



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 20, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deepak Raheja, M.D., [REDACTED]
FCI Morgantown, Federal Correctional Institution
P.O. Box 1000
Morgantown, West Virginia 26507

John Thomas Viti, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

RE: In the Matter of Deepak Raheja, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-216) 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,



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

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: IN THE MATTER : DETERMINATION
: :
: OF : AND
: :
: DEEPAK RAHEJA, M.D. : ORDER
: :
: BPMC-23-216
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A Notice of Referral Proceeding dated August 23, 2023 and Statement of Charges dated August 28, 2023, were duly served upon Deepak Raheja, M.D. (Respondent) pursuant to Public Health Law (PHL) § 230(10)(d)(i). (Exhibits 1-2.) A hearing was held on October 18, 2023, via WebEx videoconference. Pursuant to PHL § 230(10)(e), **ELISA J. WU, M.D.**, Chairperson, **MICHAEL DELMAN, M.D.**, and **MICHAEL N.J. COLÓN, ESQ.**, 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 John Thomas Viti, Esq. The Respondent did not appear. The Hearing Committee received and examined documents from the Department. (Exhibits 1-3). A transcript of the proceeding was made. After consideration of the entire hearing record, the Hearing Committee hereby issues this Determination and Order, revoking the Respondent's license to practice medicine. 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 for being convicted of committing an act

constituting a crime under federal law in violation of Education Law § 6530(9)(a)(ii). 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 September 30, 1992, under license number 190545. (Exhibit 1.)

2. On February 3, 2023, in the United States District Court, Northern District of Ohio, the Respondent was convicted, following a plea of guilty, of one count of Conspiracy to Solicit, Receive, Offer and Pay Health Care Kickbacks in violation of 18 U.S.C. § 8371. From around February 2011 until around July 2016, the Respondent participated in a conspiracy with another physician and employees of Avanir Pharmaceuticals, Inc., the manufacturer of Nuedexta (a drug for pseudobulbar affect or PBA), in which he received kickbacks in the form of honoraria and meals for live speaking engagements as an inducement and in exchange for increasing Nuedexta prescriptions. He was sentenced to 30 months' imprisonment, followed by three years of probation. In addition, the Respondent was ordered to pay restitution in the amount of \$2,163,995.64, a fine of \$50,000, and a criminal monetary penalty of \$100. (Exhibit 3.)

DISCUSSION

Although duly notified of the date, time and place of the hearing, the Respondent did not appear on his own behalf or by representative. On September 7, 2023, the Respondent was personally served with the Notice of Referral Proceeding and Statement of Charges at the federal correctional institution where he is incarcerated, pursuant to PHL § 230(10)(d). (Exhibits 1-2.) An attorney who was retained by the Respondent to represent him in professional misconduct matters was also informed of the hearing, thereby affording the Respondent an additional means of notification of the scheduled hearing. Upon the Department having established jurisdiction and

proper notice, the ALJ determined that the hearing could proceed on the merits despite the Respondent's absence.

The Hearing Committee reviewed the Department's evidence showing the Respondent's 2023 conviction in a United States District Court of one count of Conspiracy to Receive, Solicit, Offer and Pay Health Care Kickbacks, a federal crime. Based on this conviction, the Hearing Committee determined that the Respondent violated Education Law § 6530(9)(a)(ii) and sustained the charge.

After determining to sustain the charge, the Hearing Committee considered all possible penalties authorized by PHL § 230-a, and agreed with the Department's recommendation that the Respondent's medical license be revoked. The Respondent's criminal conviction reflected abuse of his medical license for pecuniary gain. His actions, perpetrated over the course of approximately five years and resulting in over \$2 million, were egregious. The Respondent placed patients at risk by prescribing medication for a diagnosis that they did not have and, in some instances, at a dose and quantity that did not conform to FDA-approved labeling. His actions also harmed the Medicare and Medicaid governmental programs by soliciting payment for medication that was not medically necessary. The Respondent's failure to appear for this hearing or even offer an explanation to the Hearing Committee only underscored his disregard for the law, for the integrity of his medical license, and for the safety of his patients. For all of these reasons, the Hearing Committee determined to revoke the Respondent's medical license.

ORDER

IT IS HEREBY ORDERED THAT:


1. The first 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 hereby revoked.
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: October 20, 2023

New York, New York


Elisa J. Wu, M.D., Chairperson
Michael Delman, M.D.
Michael N.J. Colón, Esq.

To: Deepak Raheja, M.D., 
FCI Morgantown, Federal Correctional Institution
P.O. Box 1000
Morgantown, WV 26507

John Thomas Viti, Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

NEWYORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

DEEPAK RAHEJA, M.D.

STATEMENT

OF

CHARGES

DEEPAK RAHEJA, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 30, 1992, by the issuance of license number 190545 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 3, 2023, in the United States District Court for the Northern District of Ohio, Respondent pled guilty to one count of Conspiracy to Solicit, Receive, Offer and Pay Health Care Kickbacks in violation of Title 18 U.S.C. §8371. Respondent was convicted and sentence to 30 months in prison and three years' probation. Respondent was Order to pay restitution in the amount of \$2,163,995.64 and a fine of \$50,000.00.

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: August 23, 2023
New York, New York



~~JEFFREY~~ J. CONKLIN, Esq.
Deputy Director
Bureau of Professional Medical Conduct