

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

IN THE MATTER
OF
EDWIN CRUZ, M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: EDWIN CRUZ, M.D. EDWIN CRUZ, M.D.
 

The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, 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 the duly authorized professional disciplinary agency of another jurisdiction, the State of Pennsylvania, has made a finding substantially equivalent to a finding that the practice of medicine by Edwin Cruz, M.D., New York license number 138444, (the Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the Order of Suspension, dated May 20, 2020 attached hereto as Appendix "A" 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 thirty days after the final conclusion of the disciplinary proceeding in the predicate action. 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 to be provided to the Respondent after the final conclusion of the proceeding in the predicate action. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719 via Certified Mail, Return Receipt Requested, of the final conclusion of the proceeding in the predicate action, immediately upon such conclusion.

THE NEW YORK 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
July 21, 2020


Howard A. Zucker, M.D., J.D.
Commissioner of Health
New York State Department of Health

Inquiries should be directed to:

Ian H. Silverman
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

Appendix A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

vs.

Case No. 20-49-006353

Edwin Cruz, M.D.
Respondent

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 20th day of May, 2020, upon review of the Petition for Temporary Suspension of the license to practice as a medical physician and surgeon held by Edwin Cruz, M.D. (*hereinafter* "Respondent"), license number MD464126, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Medicine (*hereinafter* "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at one or more counts that the Respondent's continued practice as a medical physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other license(s), registration(s), certificate(s), approval(s), authorization(s), or permit(s) (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board, makes Respondent an immediate and clear danger to the public health or safety. Therefore, in accordance with Section 4.1(d)(a) of the Medical Practice Act of 1985, Act of December 20, 1985, P.L. 457, No. 112, as amended, ("Act"), 63 P.S. § 123.1(d), the Board **ORDERS** that the license to practice as a medical physician and surgeon issued to the Respondent, license number MD464126, along with any other authorizations to practice the profession issued by the Board to

Prothonotary Filed On:
May 21 2020 09:25 AM
Department of State

Respondent, are **TEMPORARILY SUSPENDED** upon the service of this Order. Respondent shall surrender his wall certificate(s), biennial renewal certificate(s) and wallet card(s) (or notarized affidavit of their loss or destruction) to representatives of the Bureau of Enforcement and Investigation or the Bureau of Professional and Occupational Affairs, immediately upon service of this Order in accordance with section 4.1(e) of the Act, 63 P.S. § 123.1(e).

PRELIMINARY HEARING

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a *prima facie* case to support the temporary suspension of the Respondent's license and other authorizations to practice the profession issued by the Board. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

The Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a *prima facie* case is not established, Respondent's license and other authorizations to practice the profession issued by the Board will be immediately restored. If a *prima facie* case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

ADDITIONAL FORMAL ACTION

In addition to this temporary suspension proceeding, the prosecuting attorney will commence a separate action to suspend, revoke or otherwise restrict Respondent's license and other

authorizations to practice the profession issued by the Board through the filing of a charging document, an Order to Show Cause. The Order to Show Cause may include, but need not be limited to, the facts which were alleged in the Petition for Immediate Temporary Suspension. Any Order to Show Cause filed by the prosecuting attorney will be served upon the Respondent and the Order will direct Respondent to reply to the charges in a written answer within twenty (20) days of the issuance of the Order to Show Cause. A formal hearing on that Order to Show Cause will then be scheduled and conducted by the Board or the Hearing Examiner for the Board.

PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary, in writing, at least one (1) week prior to the date of the hearing. The requirement of the one (1) week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. **A request by the Respondent for an extension of time or a continuance which will delay the preliminary hearing or the formal hearing must be accompanied by the agreement of the Respondent that the 180-day temporary suspension will continue during whatever additional time is necessary to conclude the proceedings.**

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa. C.S. §§ 501-508, 701-704; the act of July 2, 1993, P.L. 345, No. 48, *as amended*, 63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251. A record of the hearing will be stenographically prepared by an official reporting service. A copy of the transcript may be secured by personally making arrangements with the reporting service at the time of the hearing.

Any document submitted in this matter must be filed with:


Prothonotary
Pennsylvania Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105
717-772-2686

Also, you must send a separate copy of any documents submitted in this matter to the prosecuting attorney named below at:

Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

**BY ORDER:
BEFORE THE STATE BOARD OF
MEDICINE PROBABLE CAUSE
SCREENING PANEL**

Paul Joseph
Valligorsky, II,
MD
Committee Member



APPROVE DENY RECUSE

John M. Mitchell,
L.P., C.C.P.
Committee Member

APPROVE DENY RECUSE

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Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

**BY ORDER:
BEFORE THE STATE BOARD OF
MEDICINE PROBABLE CAUSE
SCREENING PANEL**

**Paul Joseph
Valigorsky, II,
MD**
Committee Member

APPROVE

DENY

RECUSE

**John M. Mitchell,
L.P., C.C.P.**
Committee Member



APPROVE

DENY

RECUSE

Respondent:

Edwin Cruz, M.D.


