DETERMINATIONS

The Hearing Committee concludes the Respondent's conduct resulting in the disciplinary actions in California, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Education Law Section 6503(9)(a)(iii) "[b]eing convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed in this state would have constituted a crime under New York State law...."

Education Law Section (20)" [c]onduct in the practice of medicine which evidences moral unfitness to practice medicine...."

Education Law Section (29) "[v]iolating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred of the public health law...."

In the present case, the Respondent was convicted in California of the misdemeanor possession of a controlled substance in violation of California Health and Safety Code Section 11350(a) which would have constituted a crime under New York State Penal Law Sections 220.03 and 220.50. As a result of that controlled substance conviction in California, the California Board revoked the Respondent's physician's license, but stayed the revocation and placed the Respondent on probation. After being placed on probation the Respondent violated his probation by his positive urinalysis for a controlled substance, in particular, cocaine metabolite. As a result of the Respondent's probation violation, the California Board removed the stay on the Respondent's medical license revocation.

The Department has recommended the Respondent's license to practice medicine in New York State be revoked as well. Given the serious nature of the findings by 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.

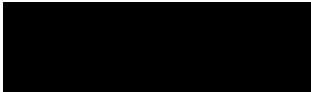
ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specifications of professional misconduct, as set forth in the Statement of Charges, are 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 Public Health Law Section 230(10)(h).

Dated: Albany, New York

July 24, 2020

  
Ravinder Mamtani, M.D., Chair  
Mohammad-Reza Ghazi-Moghadam, M.D.  
David F. Irvine, DHSc, P.A.

Marc Nash  
Associate Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

Gregory Organ, M.D.  


Gregory Organ, M.D.  


APPENDIX I



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

IN THE MATTER  
OF  
GREGORY ORGAN, M.D.

STATEMENT  
OF  
CHARGES

GREGORY ORGAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 18, 1988, by the issuance of license number 175897 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 3, 2017, in the Santa Clara County Superior Court, Respondent pled guilty and was convicted of two misdemeanors, possession of a controlled substance, cocaine [California Health and Safety Code § 11350(a)] and possession of controlled substance paraphernalia [California Health & Safety Code § 11364].
- B. On or about May 7, 2019, the Medical Board of California (hereinafter, "California Board") issued a Decision which adopted a Stipulated Settlement and Disciplinary Order signed by Respondent on March 22, 2019, which revoked Respondent's Physician and Surgeon's license, stayed the revocation, and placed Respondent on three years' probation, during which time Respondent: shall abstain from the personal use and possession of controlled substances, dangerous drugs, and any drugs requiring a prescription; be subject to biological fluid testing; enroll and participate in an ethics

course; and is prohibited from supervising physician assistants and advanced practice nurses. This disciplinary action was based on information that the California Board could establish a prima facie case that Respondent was convicted on his plea of guilty to a misdemeanor violation of California Health and Safety Code § 11350(a), possession of a controlled substance. The California Board found Respondent's conviction and conduct would constitute violations including a criminal conviction, drug-related conviction, and unprofessional conduct.

C. The conduct resulting in the California Board's disciplinary action against Respondent would constitute under the laws of New York State pursuant to the following Sections of New York State Law:

1. New York State Education Law § 6530(9)(a)(iii) (Being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed in this state, would have constituted a crime under New York state law);
2. New York State Education Law § 6530(20) (Conduct in the practice of medicine which evidences moral unfitness to practice medicine).

D. On or about March 12, 2020, the California Board issued a Decision which adopted a Proposed Decision dated February 11, 2020, which revoked the stay of revocation and revoked Respondent's Physician and Surgeon's certificate. This discipline was based on findings that Respondent violated probation by failing to refrain from the use of

controlled substances, which included a positive test for cocaine metabolite five weeks after his probation started.

E. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following Section of New York State Law:

1. New York State Education Law § 6530(29) (Violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law).

#### SPECIFICATION OF CHARGES

##### FIRST SPECIFICATION

##### CRIMINAL CONVICTION (Other Jurisdiction)

Respondent violated Education Law § 6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law (namely New York Penal Law §§ 220.03 and 220.50) as alleged in that Petitioner charges:

1. The facts in Paragraph A.

**SECOND 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 or another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or 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(9)(a)(iii), (20), and (29)) as alleged in the facts of the following:

2. The facts in Paragraphs B and C and C.1, B and C and C.2 and/or D and E and E.1.

**THIRD SPECIFICATION**

**HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another

state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(29)) as alleged in the facts of the following:

3. The facts in Paragraphs D and E and E.1.

DATE: May 18, 2020  
Albany, New York

  
TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct