



## Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Acting Commissioner

**MEGAN E. BALDWIN**  
Acting Executive Deputy Commissioner

March 24, 2023

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Medows, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
90 Church Street, 4<sup>th</sup> Floor  
New York, New York 10007

Kevin D. Porter, Esq.  
Brian M. Andrews, Esq.  
Vigorito, Barker, Patterson, Nichols  
and Porter, LLP  
115 E. Stevens Avenue, Suite 206  
Valhalla, New York 10595

**RE: In the Matter of Geoffrey Kamen, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 23-062) 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.

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 Respondent or the Department may seek a review of a committee determination.

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 Judge 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 the sender.

Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: *cmg*  
Enclosure

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

COPY

-----X  
IN THE MATTER  
OF  
GEOFFREY KAMEN, M.D.  
-----X

DETERMINATION  
AND  
ORDER  
BPMC-23-062

A hearing was held on February 16, 2023, by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **James G. Egnatchik, M.D., Chairperson, Sanford H. Levy, M.D., and Patricia E. Salkin, J.D.**, 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 Deborah Beth Medows, Esq. A Notice of Referral Proceeding and Statement of Charges dated November 15, 2022, were duly served upon Geoffrey Kamen, M.D. (Respondent), who appeared at the hearing with his attorneys, Kevin Porter, Esq., and Brian Andrews, Esq., and provided testimony.

The Hearing Committee received and examined documents from the Department (Dept. Exs. 1-4) and the Respondent (Resp. Exs. A-C). A 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)(d) for “[h]aving 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." Pursuant to 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 May 12, 2006, by issuance of license number 240096. (Dept. Ex. 3.)

2. On August 16, 2021, the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (Utah Board) issued a Stipulation and Order in which the Respondent surrendered his license to practice as a physician in the Utah; agreed not to reapply for licensure as a physician in Utah for five years, and was ordered to pay a \$10,000 fine, \$5,000 of which was stayed. (Dept. Ex. 2.)

3. The Respondent neither admitted nor denied the facts contained in the Utah Stipulation and Order, but agreed that the Utah Board shall make the following findings of fact:

- a. Respondent practices telemedicine in Utah;
- b. In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. The Respondent is listed as the physician authorizing the genetic test procedure and the equipment; and

c. The Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC (Nationwide). After receiving the patient's medical and personal information, the Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. The Respondent denies ordering knee braces. No order was signed or authorized by the Respondent for the knee braces. However, the Respondent was listed as the authorizing physician by Nationwide. The lab testing services were charged to Medicare. (Dept. Ex. 2.)

4. The Respondent agreed that the findings of fact constitute unprofessional conduct and unlawful conduct in Utah. (Dept. Ex. 2.)

#### VOTE OF THE HEARING COMMITTEE

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

#### HEARING COMMITTEE DETERMINATIONS

The Hearing Committee has thoroughly considered the evidence in this matter. It concludes that the conduct resulting in the disciplinary action in Utah, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(35) – Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient; and

Educ. Law § 6530(32) – Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.

The Department recommends that the Hearing Committee impose a penalty to include a three-year stayed suspension, three years of probation with a billing monitor, a \$10,000 fine, and continuing medical education.

The Respondent testified that he is board certified in family medicine and licensed to practice

in several states and Israel. He testified that he began providing care for Nationwide after being contacted by Weatherby Healthcare, a third-party company engaged in coordinating locum tenens employment. The Respondent testified that the scope of work he performed consisted of ordering/authorizing wellness panel lab testing based off of chart review, and that he had no direct patient contact. The Respondent estimated that he was engaged in this relationship for approximately two months, earned \$20 per chart review, and reviewed approximately one hundred charts. The Respondent testified that he became suspicious of the work arrangement because "something seemed off," and that he terminated the work when there was a patient complaint and the Respondent learned that his NPI was used for an order without his authorization. The Respondent testified that he should have recognized that there was a problem with Nationwide sooner and should have quit sooner, but that there was no harm done to the patient involved and laboratory testing was not even ultimately completed. The Respondent expressed that he regrets the employment relationship and will not perform work for a company again without direct patient contact:

