



# Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

June 15, 2022

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Amy T. Kulb, Esq.  
Jacobson Goldberg & Kulb, LLP  
585 Stewart Avenue, Suite 500  
Garden City, New York 11530

Konstantinos Zarkadas, MD  
[REDACTED]  
57 Sanitorium Avenue  
Otisville, New York 10963

John Thomas Viti, Associate Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Division of Legal Affairs  
90 Church Street, 4<sup>th</sup> Floor  
New York, New York 10007

**RE: In the Matter of Konstantinos Zarkadas, MD**

Dear Parties:

Enclosed please find the Determination and Order (No. 22-145) 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  
KONSTANTINOS ZARKADAS, MD  
-----X

DETERMINATION  
AND  
ORDER  
BPMC-22-145

A Notice of Referral Proceeding dated April 21, 2022 and Statement of Charges dated April 22, 2022, were duly served pursuant to Public Health Law §230(10)(d)(i) upon Konstantinos Zarkadas, MD (Respondent). (Exhibit 2.) Richard F. Kasulke, MD, Chairperson, Ravinder Mamtani, MD, and Janet Axelrod, Esq., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. Dawn MacKillop-Soller served as the Administrative Law Judge. PHL §230(10)(e). The Department of Health, Bureau of Professional Medical Conduct (Department), appeared by John Viti, Esq. The Respondent appeared and was represented by Amy T. Kulb, Esq., and testified at the hearing by telephone. At the hearing held by videoconference on June 9, 2022, the Hearing Committee heard arguments from both parties and examined documents presented by the Department and the Respondent. (Department Exhibits 1-3, Respondent Exhibits A, B.) A transcript of the proceeding was made.

The Hearing Committee voted 3-0 to sustain the charge that the Respondent committed professional misconduct as defined in Education Law §6530(9)(a)(ii) and determined, pursuant to PHL §230-a, to revoke the Respondent's medical license.

JURISDICTION

The Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(a)(ii) by having been convicted of committing acts constituting felony crimes under federal

law. A licensee charged solely with a violation of Education Law §6530(9) is entitled to a hearing, the scope of which is limited to whether there is a relevant conviction or administrative determination and if so, the nature and severity of the penalty to be imposed. PHL §230(10)(p). Hearing procedures are set forth in Department regulations at 10 NYCRR Part 51. The Department had the burden of proving its case by a preponderance of the evidence. PHL §230(10)(f).

### FINDINGS OF FACT

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

1. The Respondent was authorized by the Education Department to practice medicine in New York on June 7, 2006 and was issued license number 240460. (Exhibit 1.)
2. On November 12, 2021, in the United States District Court, Eastern District of New York, the Respondent was adjudicated guilty following his plea of guilty to one felony count of disaster relief fraud in violation of 18 USC 1040(a)(2), (b)(1), and 3551 and one felony count of wire fraud in violation of 18 USC 1343 and 3551. The Respondent was sentenced to 51-months' imprisonment on each count to run concurrently followed by two years of supervised release and payment of restitution totaling \$3,796,849.50 and a \$200 assessment. (Exhibit 3.)

### DISCUSSION

The Hearing Committee unanimously agreed that the Respondent's felony convictions under federal law establish he violated Educ. Law §6530(9)(a)(ii), which defines professional misconduct as:

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

The Hearing Committee considered the full spectrum of penalties under PHL §230-a and agreed with the Department's recommendation to revoke the Respondent's medical license. The Respondent engaged in a scheme from about March through September of 2020 to defraud financial

institutions administering the Paycheck Protection and Economic Injury Disaster Loan Programs under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. This federal law effective March 2020 authorized over \$349 billion in forgivable loans for certain expenses to small businesses experiencing economic hardship due to the COVID-19 pandemic. Beginning in March of 2020 and continuing for about six months, the Respondent submitted false information on loan applications to obtain \$3.7 million for non-authorized expenses, including Rolex watches, a yacht, and payment of personal debts. The Respondent's long history of unsound business decisions culminated in his arrest for this conduct and two felony convictions. (Exhibit 3.)

The Hearing Committee rejected the Respondent's claim that a penalty short of revocation is warranted because his conduct did not involve his medical practice or adversely affect his patients and was caused by his mental status at the time. The Hearing Committee viewed his diagnosis of bipolar I disorder after-the-fact as no excuse for his unlawful criminal activity that involved scamming the government to personally benefit during a global health crisis. The Respondent also used these loans to pay his landlord for unpaid rent totaling over \$4 million on a medical practice he could not afford and abruptly closed, forcing him to relocate all his patients. The Hearing Committee considered these loans to be to the detriment of his patients because they bought him more time with them, furthering physician-patient bonds, only for him to cease caring for them once everything came crashing down. (Exhibits 3, B.)

The Hearing Committee noted the Respondent's expression of remorse and embarrassment for his unsound judgment began only upon being confronted by law enforcement for his conduct, after which his treatment for his underlying mental condition began. The Respondent relied on his mental condition to explain all his poor choices over the years — his hiring/firing of several physicians with heavy caseloads at his medical practices and his many failed businesses that involved his patients,

including for weight loss and cryotherapy. The Hearing Committee noted that in doing so, he never mentioned his patients or the effect of his crimes and mental challenges on them. (Exhibits 3, B.)

The Respondent relies on Matter of Xingjia Cui, MD (BPMC No. 20-174, July 2, 2020) as precedent for a Hearing Committee imposing a penalty less than revocation in a case involving serious health care fraud charges. This Hearing Committee, however, is not bound by determinations made by Hearing Committees in other cases. This Hearing Committee unanimously agreed that the evidence and the particular circumstances in this case fully justify license revocation and that no lesser penalty is appropriate.

### ORDER

#### **IT IS HEREBY ORDERED THAT:**

1. The specification of professional misconduct set forth in the Statement of Charges is **SUSTAINED**.
2. The Respondent's license to practice medicine in New York State is **REVOKED** under PHL §230-a(4).
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**

**6/14, 2022**


  
**Richard F. Kasulke, MD**  
**Chairperson**

**Ravinder Mamtani, MD**  
**Janet Axelrod, Esq.**

**To:**

**Amy T. Kulfi, Esq.**  
**Jacobson Goldberg & Kulfi, L.L.P**  
**585 Stewart Avenue - Suite 500**  
**Garden City, New York 11530**

**Konstantinos Zarkadas, MD**

  
**57 Sanitorium Avenue**  
**Otisville, New York 10963**

**John Thomas Viti, Associate Attorney**  
**New York State Department of Health**  
**Bureau of Professional Medical Conduct**  
**Division of Legal Affairs**  
**90 Church Street, 4<sup>th</sup> Floor**  
**New York, New York 10007**

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

IN THE MATTER  
OF  
KONSTANTINOS ZARKADAS, M.D.

STATEMENT  
OF  
CHARGES

Konstantinos Zarkadas, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 7, 2006, by the issuance of license number 240460 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about November 12, 2021, in the United States District Court for the Eastern District of New York, Respondent pled guilty to one count of disaster recovery fraud and one count of wire fraud in violation of 18 U.S.C. §§ 1040(a)(12), (b)(1), 1343 and 3551. Respondent was sentenced and convicted on March 18, 2022, to 51 months in prison. Respondent was ordered to pay \$3,796,849.00 in restitution and require to forfeiture \$200,000.00 and luxury wristwatches.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**CRIMINAL CONVICTION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) Being 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: April 22, 2022  
New York, New York



---

HENRY WEINTRAUB  
Chief Counsel  
Bureau of Professional Medical Conduct