



Department of Health

ANDREW M. CUOMO
Governor

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

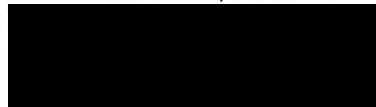
LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

May 21, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Stefanie Parker, P.A.



RE: In the Matter of Stefanie Parker, P.A.

Dear Parties:

Enclosed please find the Determination and Order (No. 21-106) 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.

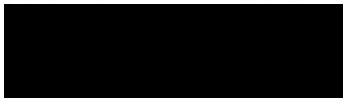
The notice of review served on the Administrative Review Board should be forwarded to:

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

IN THE MATTER
OF
STEFANIE PARKER, P.A.

DETERMINATION
AND
ORDER
BPMC-21-106

This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct (“Department”). A Commissioner’s Order of Summary Action (“COSA”), Notice of Hearing (“NOH”) and Statement of Charges (“SOC”), all dated March 2, 2021, were served on Stefanie Parker, P.A. (“Respondent”). The COSA, NOH and SOC are attached to this Determination and Order as Appendix 1. A hearing, pursuant to N.Y. Public Health Law (“PHL”) §230 and New York State Admin. Proc. Act §§301-307 and 401, was held via Cisco Webex on April 21, 2021.

William P. Dillon, M.D., Chair, Amit M. Shelat, D.O., and JoAnn Marino, MPA, R.N., duly designated members of the State Board for Professional Medical Conduct (“Board”), served as the Hearing Committee (“Committee”) in this matter. Ann Gayle, Administrative Law Judge (“ALJ”), served as the administrative officer. The Department appeared by Marc S. Nash, Associate Counsel. Respondent, having been duly served with the COSA, NOH and SOC in conformity with the requirements of PHL §230.10(d), did not appear¹ (Exhibits 2, 3, 4, 5, 6, 7).

¹ The NOH stated the hearing would be held at the Department’s offices at 90 Church Street, New York, New York (“Department’s offices”) or by videoconference. ALJ sent Respondent a letter dated March 31, 2021, informing her that due to COVID restrictions, the hearing would be held remotely via Webex and directing her to contact the Bureau of Adjudication (“Adjudication”) to provide an email address to receive an invitation to join the remote hearing if she wished to participate (ALJ Ex I). Respondent did not contact Adjudication nor did she or anyone on her behalf appear at the Department’s offices on the hearing date (T 5-7, 13-15).

The Department charged Respondent with three specifications of professional misconduct under N.Y. Education (“Educ.”) Law §6530. Evidence was received and a transcript of this hearing was made and is part of the record. After consideration of the entire record, the Committee issues this Determination and Order; all findings, conclusions, and determinations are unanimous.

FINDINGS OF FACT

Citations in parentheses, which refer to transcript page numbers (“T”) and exhibits (“Ex”) that were accepted into evidence, represent evidence found persuasive by the Committee in arriving at a particular finding.

1. On May 14, 2018, in the State Court of McIntosh County, Georgia, Respondent pled guilty to failure to exercise due care, a misdemeanor. On September 10, 2018, Respondent submitted to the New York State Education Department (“NYSED”) an application for a physician assistant license. On that application, Respondent falsely answered “no” to the question, “have you ever ... pleaded guilty ... to a crime (felony or misdemeanor) in any court.” On October 16, 2018, NYSED issued Respondent, Stefanie Parker, P.A., license number 022842 authorizing her to practice as a physician assistant in New York State. (Ex 3, 7, 10, and 11; T 22-26)
2. On October 19, 2019, in the U.S. District Court, Southern District of Georgia, Savannah Division, Respondent was convicted of a felony, unlawful use of DEA registration number issued to another person under 21 U.S.C. §843(a)(2). Respondent was sentenced to two years’ probation and assessed \$100.00 fine. (Ex 8 and 9; T 21-22, 27-28)

CONCLUSIONS OF LAW

The Department charged Respondent with three specifications of professional

misconduct under N.Y. Educ. Law §6530, subsections 2, 9(a)(ii), and 21.