The Respondent testified that his decision to enter into the Stipulation and Order with license surrender in Utah was influenced by his state of mind and difficult life circumstances at the time. The Respondent testified that he was in Israel during the review by Utah and that he was unable to afford to contest the charges against him as well as unable to be present in the United States. The Respondent elaborated that he was going through a divorce, has three children, and was battling an extreme custody situation with international complications. The Respondent also testified that when he chose to sign the Utah Stipulation and Order with license surrender, he did not fully understand the ramifications. The Respondent testified that all states in which he is licensed are aware of the Utah discipline, some states have reviewed his license as a result, and none of them have penalized him. The Respondent specifically noted that he has participated in disciplinary hearings via videoconference in Indiana and Texas.

The Hearing Committee finds that censure and reprimand is an appropriate penalty to address charges sustained against the Respondent. The Hearing Committee found the Respondent to be


credible and forthright in his testimony, believes that the Respondent has learned a valuable lesson from his experience, believes that the Respondent is not at risk for engaging in any similar employment arrangement in the future where potential for the same pitfalls exist, appreciates that the Respondent took it upon himself to terminate the employment arrangement, and feels that the Respondent has taken full responsibility for his role therein. The Hearing Committee also declines to impose probation with a billing monitor, a fine, and continuing medical education, finding that none of those penalties are reasonably related or proportionate to the sustained charges and underlying circumstances.

**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 is subject to censure and reprimand pursuant to PHL § 230-a(1); and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).


Dated: Orchard Park, New York  
March 21, 2023

  
**James G. Egnatchik, M.D., Chairperson**  
Sanford H. Levy, M.D.  
Patricia E. Salkin, J.D.

Deborah Beth Medows  
Senior Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
90 Church Street, 4<sup>th</sup> Floor  
New York, New York 10007



Kevin D. Porter, Esq.  
Brian M. Andrews, Esq.  
Vigorito, Barker, Patterson, Nichols & Porter, LLP  
115 E. Stevens Avenue, Suite 206  
Valhalla, New York 10595





IN THE MATTER  
OF  
GEOFFREY LEE KAMEN, M.D.

STATEMENT  
OF  
CHARGES

Geoffrey Lee Kamen, M.D. the Respondent, was authorized to practice medicine in New York State on or about May 12, 2006, by the issuance of license number 240096 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about August 16, 2021, the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah issued a Stipulation and Order, in which Respondent surrendered his license to practice as a physician in the State of Utah; agreed not to reapply for licensure as a physician in the State of Utah until five years has elapsed from the effective date of the Stipulation and Order, and was ordered to pay a \$10,000 fine, \$5,000 of which payment was stayed. Respondent neither admitted nor denied the findings of fact, but agreed that the Division shall make the following finding of facts:

"Respondent practices telemedicine in the State of Utah."

"In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. Respondent is listed as the physician authorizing the genetic test procedure and the equipment."

"Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC. After receiving patient's medical and personal information, Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. Respondent denies ordering knee braces. No order was signed or authorized by Respondent for the knee braces. However, Respondent was listed as the authorizing physician by Nationwide Health Advocates, LLC. The lab testing services ordered were charged to Medicare."

Respondent, while neither admitting nor denying the findings of fact, agreed that the Division shall find that the findings of fact constitute unprofessional conduct and unlawful conduct pursuant to Utah law.

1. The conduct resulting in the Utah Stipulation and Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

a. N.Y. Education Law § 6530 (35) (Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient), as alleged in the facts of:

i. Paragraph A and its subparagraphs.

b. N.Y. Education Law 6530 (32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient)

i. Paragraph A and its subparagraphs.

**SPECIFICATION OF CHARGES**

**HAVING A 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 (32) and (35), as alleged in the facts of the following:

1. The facts in Paragraph A and its subparagraphs.

DATE: November 15, 2022  
New York, New York

  
Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct