



**Department
of Health**

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

September 13, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash, Esq.
Bureau of Professional Conduct
Corning Tower, Building, Room 2512
Albany, New York 12237

Omar Garcia, MD


RE: In the Matter of Omar Garcia, MD

Dear Parties:

Enclosed please find the Determination and Order (No. 21-187) 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 box redacting the signature of James F. Horan.

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: cmg
Enclosure

Health and authorized it to conduct disciplinary proceedings in matters of professional medical conduct. In this case, the Respondent, a physician, 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). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

The Petitioner relied on documents presented at the hearing (Exhibits 1-6.) A transcript of the hearing was made.

FINDINGS OF FACT

1. Respondent Omar Garcia, MD was authorized to practice medicine in New York State on November 6, 2020 under license number 307694. (Exhibit 4.)
2. On February 3, 2021, in the United States District Court, Northern District of Illinois, the Respondent was convicted of six felony count of Health Care Fraud, in violation of 18 U.S.C. 1347, sentenced to eighteen months imprisonment followed by supervised release, assessed \$600, and ordered to pay restitution of \$1,370,470. (Exhibit 5.)

Omar Garcia, MD

HEARING COMMITTEE DETERMINATION

After reviewing records obtained from the United States District Court of Illinois (Exhibits 5, 6), the hearing committee unanimously determined 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 found guilty on several counts of significant health care fraud under the Medicare Program. (Exhibit 6.) The hearing committee unanimously agreed that the evidence warranted the revocation of his medical license.

ORDER

IT IS HEREBY ORDERED THAT:

- 1. The Respondent's license to practice medicine 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:

[Redacted Signature]

Sept 10, 2021

Robert A. Dracker, MD, Chair

Ashwani Chhibber, MD
Gail S. Homick Herrling

To: Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Coming Tower, Room 2512
Albany, New York 12237

[Redacted]

Omar Garcia, MD

[Redacted]

APPENDIX I

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

IN THE MATTER
OF
OMAR GARCIA, M.D.

STATEMENT
OF
CHARGES

OMAR GARCIA, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 6, 2020, by the issuance of license number 307694 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 3, 2021, in the United States District Court, Northern District of Illinois, Respondent was convicted of six felony counts of Health Care Fraud [18 U.S.C. § 1347] and sentenced to a total of 18 months imprisonment followed by a one-year period of supervised release, assessed \$600.00, and ordered to pay restitution of \$1,370,470.00.

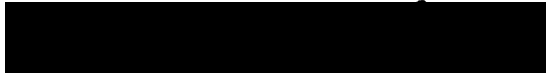
SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent violated Education Law § 6530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATE: July 8, 2021
Albany, New York



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