For the Commonwealth:

Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

Board Counsel:

Shana Walter (A-L) or Dana M. Wucinski, Esq.

Case Number:

20-49-006353

Date:

05/20/20

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

vs.

Edwin Cruz, M.D.,
Respondent

Case No. 20-49-006353

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs ("Commonwealth"), by and through its Prosecuting Attorney, Keith E. Bashore, petitions the State Board of Medicine ("Board") for the immediate temporary suspension of the license to practice as a medical physician and surgeon issued to **Edwin Cruz, M.D.** ("Respondent"), along with all other licenses, registrations, certificates, approvals, authorizations, or permits (*referred to collectively as "authorizations to practice the profession"*) issued by the Board to Respondent at the time this Petition is granted, pursuant to Section 4.1(d)(a) of the Medical Practice Act of 1985, Act of December 20, 1985, P.L. 457, No. 112, as amended, (*hereinafter "Act"*); 63 P.S. § 123.1(d), and in support thereof alleges as follows:

1. Petitioner is a Prosecuting Attorney for the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.
2. Respondent holds the following license to practice a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD464126.
3. Respondent's license was originally issued on June 1, 2018, is current through December 31, 2020, and, absent further Board action, may be renewed or reactivated upon the filing of the appropriate documentation and payment of the necessary fees.

4. At all times pertinent to the Factual Allegations, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania.

5. Respondent's last known address on file with the Board is: [REDACTED]

COUNT ONE

6. Paragraphs 1 through 5 are incorporated by reference.

7. On or about May 2, 2020, the Virginia Beach (VA) Police Department issued a felony arrest warrant with regard to the Respondent.

8. A true and correct copy of the felony arrest warrant referenced in paragraph 7 is attached and incorporated as **Exhibit A**.

9. Annotated in the felony arrest warrant referenced in paragraph 7 is the following:

“To Any Authorized Officer: You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 05/01/2020 did unlawfully and feloniously in violation of Section 18.2-51, Code of Virginia: maliciously shoot Deborah Cruz with the intent to maim, disfigure, disable, or kill.”

10. Annotated for the name in the “Accused” section of the felony arrest warrant referenced in paragraph 7 is the following: “Cruz, Edwin G.”.

11. Annotated for the address in the “Accused” section of the felony arrest warrant referenced in paragraph 7 is the following: “[REDACTED]

”.

12. Annotated for the date of birth in the “Accused” section of the felony arrest warrant referenced in paragraph 7 is the date of birth as listed in Board records for the Respondent.

13. Annotated for the social security number in the "Accused" section of the felony arrest warrant referenced in paragraph 7 is the social security number as listed in Board records for the Respondent.

14. On or about May 2, 2020, the Virginia Beach (VA) Police Department issued a felony arrest warrant with regard to the Respondent.

15. A true and correct copy of the felony arrest warrant referenced in paragraph 14 is attached and incorporated as **Exhibit B**.

16. Annotated in the felony arrest warrant referenced in paragraph 14 is the following:
"To Any Authorized Officer: You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 05/01/2020 did unlawfully and feloniously in violation of Section 18.2-53.1, Code of Virginia: use, attempt to use, or display in a threatening manner a firearm while committing or attempting to commit 18.2-51."

17. Annotated for the name in the "Accused" section of the felony arrest warrant referenced in paragraph 14 is the following: "Cruz, Edwin G."

18. Annotated for the address in the "Accused" section of the felony arrest warrant referenced in paragraph 14 is the following: "[REDACTED]

[REDACTED]".


19. Annotated for the date of birth in the "Accused" section of the felony arrest warrant referenced in paragraph 14 is the date of birth as listed in Board records for the Respondent.

20. Annotated for the social security number in the "Accused" section of the felony arrest warrant referenced in paragraph 14 is the social security number as listed in Board records for the Respondent.

21. Based upon the foregoing factual allegations, the Respondent's continued practice as a medical physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other authorizations to practice the profession issued by the Board, makes Respondent an immediate and clear danger to the public health or safety.

WHEREFORE, the Petitioner respectfully requests that the Board issue an Order immediately suspending all of Respondent's authorizations to practice the profession issued by the Board, and in particular, the license as a medical physician and surgeon in the Commonwealth of Pennsylvania: license number MD464126, pursuant to the authority granted to the Board by Section 4.1(d)(a) of the Medical Practice Act of 1985, Act of December 20, 1985, P.L. 457, No. 112, as amended, ("Act"), 63 P.S. § 123.1(d).

Respectfully submitted,


Keith E. Bashore
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521
(717) 783-7200

Date: 5/18/20

WARRANT OF ARREST - FELONY
COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Virginia Beach, CITY OR COUNTY
 General District Court Criminal Traffic
 Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 05/01/2020 did unlawfully and feloniously in violation of Section

18.2-51, Code of Virginia, maliciously shoot DEBORAH CRUZ with the intent to maim, disfigure, disable, or kill.

EXHIBIT A

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

SMOLIN, B. T. YBPD, Complainant.

CCRE/Fingerprinting Required

05/02/2020 11:43 AM
DATE AND TIME ISSUED

Card G. Twiford
 CLERK MAGISTRATE JUDGE

TAKE BUCCAL SAMPLE IF LIDS SHOWS NO DNA SAMPLE IN DATA BANK
 DC-312 (MASTER, PAGE ONE OF TWO) 10/13

Check if sample previously taken: _____

DOS Prothonotary
 May 21 2020

COPY COPY COPY
F
 COPY COPY COPY

Hearing Date/Time

ACCUSED:
CRUZ, EDWIN G
 LAST NAME, FIRST NAME, MIDDLE NAME
1712 STONE CHURCH MEWS
 ADDRESS/LOCATION
Virginia Beach, VA 23455

RACE	SEX	BORN	HT.	WT.	EYES	HAIR
W	M	MO. DAY YR.	FT. IN.			
SSN	D.L.#		STATE			

Commercial Driver's License

CLASS 3 FELONY

EXECUTED by arresting the Accused named above on this day:

5/2/20 1215

DATE AND TIME OF SERVICE

B.T. Smolin, Arresting Officer

2974 YBPD 125
 BADGE NO., AGENCY AND JURISDICTION

for A. Zukaro
 SHERIFF

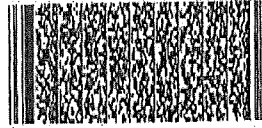
Attorney for the Accused:

Short Offense Description (not a legal definition):
MALICIOUS SHOOTING

Offense Tracking Number:
810JM2000017980

FOR ADMINISTRATIVE USE ONLY
 Virginia Crime Code: **ASL-1334-F3**

FELONY



WARRANT OF ARREST - FELONY

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Virginia Beach CITY OR COUNTY
[] General District Court [] Criminal [] Traffic
[x] Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 05/01/2020 did unlawfully and feloniously in violation of Section

18.2-53.1, Code of Virginia: use, attempt to use, or display in a threatening manner a firearm while committing or attempting to commit 18.2-51.

EXHIBIT B

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

SMOLIN, B T VBPB, Complainant.

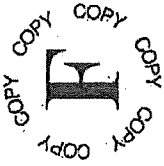
CCRE/Fingerprinting Required

05/02/2020 11:45 AM
DATE AND TIME ISSUED

[] CLERK [x] MAGISTRATE [] JUDGE
Cad G. Twiford

DOS Prothonotary
May 21 2020

DC-312 (MASTER, PAGE ONE OF TWO) 10/13



Hearing Date/Time

CASE NO.

ACCUSED:

CRUZ, EDWIN G

LAST NAME, FIRST NAME, MIDDLE NAME

1712 STONE CHURCH MEWS

ADDRESS/LOCATION

Virginia Beach, VA 23455

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
W	M	MO. DAY YE.	FT. IN.			
SSN	DL#		STATE			

[] Commercial Driver's License

CLASS U **FELONY**

[] EXECUTED by arresting the Accused named above on this day:

5/2/20 1318

DATE AND TIME OF SERVICE

P.T. SMOLIN, Arresting Officer

2474 VBPB
BADGE NO., AGENCY AND JURISDICTION

for A. Zucaro
SHERIFF

Attorney for the Accused:

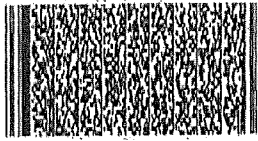
Short Offense Description (not a legal definition):
FIREARM: USE IN COMMISSION OF FELONY, 1ST OFF

Offense Tracking Number:

810JM2000017981

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code: **ASL-1319-F9**



FELONY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

vs.

Case No. 20-49-006353

Edwin Cruz, M.D.,
Respondent

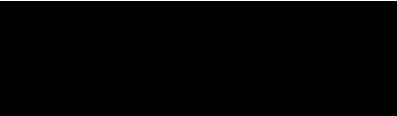
CERTIFICATE OF SERVICE

I, Keith E. Bashore, hereby certify that I have this 21st day of May, 2020, caused a true and correct copy of the foregoing Petition and Order of Immediate Temporary Suspension to be served upon all parties of record in this proceeding in accordance with the requirements of Rule 33.31 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.31 (relating to service by the agency).

SERVICE BY CERTIFIED MAIL, ELECTRONIC RETURN RECEIPT:

Edwin Cruz, M.D.


9171 9690 0935 0226 5660 35


Keith E. Bashore
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P. O. Box 69521
Harrisburg, PA 17106-9521
(717) 783-7200

DOS Prothonotary
May 21 2020