



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 28, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Isaac Weintroub, M.D.
[REDACTED]

Trudy A. Menard, Esq.
New York State Department of Health
Division of Legal Affairs
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Albany, New York 12237

RE: In the Matter of Isaac Weintroub, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 21-109) 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.

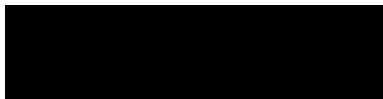
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, 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 Ms. Carney 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

COPY

DETERMINATION
AND
ORDER
BPMC-21-109

The Department appeared by Trudy A. Menard, Senior Attorney. A Commissioner's Order of Summary Action, Notice of Referral Proceeding, and Statement of Charges dated April 6, 2021, were duly served upon Isaac Weintroub, M.D. (Respondent). (Exhibits 1 and 2.) The Respondent did not appear for the hearing. The Hearing Committee received and examined documents from the Department (Exhibits 1-4), and a stenographic reporter prepared a transcript of the proceeding. The Hearing Committee votes 3-0 to sustain the charge that the Respondent committed professional misconduct, in violation of Education Law (Educ. Law) § 6530(9)(a)(ii), and to revoke the Respondent's medical license.

This case began with an Order by the Commissioner of Health, Howard A. Zucker, M.D., J.D., summarily suspending the Respondent's medical license pursuant to Public Health Law (PHL) § 230(12)(b). The Department brought the case pursuant to PHL § 230(10)(p), which provides for

a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii), by having been convicted of committing an act constituting a crime under federal law, specifically, 18 U.S.C. § 371. Under PHL §230(10), the Department had the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

The Hearing Committee, by unanimous vote, hereby makes the following findings of fact:

1. On July 17, 1973, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 116831. (Exhibit 4.)
2. On or about November 4, 2019, the Respondent was convicted in the United States District Court, Central District of California, following his guilty plea, to the felony crime of Conspiracy, in violation of 18 U.S.C. § 371. The Respondent was ordered to participate in twelve months of home detention/probation, during which he was required to participate in mental health treatment and to perform 100 hours of community service. He was also ordered to pay restitution in the amount of \$639,035.80, and a fine of \$50,000. (Exhibit 3.)

CONCLUSIONS OF LAW

Although the Respondent was duly served by personal service with notice of the hearing, he failed to respond or appear at the hearing to present any evidence to contest the stated charge. The Department having established jurisdiction and proper notice, the ALJ determined that the hearing could proceed on the merits despite the Respondent's absence.

The Hearing Committee reviewed the Department's evidence showing the Respondent's plea of guilty in the United States District Court, Central District of California, to Conspiracy, a felony

under 18 U.S.C. § 371. Based on this conviction, the Hearing Committee determined that the Respondent violated Educ. Law § 6530(9)(a)(ii), which defines professional misconduct to include:

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

In consideration of the full spectrum of penalties under PHL 230-a, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties, the Hearing Committee agreed with the Department's recommendation that revocation of the Respondent's medical license is warranted. The Committee considered the Respondent's conduct that led to his criminal conviction, including his execution of multiple false home health care referrals which led to the submission of false claims to the Medicare Program, over a four-year period. His crime was directly related to his practice of medicine. From these actions, the Hearing Committee concluded that the Respondent showed clear disregard for the law, for the gravity of receiving substantial monetary sums to which he was not entitled from a publicly-funded program, and for the integrity of his medical license. Due to the Respondent's failure to appear for the hearing, the Hearing Committee found no justification for varying from the Department's recommendation.

Therefore, the Hearing Committee concluded that the appropriate penalty in this case is the revocation of the Respondent's medical license.

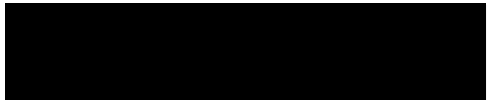
ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is sustained.
2. The Respondent's license to practice medicine in the state of New York is revoked.
3. This Order shall be effective upon service on the Respondent in compliance with PHL § 230(10)(h).

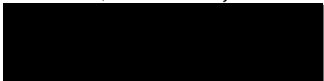
DATED: Menands, New York

May 24, 2021


Lyon M. Greenberg, M.D.
Chairperson

Anthony Marinello, M.D.
Gail S. Homick Herrling

To: **Isaac Weintroub, M.D.**



Trudy A. Menard
Senior Attorney
New York State Department of Health
Division of Legal Affairs
Bureau of Professional Medical Conduct
Corning Tower Building – Room 2512
Albany, NY 12237

APPENDIX I

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

IN THE MATTER
OF
ISAAC WEINTROUB, M.D.

STATEMENT
OF
CHARGES

ISAAC WEINTROUB, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 17, 1973, by the issuance of license number 116831 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 4, 2019, Respondent was convicted in the United States District Court, Central District of California of one felony count of Conspiracy in violation of 18 USC §371. Respondent was ordered to participate in a twelve-month home detention program/probation, participate in a mental health evaluation and treatment and perform 100 hours of community service. Respondent was ordered to pay \$639,035.80 in restitution, a fine of \$50,000.00 among other fees and costs.

The conviction resolved allegations that beginning at least as early as May 2012 and continuing through at least June 2016, Respondent knowingly conspired and agreed to commit healthcare fraud by submitting fraudulent claims which purported to be for medically necessary skilled services provided to home bound patients but the patients were not confined to their homes and were not in need of these services.

SPECIFICATION OF CHARGES

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:

A. The facts in paragraph A.

DATE: April 6, 2021
Albany, New York


TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct