



Department of Health

KATHY HOCHUL
Governor

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

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

April 12, 2024

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

George Isaac, M.D.


George Isaac, M.D.
Dubuque Rheumatology
2140 JFK Road, Suite B
Dubuque, Iowa 52002

Paul Tsui, Esq.
NYS Department of Health
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of George Isaac, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 24-083) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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to deliver to the Board of Professional Medical Conduct your license to practice medicine **if said license has been revoked, annulled, suspended or surrendered**, together with the registration certificate.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
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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,



Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB:nm
Enclosure

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

COPY

In the Matter of

George Isaac, M.D. (Respondent)

Administrative Review Board (ARB)

Determination and Order No. 24-083

A proceeding to review a Determination by
a Committee (Committee) from the Board
for Professional Medical Conduct (BPMC)

Before ARB Members Torrelli, Rabin, Wilson, Milone, and Reichgott
Administrative Law Judge Jean T. Carney drafted the Determination

For the Department of Health (Petitioner): Paul Tsui, Esq.
For the Respondent: *Pro se*

Following the Respondent's disciplinary action by the Iowa Board of Medicine (IAB), a BPMC Hearing Committee determined that the Respondent's conduct constituted professional misconduct. In this proceeding pursuant to New York Public Health Law (PHL) § 230-c(4)(a), the Petitioner asked the ARB to review that Determination. After reviewing the hearing record and the parties' review submissions, the ARB affirms the hearing committee's determination and modifies the penalty imposed.

Committee Determination on the Charges

Pursuant to PHL § 230 *et seq*, BPMC and its Committees function as a duly authorized professional disciplinary agency of the State of New York. The BPMC Committee in this case conducted a hearing under the expedited hearing procedures (Direct Referral Hearing) in PHL § 230(10)(p). The Petitioner's Statement of Charges alleged that the Respondent committed professional misconduct under New York Education Law (Educ. Law § 6530(9)(d) by having disciplinary action taken against his

license to practice medicine in Iowa (IA license); where the conduct resulting in the disciplinary action would constitute professional misconduct if committed in New York State. In the Direct Referral Hearing, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996). Following the Direct Referral Hearing, the Committee rendered the Determination now on review.

The evidence before the Committee demonstrated that the Respondent entered into a Settlement Agreement (Agreement) with the IA Board on February 17, 2022, in full resolution of charges that he failed to provide appropriate medical care to multiple patients between 2010 and 2015. The Respondent consented to the terms of the Agreement including: a citation and warning for failing to conform to the rules governing the practice of medicine in Iowa; imposing a \$5,000 civil penalty; providing proof of successful completion of record keeping and chronic pain management courses; and his practice being monitored for a period of two years.

The Committee determined that the Respondent's conduct constituted professional misconduct under Educ. Law §§ 6530(9)(d) in that the conduct for which the Respondent was disciplined would violate Educ. Law § 6530(3), practicing the profession with negligence on more than one occasion; and § 6530(32), failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient; if committed in New York State. The Committee imposed a penalty of censure and reprimand, and suspended the Respondent's NY license until he submits documentation that he has satisfied all the requirements of the Agreement.

Review History and Issues

The Hearing Committee issued their Determination on December 18, 2023. This proceeding commenced on December 26, 2023, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's

Determination, the hearing record, briefs and reply briefs submitted by both parties. The record closed when the ARB received the Respondent's reply brief on January 31, 2024.

The Petitioner contends that the Committee's determination is insufficient under the circumstances, citing to the Respondent's demonstrating little remorse or insight for how his conduct resulted in disciplinary action. The Petitioner argues that the Respondent's license should be subject to a three-year stayed suspension, that he be placed on probation with a practice monitor for three years, and complete Board approved Continuing Medical Education (CME), with the penalty tolled while the Respondent practices outside of New York state. In support of its position, the Petitioner asserts that this penalty is reasonably related to the penalty imposed by the IA Board, would improve the Respondent's practice, and protect the public if he returns to New York State.

The Respondent asks for the charges to be dismissed, asserting that if he had known he had an active NY License, he would have asked to terminate it before signing the Agreement. The Respondent also argued that he only signed the Agreement because he was tired of fighting the IA Board.

ARB Authority

Under PHL §§ 230(10)(i), 230-c(1) and 230-c(4)(b), the ARB may review Determinations by Hearing Committees to determine whether the Determination and Penalty are consistent with the Committee's findings of fact and conclusions of law and whether the Penalty is appropriate and within the scope of penalties which PHL § 230-a permits. The ARB may substitute our judgment for that of the Committee, in deciding upon a penalty Matter of Bogdan v. Med. Conduct Bd., 195 A.D.2d 86, 606 N.Y.S.2d 381 (3rd Dept. 1993); in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct, 205 A.D.2d 940, 613 NYS 2d 759 (3rd Dept. 1994); and in determining credibility, Matter of Minielly v. Comm. of Health, 222 A.D.2d 750, 634 N.Y.S.2d 856 (3rd Dept. 1995). The ARB may choose to impose a more severe sanction than the Committee

on our own motion, even without one party requesting the sanction that the ARB finds appropriate, Matter of Kabnick v. Chassin, 89 N.Y.2d 828 (1996). In determining the appropriate penalty in a case, the ARB may consider both aggravating and mitigating circumstances, as well as considering the protection of society, rehabilitation and deterrence, Matter of Brigham v. DeBuono, 228 A.D.2d 870, 644 N.Y.S.2d 413 (1996).

The statute provides no rules as to the form for briefs, but the statute limits the review to only the record below and the briefs [PHL § 230-c(4)(a)], so the ARB will consider no evidence from outside the hearing record, Matter of Ramos v. DeBuono, 243 A.D.2d 847, 663 N.Y.S.2d 361 (3rd Dept. 1997).

A party aggrieved by an administrative decision holds no inherent right to an administrative appeal from that decision, and that party may seek administrative review only pursuant to statute or agency rules, Rooney v. New York State Department of Civil Service, 124 Misc. 2d 866, 477 N.Y.S.2d 939 (Westchester Co. Sup. Ct. 1984). The provisions in PHL §230-c provide the only rules on ARB reviews.

Determination

The ARB has considered the record and the parties' briefs. We affirm the Committee's determination that the Respondent's conduct constitutes professional misconduct. However, we determine to suspend the Respondent's NY License for three years, such suspension shall be stayed unless and until the Respondent returns to New York State to practice medicine, and placing the Respondent on probation for three years with a practice monitor, according to the terms appended hereto.

The Respondent's irresponsible carelessness in his practice of medicine over an extensive period of time resulted in the IA Board's determination to impose penalties including monitoring and CME. The ARB found the Respondent's assertion that he was not even aware of his NY License before receiving notice of these proceedings, and would have terminated it if he had known, lacked credibility; especially in light of the Petitioner having given the Respondent the opportunity to surrender his license prior to the hearing

below. The ARB noted the Respondent's failure to accept responsibility for his actions and complete lack of remorse indicates a lack of insight into how his conduct created a risk of harm to his patients, and mitigates against future compliance. Consequently, the ARB determines that the people of New York would be appropriately protected by the Respondent's license being suspended, with such suspension stayed unless he practices medicine in New York; and that the Respondent shall serve a term of probation with a practice monitor if he practices medicine in New York.

Order

NOW, with this Determination as our basis, the ARB renders the following ORDER:

1. The ARB affirms the Committee's Determination that the Respondent's conduct constituted professional misconduct pursuant to §§ 6530(9)(d).
2. The ARB wholly suspends the Respondent's NY License for three years, to be stayed unless and until the Respondent returns to practice medicine in New York.
3. The ARB imposes three years of probation, to be tolled unless and until the respondent returns to practice medicine in New York, and pursuant to the terms and conditions attached hereto as Appendix I.

Linda Prescott Wilson

Jill Rabin, M.D.

Carmela Torrelli

Richard D. Milone, M.D.

Michael J. Reichgott, M.D., Ph.D.

In the Matter of George Isaac, M.D.

Linda Prescott Wilson, an ARB Member concurs in the Determination and Order
in the Matter of Dr. Isaac.

Dated: 21 April, 2024

A black rectangular redaction box covers the signature of Linda Prescott Wilson.

Linda Prescott Wilson

In the Matter of George Isaac, M.D.

Jill M. Rabin, M.D., an ARB Member concurs in the Determination and Order in
the Matter of Dr. Isaac.

Dated: March 30th, 2024


/

Jill M. Rabin, M.D.

In the Matter of George Isaac, M.D.

Carmela Torrelli, an ARB Member concurs in the Determination and Order in the
Matter of Dr. Isaac.

Dated: April 2, 2024

A solid black rectangular box redacting the signature of Carmela Torrelli.

Carmela Torrelli

In the Matter of George Isaac, M.D.

Richard D. Milone, M.D., an ARB Member concurs in the Determination and Order in the Matter of Dr. Isaac.


Dated: March 30, 2024


Richard D. Milone, M.D.

In the Matter of George Isaac, M.D.

Michael J. Reichgott, M.D., Ph.D., an ARB Member concurs in the Determination
and Order in the Matter of Dr. Isaac.

Dated: 03/30/2024, 2024


Michael J. Reichgott, M.D., Ph.D.

APPENDIX I

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to any action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of his license with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, NY 12204, with the following information, in writing, and ensure that this information is kept current: a full description of his employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state, or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to, or changes in, the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of his compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet with the Director's designee.
5. During the probation period, Respondent shall practice medicine in New York State only when monitored by a licensed physician, board certified in an appropriate specialty (practice monitor), who is proposed by Respondent and approved in writing by the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records, or access to the practice as requested by the monitor, including on-site observation. The practice monitor shall visit the Respondent's medical practice at each and every location, on a random, unannounced basis at least monthly; and shall examine a selection of no fewer than 20 records maintained by Respondent, including patient records, prescribing information, and office records. The review will determine whether Respondent's medical practice is conducted in accordance with generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care, or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

b. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.

c. Respondent shall be solely responsible for all expenses associated with monitoring, including any fees to the monitoring physician.

d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with PHL § 230(18)(b). Proof of coverage shall be provided to OPMC's Director.

6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC in writing if he is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume. Respondent shall fulfill any remaining probation terms and such additional requirements as the Director may reasonably impose related to the matters set forth in the Determination and Order, or are necessary to protect the public health.

7. OPMC's Director may review Respondent's professional performance. This review may include but shall not be limited to a review of office records, patient records, hospital charts, and/or electronic records; and periodic visits or interviews with Respondent and his staff at practice locations or OPMC offices.

8. Respondent shall comply with these probationary terms and shall bear all associated costs. Upon receiving evidence of noncompliance with, or violations of these terms, the Director of OPMC and/or Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.