First Specification: §6530.9(a)(ii) –having been found guilty of professional misconduct by having been convicted of committing an act constituting a crime under federal law. On October 19, 2019, in the U.S. District Court, Southern District of Georgia, Savannah Division, Respondent was convicted of a felony, unlawful use of DEA registration number issued to another person under 21 U.S.C. §843(a)(2).

The First Specification is sustained.

Second and Third Specifications: §6530.2 –practicing the profession fraudulently or beyond its authorized scope, and §6530.21–willfully making or filing a false report.

On May 14, 2018, in the State Court of McIntosh County, Georgia, Respondent pled guilty to failure to exercise due care, a misdemeanor. A mere four months later, on her September 10, 2018 Application for Licensure for a New York physician assistant license, Respondent answered “no” to the question, “have you ever ... pleaded guilty ... to a crime (felony or misdemeanor) in any court.” Respondent’s answer was false.

The Committee finds Respondent’s false statement constitutes willfully making or filing a false report. The Committee further finds that while Respondent’s false statement on her application for licensure might have constituted a violation of Educ. Law §6530(1) which reads “obtaining the license fraudulently” (emphasis supplied), the Department did not charge Respondent with a violation of Educ. Law §6530(1). Instead, the Department charged Respondent with a violation of Educ. Law §6530(2), “practicing the profession fraudulently” (emphasis supplied). Even though there is a definition of misconduct in Educ. Law §6530 to address allegations of lying on an application for licensure (§6530.1), because the Department did not charge that section, the Committee did not consider whether such conduct constituted

obtaining the license fraudulently. The Committee did find that what Respondent did (falsely stating on her Application for Licensure that she had not ever pled guilty to a crime) was not practicing the profession fraudulently as the Department charged.

Additionally, although 10 NYCRR §51.6 allows any party to

... [a]mend or supplement a pleading at any time prior to a hearing committee's final determination and order ... by leave of the hearing officer if there is no substantial prejudice to any other party (emphasis supplied)

the Committee is not a party. As such, the Committee cannot seek leave from the hearing officer to amend or supplement the pleadings to include a fourth specification of misconduct under Educ. Law §6530(1) or substitute the Department's second specification of a violation of Educ. Law §6530(2) with a violation of Educ. Law §6530(1).

Accordingly, the Second Specification is not sustained. The Third Specification is sustained.

DISCUSSION and DETERMINATION AS TO PENALTY

The Department is seeking a revocation of Respondent's license (T 23). The Committee, in weighing the full range of penalties available pursuant to PHL §230-a, considered Respondent's failure to appear at the hearing to present evidence and the nature and gravity of her misconduct.

The Committee finds Respondent's misconduct relates to safety and trust issues. Respondent lied on her application for her license to practice as a physician assistant in New York, and she used another person's DEA registration to acquire and obtain the Schedule II controlled substances Dextroamphetamine-Amphetamine 25 MG and Dextroamphetamine-Amphetamine 10 MG. Whether Respondent used or planned to use the substances for herself or for others demonstrates to the Committee that Respondent cannot be trusted to properly care for

patients.


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

ORDER

IT IS HEREBY ORDERED THAT:

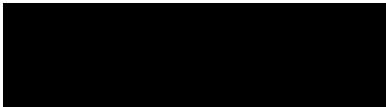
1. The following charges of misconduct under Educ. Law §6530 are **sustained**:
Educ. Law §6530.9(b) –First Specification
Educ. Law §6530.21 –Third Specification
2. The following charge of misconduct under Educ. Law §6530 is **not sustained**:
Educ. Law §6530.2 – Second Specification
3. Pursuant to PHL §230-a(4) Respondent's license to practice medicine shall be **revoked**.
4. This order shall be effective upon service on the Respondent as required under PHL §230.10(h).

DATED: Williamsville, New York
May 17, 2021


WILLIAM P. DILLON, M.D., Chair
AMIT M. SHELAT, D.O.
JOANN MARINO, MPA, R.N.

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

Stefanie Parker, P.A.



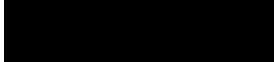
APPENDIX 1

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

IN THE MATTER
OF
STEFANIE PARKER, P.A.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

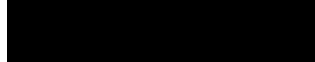
TO: STEFANIE PARKER, P.A.



STEFANIE PARKER, P.A.



STEFANIE PARKER, P.A.



STEFANIE PARKER, P.A.
79-01 Broadway
D6-15
Elmhurst, NY 11373

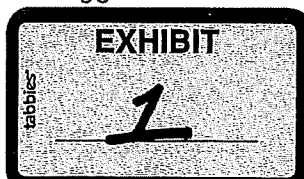
The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that STEFANIE PARKER, P.A. (henceforth "Respondent"), New York license number 022842, has been convicted of committing an act constituting a felony under federal law as is more fully set forth in the Statement of Charges 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 as a physician assistant in the State of New York, or practice in any setting under the authority of Respondent's New York license.

Any practice as a physician assistant 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 AS A PHYSICIAN ASSISTANT 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
March 2, 2021



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

Inquiries should be directed to:

Marc S. Nash
Associate Counsel
N.Y.S. Department of Health
Bureau of Professional Medical Conduct
Room 2512 – Corning Tower
Empire State Plaza
Albany, New York 12237

(518) 473-4282



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

IN THE MATTER
OF
STEFANIE PARKER, P.A.

NOTICE
OF
HEARING

TO: STEFANIE PARKER, P.A.



STEFANIE PARKER, P.A.



STEFANIE PARKER, P.A.



STEFANIE PARKER, P.A.
79-01 Broadway
D6-15
Elmhurst, NY 11373

PLEASE TAKE NOTICE:

A 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 April 21, 2021, at 10:30 a.m., at the Offices of the New York State Department of Health, 90 Church Street, 4th Floor – Hearing Room 1, New York, NY 10007, or by video conference as directed by the Administrative Law Judge, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing, or by video conference if directed by the Administrative Law Judge, and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue

or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

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

Department attorney: Initial here [REDACTED]

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone 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, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

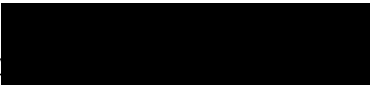
Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer 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. 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. 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.

Date: March 2, 2021
Albany, NY



Timothy J. Mahar
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be directed to:

Marc S. Nash
Associate Counsel
N.Y.S. Department of Health
Bureau of Professional Medical Conduct
Room 2512 – Corning Tower
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

IN THE MATTER
OF
STEFANIE PARKER, P.A.

STATEMENT
OF
CHARGES

STEFANIE PARKER, P.A., the Respondent, was authorized to practice as a physician assistant in New York State on or about October 16, 2018, by the issuance of license number 022842 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 19, 2019, in the U.S. District Court, Southern District of Georgia, Savannah Division, Respondent was convicted of a felony, Unlawful use of DEA registration number issued to another person [21 U.S.C. § 843(a)(2)]. Pursuant to this conviction, Respondent was sentenced to two years' probation and assessed a \$100.00 fine.

B. On or about September 10, 2018, Respondent filed an Application for Licensure for a New York physician assistant license. In this application, Respondent answered "no" to the question, "Have you ever been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court?", even though that on or about May 14, 2018, in the State Court of McIntosh County, Georgia, Respondent pled guilty to failure to exercise due care, a misdemeanor, and was sentenced to one month probation and assessed fines and costs. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that her answer of "no" was false.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

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.

SECOND SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

2. The facts in Paragraph B.

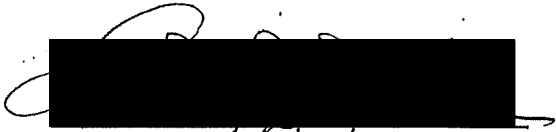
THIRD SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

3. The facts in Paragraph B.

DATE: March 2, 2021
Albany, New York



TIMOTHY J. MAHAR/
Deputy Counsel
Bureau of Professional Medical Conduct