



Department of Health

KATHY HOCHUL
Governor

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

JOHANNE E. MORNE, M.S.
Acting Executive Deputy Commissioner

September 27, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower Room 2512
Empire State Plaza
Albany, New York 12237

Robin Leder, M.D.


RE: In the Matter of Robin Leder, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-199) 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,



Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB:nm
Enclosure

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

COPY

In the matter of

Robin Leder, MD

Determination
and Order

BPMC-23-199

A Notice of Referral Proceeding and Statement of Charges dated July 17, 2023 were served upon **Robin Leder, MD** (Respondent) pursuant to Public Health Law (PHL) § 230(10)(d)(i). (Exhibit 1.) A hearing was held on September 6, 2023, via WebEx videoconference. Pursuant to PHL § 230(10)(e), **Jonathan Ecker, MD**, Chairperson, **Mehdi A. Khan, DO**, and **Paul J. Lambiase**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. **Jeanne Arnold**, Administrative Law Judge (ALJ), served as the administrative officer.

The Department of Health (Department) was represented by Marc S. Nash, Associate Counsel. The Respondent appeared. The Hearing Committee received and examined documents from the Department (Exhibits 1-4), and from the Respondent. (Exhibits A-D.) A transcript of the proceeding was made. After consideration of the entire hearing record, the Hearing Committee issues this Determination and Order sustaining the charge and issuing a censure and reprimand pursuant to PHL § 230-a(1). All findings, conclusions, and determinations are unanimous.

JURISDICTION

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 Education Law § 6530(9). Charges of misconduct under Education Law § 6530(9) are based upon a criminal conviction or an

administrative violation, in New York State or another jurisdiction, for conduct that would constitute a crime or professional misconduct if committed in New York. The Respondent is charged with having disciplinary action taken against her medical license in New Jersey, after action was instituted by a duly authorized professional agency of that 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, a violation of Education Law § 6530(9)(d). The scope of the hearing is limited to whether there is a relevant administrative determination and, if so, to a determination of the nature and severity of the penalty to be imposed. PHL § 230(10)(p). Penalties which may be imposed are set forth at PHL § 230-a. Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51. Under PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in New York State on September 2, 1983, under license number 155669. (Exhibit 3.)
2. By Consent Order dated August 26, 2022, the Respondent and the New Jersey State Board of Medical Examiners (New Jersey Board) stipulated that the Respondent would be suspended from the practice of medicine for one year, but such suspension was stayed and served as a period of probation with the Respondent's completion of an ethics course and payment of a civil penalty of \$10,000 and costs of the investigation totaling \$4,500. (Exhibit 4.)
3. The Consent Order was in settlement of a New Jersey Board's complaint that alleged the Respondent permitted an unlicensed health care practitioner to perform bloodwork and prepare and administer injections and intravenous (IV) treatments. (Exhibit 4.)

DISCUSSION

The Hearing Committee reviewed the Department's evidence including the Consent Order, whereby the Respondent admitted that she employed [REDACTED], unlicensed in the State of New Jersey, to perform bloodwork and prepare and administer injections and IVs.

The New Jersey Board order found that the Respondent committed professional misconduct by so employing [REDACTED] and that the Board had grounds to take disciplinary action against the Respondent's license pursuant to N.J.S.A 45:1-21(b) (e) and (n). (Exhibit 4.)

The Respondent appeared and argued that [REDACTED] completed [REDACTED] education and has a medical license in India. (T Respondent.) Although the Respondent testified that [REDACTED] is well-regarded and has completed many courses resulting in special licenses (Exhibits A, B, C, E), she admitted that none were the required licensing required by the State of New Jersey. (T Respondent.)

The Hearing Committee agreed that the Respondent's conduct resulting in the New Jersey Board's disciplinary action would, if committed in New York, constitute misconduct pursuant to Education Law § 6530(11), permitting, aiding, or abetting an unlicensed person to perform activities requiring a license. The Hearing Committee thus determined that the Respondent violated Education Law § 6530(9)(d) and sustained the charge.

The Hearing Committee considered all possible penalties authorized by PHL § 230-a and agreed with the Department's recommendation of censure and reprimand.

The Respondent explained that [REDACTED] is licensed to practice medicine in India and is a real doctor, although not licensed in New Jersey. The Respondent explained that she did not know that [REDACTED] needed to have a specific license from New Jersey and that once she learned same, she immediately took corrective action and fired [REDACTED].

The Hearing Committee found that the Respondent was a credible witness and appreciated that she took corrective action when she learned that she was not permitted to allow [REDACTED] to perform medical services. For these reasons, the Hearing Committee determined to impose the least restrictive penalty of censure and reprimand without fining the Respondent further.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is sustained.
2. Pursuant to PHL § 230-a(1), a censure and reprimand is imposed on the Respondent's license to practice medicine.
3. This order shall be effective upon service on the Respondent in compliance with PHL § 230(10)(h).

Dated: Albany, New York

9/21/2023

By:

[REDACTED]
Jonathan Ecker, MD, Chair
Mehdi A. Khan, DO
Paul J. Lambiase

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

Robin Leder, MD
[REDACTED]

IN THE MATTER
OF
ROBIN LEDER, M.D.

STATEMENT
OF
CHARGES

ROBIN LEDER, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 2, 1983, by the issuance of license number 155669 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 26, 2022, the New Jersey Board of Medical Examiners (hereinafter, "New Jersey Board") issued a Consent Order which issued a one-year stayed suspension to be served as a period of probation, directed Respondent to complete an ethics course, and issued fines and assessments totaling \$14,500. The disciplinary action was based on Respondent permitting an unlicensed health care practitioner to perform bloodwork and prepare and administer injections and intravenous treatments.

B. The Conduct resulting in the New Jersey Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following Section of New York State Law:

1. New York Education Law § 6530(11) (Permitting, aiding, or abetting an unlicensed person to perform activities requiring a license).

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(11)) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B.1.

DATE: July 17, 2023
Albany, New York


JEFFREY J. CONKLIN
Deputy Director
Bureau of Professional Medical Conduct