



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

March 22, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

David W. Quist, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Empire State Plaza
Albany, New York 12237

Michael Steven Sinel, M.D.
West Coast Spine Institute
9911 W Pico Blvd., Suite 200
Los Angeles, California 90035

RE: In the Matter of Michael Steven Sinel, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 22-055) 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,



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

-----X
IN THE MATTER
OF
MICHAEL STEVEN SINEL, M.D.
-----X

DETERMINATION
AND
ORDER

BPMC-22-055

A hearing was held on February 16, 2022, by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), William Tedesco, M.D., Chairperson, Anthony Marinello, M.D., and Eileen Pasquini, B.S., A.A.S., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by David W. Quist, Associate Attorney. A Commissioner's Order of Summary Action dated November 17, 2021, Notice of Referral Proceeding dated December 21, 2020,¹ and Statement of Charges dated November 17, 2021, were duly served upon Michael Steven Sinel, M.D. (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department. (Dept. Exs. 1-2, 2A, 3-5.) A stenographic reporter prepared a transcript of the proceeding.

BACKGROUND

The Department brought this 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 one specification of professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii) for having been convicted of committing an act constituting a crime under federal law. Pursuant to

¹ The Notice of Referral Proceeding was misdated with the year 2020 instead of 2021.

PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was licensed to practice medicine in New York State on August 29, 1986 by issuance of license number 167706. (Dept. Ex. 3.)
2. On May 14, 2021, the Respondent was convicted, pursuant to a guilty plea, in the United States District Court for the Central District of California of one count of conspiracy to solicit, receive, and pay illegal remuneration for health care referrals in violation of 18 U.S.C. § 371. (Dept. Ex. 4.)
3. The Respondent was sentenced to 18 months of probation, including six months of home detention, payment of a \$100 special assessment, and a fine in the amount of \$56,000. (Dept. Ex. 4.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(a)(ii).

HEARING COMMITTEE DETERMINATIONS

It is undisputed that the Respondent was convicted of committing an act constituting a crime under federal law. Such conviction constitutes professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii). The Hearing Committee, in considering the seriousness of the acts upon which the Respondent's conviction is based and the Respondent's failure to appear in this matter to respond to

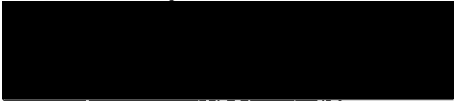
the charge of misconduct, finds that the only appropriate penalty is revocation of the Respondent's license to practice medicine in the State of New York.


ORDER

Now, after reviewing the evidence from the hearing, 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; and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

Dated: Albany, New York
March 18, 2022


William Tedesco, M.D., Chairperson
Anthony Marinello, M.D.
Eileen Pasquini, B.S., A.A.S.

David W. Quist
Associate Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
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NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MICHAEL STEVEN SINEL, M.D.

STATEMENT
OF
CHARGES

MICHAEL STEVEN SINEL, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 29, 1986, by the issuance of license number 167706 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 14, 2021, Respondent was, pursuant to a guilty plea, convicted and sentenced in the United States District Court for the Central District of California to one count of conspiracy to solicit, receive, and pay illegal remuneration for health care referrals, a felony, in violation of 18 USC section 371. Respondent was sentenced to 18 months' probation, including six months of home detention, and payment of a \$100 special assessment, and a fine in the amount of \$56,000.

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.

DATE: November 17, 2021
Albany, New York


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