



Department of Health

KATHY HOCHUL
Governor

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

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

October 23, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ian H. Silverman, Esq.
NYS Department of Health
Corning Tower Room 2512
Empire State Plaza
Albany, New York 12237

Irina Staicu, D.O.


RE: In the Matter of Irina Staicu, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-217) 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:

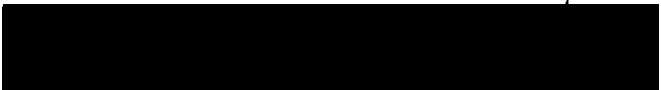
Jean T. Carney, Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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

-----X
IN THE MATTER
OF
IRINA STAICU, D.O.
-----X

DETERMINATION
AND
ORDER
BPMC-23-217

A Notice of Referral Proceeding and Statement of Charges dated August 15, 2023, were duly served upon Irina Staicu, D.O. (Respondent) pursuant to Public Health Law (PHL) § 230(10)(d)(i). (Exhibits 1, 2.) A hearing was held on October 19, 2023, via WebEx videoconference. Pursuant to PHL § 230(10)(e), **RICHARD S. GOLDBERG, ESQ.**, Chairperson, **ELISA E. BURNS, M.D.**, and **MARY E. RAPPAZZO, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. **NATALIE BORDEAUX**, Administrative Law Judge (ALJ), served as the administrative officer.

The Department appeared by Ian H. Silverman, Associate Counsel. The Respondent appeared and represented herself. The Hearing Committee received and examined documents from the Department (Exhibits 1-4). A transcript of the proceeding was made. After consideration of the entire hearing record, the Hearing Committee hereby issues this Determination and Order, sustaining the charge but imposing no penalty. All findings, conclusions, and determinations are unanimous.

BACKGROUND

The Department brought the 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). The Respondent is charged with professional misconduct pursuant to Education Law § 6530(9)(d), having disciplinary action taken against her medical license in Mississippi, after the 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. Under PHL § 230(10), the Department had 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 on August 14, 2019, under license number 300704. (Exhibit 4.)

2. Effective January 19, 2023, the Respondent entered into a Consent Order with the Mississippi State Board of Medical Licensure (Mississippi Board), to resolve charges that she engaged in dishonorable or unethical conduct likely to deceive, defraud or harm the public by submitting false information to the Mississippi Medical Cannabis Program in order to register as a certified provider for that program. The Respondent acknowledged that she provided inaccurate physical address information on her Medical Cannabis Licensee application. Pursuant to the Consent Order, the Respondent was reprimanded, ordered to successfully complete a Continuing Medical Education (CME) course in Medical Ethics, and was required to remit \$300 to the Mississippi Board for the costs incurred in relation to her medical disciplinary hearing. (Exhibit 3.)

DISCUSSION

The Respondent entered into a Consent Order with the Mississippi Board to resolve charges that she submitted false information to that state's cannabis program in order to register as a certified provider. She admitted that she provided an inaccurate physical address on her application to become a certified provider. The Respondent's incorrect information as charged by the Mississippi Board constituted dishonorable or unethical conduct likely to deceive, defraud or harm the public.

The Hearing Committee agreed that the Respondent's conduct resulting in the Mississippi Board's disciplinary action would, if committed in New York, constitute misconduct pursuant to Education Law § 6530(2), practicing the profession fraudulently or beyond its authorized scope. The Hearing Committee thus determined that the Respondent violated Education Law § 6530(9)(d).

After determining to sustain the charge, the Hearing Committee considered all possible penalties authorized by PHL § 230-a. The Department recommended the penalties of censure and reprimand and a \$200 fine. The Respondent sought leniency, as she explained that she never intended to falsify her address and attributed the incorrect address on her registration application as a cannabis provider to a computer program that prepopulated her office suite information from another address that the Respondent utilized as office space. She explained that she had a physical office address in the same building in Mississippi when she submitted her application (a requirement of provider participation in the cannabis program) but had not set up the office for use until she received approval as a cannabis provider.

The Respondent accepted responsibility for the application error but contended that she had had no intention to deceive the public or the Mississippi Board. She confirmed that she fulfilled the requirements set forth in the Consent Order within a few days, and has signed similar consent orders with other state licensing boards.

The Hearing Committee found the Respondent's testimony, including her remorse for the error that prompted her entry into the Consent Order, sincere. She has learned a lesson from the error and ensuing penalties. Although the Hearing Committee agreed that any error on an application for privileges as a medical professional is serious, the Respondent has already been punished enough with penalties and ensuing investigations by other state disciplinary boards. For these reasons, the Hearing Committee declined to impose a penalty.

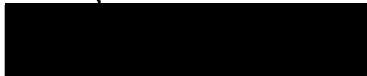
ORDER

IT IS HEREBY ORDERED THAT:

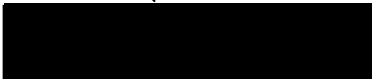
1. The charge of professional misconduct, as set forth in the Statement of Charges, is sustained.
2. No penalty is imposed.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

DATED: 10/20, 2023

New York New York


Richard S. Goldberg, Esq., Chairperson
Elisa E. Burns, M.D.
Mary E. Rappazzo, M.D.

To: Irina Staicu, D.O.



Ian H. Silverman, Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building – Room 2512
Empire State Plaza
Albany, New York 12237

IN THE MATTER
OF
IRINA STAICU, D.O.

STATEMENT
OF
CHARGES

IRINA STAICU D.O., the Respondent, was authorized to practice medicine in New York State on or about August 14, 2019, by the issuance of license number 300704 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 19, 2023, the Mississippi State Board of Medical Licensure (Mississippi Board) entered into a Consent Order, with the Respondent., whereby Respondent was issued a reprimand, order to successfully complete a Continuing Medical Education course in the area of medical ethics and reimburse the Board for all costs incurred in relation to this matter in the amount of \$300. The Mississippi Board Order was based on Respondent providing an inaccurate physical address on her Medical Cannabis License Application.

B. Respondent's conduct as described above would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530 (2) (practicing the profession fraudulently or beyond its authorized scope)

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

1. The facts in Paragraph A and B.

DATE: August 15, 2023
Albany, New York


Jeffrey J. Conklin
Deputy Director
Bureau of Professional Medical Conduct