



## Department of Health

**KATHY HOCHUL**  
Governor

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

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

January 19, 2024

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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

Jacob Klein, P.A.  
[REDACTED]  
Auburn Correctional Facility  
P.O. Box 618  
Auburn, New York 13021

**RE: In the Matter of Jacob Klein, P.A.**

Dear Parties:

Enclosed please find the Determination and Order (No. 24-019) 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,

A solid black rectangular box redacting the signature of the Chief Administrative Law Judge.

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  
JACOB KLEIN, P.A.  
-----X

DETERMINATION  
AND  
ORDER

A hearing was held on January 11, 2024, by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **Jonathan Ecker, M.D., Chairperson, and Rose Berkun, M.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 Marc Nash, Associate Counsel. A Notice of Referral Proceeding and Statement of Charges dated November 16, 2023, were duly served upon Jacob Klein, P.A. (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department (Dept. Exs. 1-4). A stenographic 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)(a)(i) for having been convicted of committing an act constituting a crime under New York State law.

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." Educ. Law § 6530.

### FINDINGS OF FACT

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

1. The Respondent was licensed to practice as a physician assistant in New York State on September 25, 2015, by issuance of license number 019141. (Dept. Ex. 3.)
2. On October 5, 2023, in the State of New York, Albany County Court, the Respondent was found guilty and convicted of murder in the second degree (Penal Law § 125.25), a Class A-1 felony. (Dept. Ex. 4.)

### VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 2-0, sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(a)(i) and revokes his license to practice as a physician assistant.<sup>1</sup>

### HEARING COMMITTEE DETERMINATIONS

The Respondent was found guilty after a trial and convicted of murder with intention. The only appropriate penalty is to revoke the Respondent's license in New York State.

### 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's license to practice as a physician assistant in the State of New York is revoked; and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

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<sup>1</sup> An Initially appointed third hearing committee member was unable to serve due to a conflict of interest, and was not replaced due to unanimity of the remaining hearing committee members. (PHL § 230(10)[g], stating that "[f]or a committee to make a conclusion sustaining a charge, or determining a penalty or the appropriate action to be taken, two members of the committee must vote for such a conclusion or determination").

Dated: Albany, New York  
January 18, 2024



Jonathan Ecker, M.D., Chairperson  
Rose Berkun, M.D.

Marc Nash  
Associate Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, NY 12237



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

IN THE MATTER  
OF  
JACOB KLEIN, P.A.

STATEMENT  
OF  
CHARGES

JACOB KLEIN, P.A., the Respondent, was authorized to practice medicine in New York State on or about September 25, 2015, by the issuance of license number 019141 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 5, 2023, in the State of New York, Albany County Court, Respondent was found guilty and convicted of murder in the second degree [Penal Law § 125.25], a Class A-I felony.

**SPECIFICATION OF CHARGES**

**CRIMINAL CONVICTION (N.Y.S.)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

1. Paragraph A.

DATE: November 16, 2023  
Albany, New York



JEFFREY J. CONKLIN  
Deputy Director  
Bureau of Professional Medical Conduct