



Department of Health

KATHY HOCHUL
Governor

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

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

April 1, 2024

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Medows, Esq.
NYS Department of Health
90 Church Street
New York, New York 10007

David Gray, Esq.
Brill Legal Group, P.C.
176 Lexington Ave Suite O
New York, NY 10016

Soshana Clerizier, MD


RE: In the Matter of Soshana Clerizier, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 24-075) 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

Soshana Clerizier, MD
NYS license # 318149

**Determination
and Order**

██████████
BPMC-24-075

A notice of referral proceeding and statement of charges dated January 26, 2024 were served on Respondent **Soshana Clerizier, MD**. (Exhibit 3.) The statement of charges alleged professional misconduct in violation of New York State Education Law (Ed.L) 6530. A hearing was held at offices of the New York State Department of Health on March 21, 2024, by videoconference.

Pursuant to Public Health Law (PHL) 230(10)(e), **Elisa E. Burns, MD**, Chair, **Elaine L. Wilk, DO**, and **Joan Martinez McNicholas**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. **John Harris Terepka**, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by **Deborah Beth Medows, Esq.**, who presented documentary evidence. (Exhibits 1-4.) **Soshana Clerizier, MD** (the Respondent) testified and was represented by **David Gray, Esq.** A stenographic transcript of the hearing was made. After consideration of the entire record, the hearing committee issues this determination and order dismissing the charges.

JURISDICTION

The Respondent, a physician, was charged with misconduct pursuant to Ed.L 6530(9)(d). Pursuant to PHL 230(10)(p), a hearing on limited issues, or "direct referral

proceeding,” is authorized when a licensee is charged solely with a violation of Ed.L. 6530(9). Charges of misconduct under Ed.L. 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or 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.

FINDINGS OF FACT

1. Respondent Soshana Clerizier, MD was authorized to practice medicine in New York State on June 28, 2022 under license number 318149. (Exhibit 3.)
2. On March 15, 2023 the Respondent signed, and on March 21, 2023 the Maryland Board of Physicians issued, a Consent Order which required her to pay a civil penalty of \$3,600 and complete 86 hours of continuing medical education (CME) credits before her Maryland medical license could be renewed. (Exhibit 4.)
3. The Maryland Board order was based upon its finding that the Respondent had submitted a 2022 Maryland medical license renewal application which stated she had obtained the required 50 hours of CME credits, when upon audit she was only able to provide documentation establishing 14 hours. (Exhibit 4.)

HEARING COMMITTEE DETERMINATION

The Maryland Board conducted an audit of the Respondent's 2022 medical license renewal application, which reported she had obtained the 50 CME hours required for renewal in Maryland. On audit, the Maryland Board determined that some of the hours were not

eligible to be credited toward the requirement. Because the Respondent's failure to obtain the required 50 hours violated Maryland license renewal requirements, the Maryland Board imposed discipline, including a fine and a requirement that she obtain the missing hours before her license could be renewed. (Exhibit 4.)

In this proceeding, the Petitioner charges a violation of Ed.L 6530(9)(d), which defines professional misconduct to include:

9. (d) Having his or her license to practice medicine revoked, suspended or having other disciplinary action taken... by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action... would, if committed in New York state, constitute professional misconduct under the laws of New York state.

The Petitioner's statement of charges alleges that the Maryland Board's disciplinary action arose from conduct that, if committed in New York, would constitute misconduct pursuant to Ed.L 6530(21):

Willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or willfully impeding or obstructing such filing or inducing another person to do so. (Exhibit 3, paragraph A.1.)

The Maryland Board's determination to discipline the Respondent for failure to comply with Maryland registration requirements may not be revisited in this hearing. However, the question whether the conduct for which discipline was imposed by Maryland would, if committed in New York, constitute misconduct under New York law is an appropriate issue to be decided.

The Maryland Board action did not reflect conduct in violation of Ed.L 6530(21).

The Maryland Board determined:

The Respondent's failure to provide documentation of 50 credit hours of Category I CMB and signing the verification regarding CMB requirements on the 2022 renewal constitute a failure to comply with the statute and regulations. (Exhibit 4, page 2.)

Nowhere does the record of the Maryland disciplinary determination allege or find that the Respondent "willfully" made a false report of her CME hours or of anything else.

The Respondent testified that she had submitted her Maryland application believing that the 50 hours she reported would count towards her CME requirement. On audit the Maryland Board only accepted 14 of those hours as qualifying toward the 50 hour requirement. The Respondent said that she had misunderstood the rules about what could count as eligible CME hours. Her account is consistent with the Maryland Consent Order, which was explicitly stated to be based not upon a false report willfully made by her, but rather on her "failure to provide documentation of 50 credit hours" on audit. (Exhibit 4, pages 1-2.)

The only allegation of misconduct offered by the Petitioner is under Ed.L 6530(21), willfully making a false report. The evidence fails to establish that the Respondent was disciplined in Maryland for "willfully making or filing a false report." The hearing committee unanimously (3-0) determined that the charges should be dismissed.

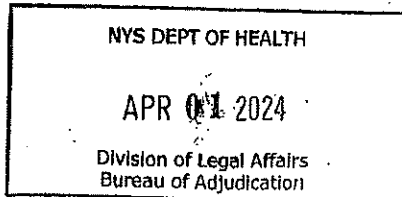
ORDER

IT IS HEREBY ORDERED THAT:

The charge of misconduct is dismissed.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York



By:

[REDACTED]

Elisa E. Burns, MD, Chair

Elaine L. Wilk, DO
Joan Martinez McNicholas

Soshana Clerizier, MD [REDACTED]

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To: Deborah Beth Medows, Esq.
Bureau of Professional Medical Conduct
90 Church Street
New York, New York 10007
[REDACTED]

David Gray, Esq.
Brill Legal Group, P.C.
176 Lexington Ave Suite O
New York, NY 10016
[REDACTED]

Soshana Clerizier, MD
[REDACTED]

IN THE MATTER

OF

SOSHANA CLERIZIER, M.D.

**STATEMENT
OF
CHARGES**

Soshana Clerizier, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 28, 2022, by the issuance of license number 318149 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about March 21, 2023, the Maryland Board of Physicians (hereinafter "the Maryland Board") issued a Consent Order, which ordered Respondent to pay a civil penalty of \$3,600; to obtain 86 hours of Category I CME; to send verification of all CME credits to the Maryland Board; and directed that Respondent's license shall not be renewed unless Respondent meets the CME requirements. The Maryland Board found that Respondent signed an affirmation in her 2022 renewal application that she had obtained the required 50 hours of Category I CME credit hours during the two-year period when, in fact, Respondent had only obtained 14 hours of Category I CME credit hours. Respondent's failure to provide documentation of 50 credit hours of Category I

CME and signing the certification regarding CME requirements on the 2022 renewal constitute a failure to comply with statute and regulations.

1. The conduct resulting in the Maryland Board Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

a. N.Y. Education Law § 6530 (21) (Willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or willfully impeding or obstructing such filing, or inducing another person to do so), as alleged in the facts of:

i. Paragraph A.

SPECIFICATION OF CHARGES

HAVING A 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 (21) as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: November 28 2023
New York, New York



HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct