



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 28, 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

Gregory Sikorski, PA
██████████
Pensacola Federal Prison Camp
P.O. Box 3949
Pensacola, Florida 32516

RE: In the Matter of Gregory Sikorski, PA

Dear Parties:

Enclosed please find the Determination and Order (No. 20-244) 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

JURISDICTION

The Respondent, a physician assistant, has been charged with misconduct pursuant to Ed.L 6530(9)(a)(ii). 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 Gregory Sikorski, PA was authorized to practice as a physician assistant in New York State on December 19, 2000 under license number 007945. (Exhibit 5.)
2. On January 15, 2020, in the United States District Court, Middle District of Florida, the Respondent pleaded guilty to and was convicted of five felonies: one count of conspiracy to commit health care fraud and wire fraud, in violation of 18 U.S.C. 1349, 1343 & 1347; two counts of health care fraud in violation of 18 U.S.C. 1347 & 2; one count of conspiracy to defraud the United States and pay and receive health care kickbacks in violation of 18 U.S.C. 371; and one count of receipt of kickbacks in connection with a federal health care program, in violation of 42 U.S.C. 1320 a-7b(b)(1)(A) and 18 U.S.C. 2. The Respondent was sentenced to thirty months of imprisonment, one year of supervised release, and restitution in the amount of \$623,485.19. (Exhibit 6.)

HEARING COMMITTEE DETERMINATION

After reviewing records obtained from the United States District Court in Florida (Exhibits 6 & 7), the hearing committee agreed that, as alleged in the statement of charges, the Respondent violated Ed.L. 6530(9)(a)(ii) which defines professional misconduct, in pertinent part, as:

9. (a) Being convicted of committing an act constituting a crime under... (ii) federal law.

The Petitioner recommended revocation of the Respondent's license. The Respondent was convicted of numerous felonies involving massive health care fraud. He was sentenced to over two years imprisonment and ordered to pay over \$600 thousand in restitution. The hearing committee unanimously determined (3-0) that the evidence warranted the revocation of his license to practice as a physician assistant.

ORDER

IT IS HEREBY ORDERED THAT:

The Respondent's license to practice as a physician assistant in New York State is revoked.

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

By:



Paul J. Lambiase, Chair

Robert A. Dracker, MD
Rose Berkun, MD

9/22/2020

To: Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Empire State Plaza
Albany, New York 12237

Gregory Sikorski, PA


Pensacola Federal Prison Camp
P.O. Box 3949
Pensacola, Florida 32516

APPENDIX I

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

IN THE MATTER
OF
GREGORY SIKORSKI, P.A.

STATEMENT
OF
CHARGES

GREGORY SIKORSKI, P.A., the Respondent, was authorized to practice as a physician assistant in New York State on or about December 9, 2000, by the issuance of license number 007945 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 15, 2020, in the U.S. District Court, Middle District of Florida, Orlando Division, Respondent was convicted of five felonies, one count of Conspiracy to Commit Health Care Fraud and Wire Fraud [18 U.S.C. §§ 1349, 1343, 1347]; two counts of Health Care Fraud [18 U.S.C. §§ 1347 and 2], one count of Conspiracy to Defraud the United States and Pay and Receive Health Care Kickbacks [18 U.S.C. § 371], and one count of Receipt of Kickbacks in Connection with a Federal Health Care Benefit Program (42 U.S.C. § 1320 a-7b(b)(1)(A) and 18 U.S.C. § 2). Respondent was sentenced to a total term of thirty months' imprisonment followed by one-year supervised release, assessed a \$500.00 penalty, and was directed to pay restitution to Medicare in the amount of \$623,485.19.

SPECIFICATION OF CHARGES

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: June 23, 2020
Albany, New York.


TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct