



# Department of Health

**KATHY HOCHUL**  
Governor

**MARY T. BASSETT, M.D., M.P.H.**  
Acting Commissioner

**KRISTIN M. PROUD**  
Acting Executive Deputy Commissioner

December 8, 2021

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ian H. Silverman, Esq.  
Bureau of Administrative Hearings  
New York State Department of Health  
Corning Tower Building, Room 2412  
Empire State Plaza  
Albany, New York 12237

Yonas Zegeye, M.D.  
5 Harvard Circle, Suite 104  
West Palm Beach, Florida 33409

Yonas Zegeye, M.D.  
3618 Lantana Road, Suite 100  
Lake Worth, Florida 33462

Yonas Zegeye, M.D.  


**RE: In the Matter of Yonas Zegeye, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 21-252) 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.

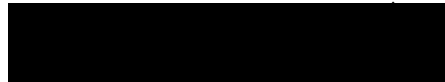
The notice of review served on the Administrative Review Board should be forwarded to:

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,

A solid black rectangular redaction box covering the signature of Dawn MacKillop-Soller.

Dawn MacKillop-Soller  
Acting Chief Administrative Law Judge  
Bureau of Adjudication

DXM: cmg  
Enclosure

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

COPY

IN THE MATTER  
OF  
YONAS ZEGEYE, M.D.

DETERMINATION  
AND  
ORDER  
BPMC-21-252

This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct (“Department”). A Notice of Referral Proceeding (“NORP”) and Statement of Charges (“SOC”), both dated August 18, 2021, were served on Yonas Zegeye, M.D. (“Respondent”). The NORP 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 October 20, 2021.

Frank E. Iaquinta, M.D., Chair, Theodore J. Strange, M.D., and Michael N. J. Colon, Esq., 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 Ian Silverman, Associate Counsel. Respondent, having been duly served with the NORP and SOC in conformity with the requirements of PHL §230.10(d), did not appear<sup>1</sup> (Exhibits 2, 3, 4).

The Department charged Respondent with one specification of professional misconduct

<sup>1</sup> The NORP 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. The ALJ sent Respondent a letter dated September 30, 2021, informing him that due to COVID restrictions, the hearing would be held remotely via WebEx and directing him to contact the Bureau of Adjudication (“Adjudication”) to provide an email address to receive an invitation to join the remote hearing if he, his attorney, and/or witnesses wished to participate (ALJ Ex I). Respondent did not contact Adjudication nor did he or anyone on his behalf appear at the Department’s offices on the hearing date (T 5-7, 12-13).

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 December 3, 1982, Respondent, Yonas Zegeye, M.D., was authorized by the issuance of license number 152635 by the New York State Education Department ("NYSED") to practice medicine in New York State. Respondent's license status is "not registered." NYSED's records indicate that Respondent "has not been registered in at least the last 25 years." (Ex 4 and 5)
2. On April 28, 2015, the State of Florida Board of Medicine ("Florida Board") issued a Final Order ("the 2015 Order") requiring Respondent to pay a \$10,000.00 fine and \$8,638.77 costs, complete CME, and undergo an evaluation by Florida CARES. The 2015 Order was based on a Florida Department of Health Administrative Complaint alleging that Respondent failed to appropriately pursue diagnostic testing and to appropriately advise a patient who was potentially suffering a cerebrospinal fluid leak to seek hospital admission. Respondent paid the fine and costs and completed five hours of CME in risk management but he failed to satisfy all the 2015 Board Order's requirements. For example, Respondent, *inter alia*, failed to undergo an evaluation by Florida CARES, and there is no indication that he completed CME in medical ethics. (Ex 6; T 30, 32-34)

3. On June 18, 2020, the Florida Board issued another Final Order (“the 2020 Order”) which ordered Respondent to pay an administrative fine of \$5,000.00 and suspended Respondent’s license until he demonstrates compliance with the 2015 Order. (Ex 6)

### **CONCLUSIONS OF LAW**

The Department charged Respondent with one specification of professional misconduct under N.Y. Educ. Law §6530.9(d) for having his license to practice medicine revoked, suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state. Respondent’s misconduct in Florida, the Florida Board’s 2020 Final Order for his failure to comply with the Florida Board’s 2015 Final Order would constitute misconduct in New York pursuant to N.Y. Educ. Law §6530(15), failing to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten, and subdivision seventeen of PHL §230.

This Specification is sustained.

### **DISCUSSION and DETERMINATION AS TO PENALTY**

The Department is seeking a revocation of Respondent’s license (T 25-26). The Committee, in weighing the full range of penalties available pursuant to PHL §230-a, considered Respondent’s failure to appear at the hearing, his more than 25 years of “not registered” status of his New York medical license, and his pattern of non-compliance with Board orders. The Committee also noted that the original misconduct occurred in 2015, and he had not satisfied the requirements of that Order by time of the issuance of the Florida Board’s 2020 Order. Additionally, Respondent has not practiced medicine for some time as his Florida medical license has been suspended since June 2020.

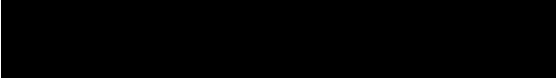
The Committee concludes that to protect the public revocation of Respondent's license is the only appropriate penalty.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The charge of misconduct under Educ. Law §6530(9)(d) is **sustained**.
2. Pursuant to PHL §230-a(4) Respondent's license to practice medicine shall be **revoked**.
3. This order shall be effective upon service on the Respondent as required under PHL §230.10(h).

DATED: Yonkers Heights, New York  
December 7, 2021

  
**FRANK E. IAQUINTA, M.D., Chair**  
**THEODORE J. STRANGE, M.D.**  
**MICHAEL N. J. COLON, Esq.**

APPENDIX I

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

IN THE MATTER  
OF  
YONAS ZEGEYE, M.D.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: Yonas Zegeye, M.D.  
5 Harvard Circle, Suite 104  
West Palm Beach, FL 33409

Yonas Zegeye, M.D.  
3618 Lantana Road, Suite 100  
Lake Worth, FL 33462

Yonas Zegeye, M.D.  
[REDACTED]

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on October 20, 2021 at 10:30 a.m., at the offices of the New York State Department of Health, 90 Church Street, 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 proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding, 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 may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The





Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted 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 (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.


Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least 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. You may also file a written brief and affidavits with the Committee. All such documents 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, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

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.

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


Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. 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.

DATED: Albany, New York  
August 18, 2021

  
JEFFREY J. CONKLIN  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct

IN THE MATTER  
OF  
YONAS ZEGEYE, M.D.

STATEMENT  
OF  
CHARGES

YONAS ZEGEYE, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 3, 1982, by the issuance of license number 152635 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about June 18, 2020, The State of Florida, Board of Medicine ("Florida Board") issued a Final Order, ordering the Respondent to pay an administrative fine of \$5,000 and suspended his license until such time as he demonstrates compliance with the Florida Board's April 28, 2015 Final Order. On or about April 28, 2015, The Florida Board issued a Final Order, after having opened an investigation into the conduct and medical practice of Respondent. The Florida Order required the Respondent to pay a \$10,000.00 fine, \$8,638.77 in cost, required the Respondent to complete CME and to undergo an evaluation by Florida CARES. The Final Order, was based on a State of Florida Department of Health Administrative Complaint that alleged that the Respondent, with regard to a patient potentially suffering a cerebrospinal fluid leak, failed to appropriately pursue diagnostic testing, and failed to appropriately advise the patient to seek hospital admission. Respondent paid his fines and costs and completed five hours of CME in risk management., however he failed to satisfy all other obligations from the April 28, 2015 Order. By violating the April 28, 2015 Board

Order Respondent violated Section 458.331 (1) (x) Florida Statutes (violating a lawful order of the Board or Department previously entered in a disciplinary hearing).

B. Respondent's conduct as described above upon which the disciplinary action in Florida was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(15) (failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten, and subdivision seventeen of section two hundred thirty of the public health law.).

**SPECIFICATION OF CHARGES**  
**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 of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation 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(15), as alleged in the facts of the following:

1. The facts in Paragraph A and B

DATE: August 18, 2021  
New York, New York

  
Jeffrey J. Conklin  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct