



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

June 22, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Sonja M. Geourzoung, M.D.

REDACTED

Nathan L. Dembin, Esq.
225 Broadway Suite 1905
New York, New York 10007

Terrence Sheehan, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

RE: In the Matter of Sonja M. Geourzoung, M.D.

Dear Dr. Geourzoung, Mr. Dembin and Mr. Sheehan :

Enclosed please find the Determination and Order (No. 94-06) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Empire State Plaza
Corning Tower, Room 438
Albany, New York 12237

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,

REDACTED

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mmn

Enclosure

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

IN THE MATTER
OF

SONJA GEOURZOUNG, M.D.

ADMINISTRATIVE
REVIEW BOARD
DECISION AND
ORDER NUMBER
ARB 94-06

The Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, MARYCLAIRE B. SHERWIN, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.** held deliberations on April 5, 1994¹ to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) January 24, 1994 Determination finding Dr. Sonja Geourzoung guilty of professional misconduct. The Office of Professional Medical Conduct (Petitioner) requested the Review through a Notice which the Board received on January 28, 1994. James F. Horan served as Administrative Officer to the Review Board. Terrance Sheehan, Esq. filed a brief for the Petitioner on February 28, 1994. Nathan L. Dembin, Esq. filed a brief for Dr. Geourzoung (Respondent) on March 14, 1994.

SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

¹. Drs. Stewart and Sinnott participated in the deliberations by telephone.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board

HEARING COMMITTEE DETERMINATION

The Petitioner brought this case pursuant to Public Health Law Section 230(10)(p) and Education Law Section 6530(9)(a)(i) , which provide an expedited hearing in cases in which professional misconduct charges against a Respondent are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York State. The expedited hearing determines the nature and severity of the penalty which the Hearing Committee will impose based upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this case found that the Petitioner had met its burden of proof in establishing that the Petitioner was convicted on two counts of Offering A False Instrument For Filing in the Second Degree and one count of Attempted Grand Larceny in the Fourth Degree, all three charges being misdemeanors. The conviction folloed an October 8, 1991 guilty plea in Supremem Court for Queens County. The Respondent admitted to defrauding the Medicaid Program. the Court sentenced the Respondent to a Conditional Discharge and ordered that she pay restitution of Fourteen Thousand Seven Hundred (\$14,700.00) Dollars.

The Committee found that the Respondent's criminal conviction constituted misconduct and voted to suspend the Respondent's license to practice medicine for one year. The Committee stayed the suspension and ordered that the Respondent perform one hundred hours community service within the next year.

REQUESTS FOR REVIEW

The Petitioner has asked the Review Board to vacate the Hearing Committee's penalty and place the Respondent on suspension for a long period of time or place the Respondent on suspension and order that she pay a fine. The Petitioner contends that the Hearing Committee's penalty is not appropriate and that a scheme to defraud the Medicaid Program warrants a meaningful penalty.

The Respondent contends that the Hearing Committee's penalty is appropriate and states that the penalty is not insignificant. The Respondent asks the Review Board to let the penalty stand.

REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes to sustain the Hearing Committee's Determination finding Dr. Geourzoung guilty of professional misconduct. The Determination is consistent with the Hearing Committee's finding that the Respondent had been convicted on three misdemeanor counts for defrauding the Medicaid Program.

The Review Board votes to modify the Hearing Committee's penalty ordering the Respondent to perform community service, because we can be not sure that the penalty is appropriate to protect the public. The Review Board notes that the Respondent's criminal activity commenced soon after she began practicing in New York State and took place in a Medicaid Clinic at which the Respondent aided unlicensed physicians to provide patient care and bill Medicaid. We also note and are concerned that, in testifying at the hearing, the Respondent did not provide much detail when discussing her current practice or her medical practice in the time since the criminal activity. The Review Board can not be sure that the Respondent has maintained her skills as a physician in the five or more years since the criminal activity. We note that the Hearing Committee penalty would allow

Dr. Geourzoung to practice with no monitoring or oversight and would require the Respondent to perform community service, which would likely mean patient care.

In order to assure that the Respondent is capable of practicing medicine safely and effectively, without monitoring or other supervision, the Review Board votes to refer the Respondent for an evaluation of her skills as a physician at the Physician Prescribed Education Program at Syracuse² (PPEP). If the PPEP Evaluation reveals that the Respondent is competent to practice medicine safely and effectively, then the Respondent shall perform community service under the terms set by the Hearing Committee. The Respondent shall be on probation while she is undergoing the PPEP Evaluation. The Terms of Probation shall include a requirement that the Respondent arrange to undergo the PPEP Evaluation within thirty days from the effective date of this Determination.

The Review Board feels that the cost of the PPEP Evaluation, the expense due to the time away from the Respondent's current employment and the expense from time away from her employment to perform community service will be a sufficient penalty upon the Respondent in light of the facts in this case.

² The Department of Family Medicine, SUNY Health Science Center at Syracuse and the Department of Medical Education at St. Joseph's Hospital and Health Center Syracuse. 479 Irking Avenue, No. 200, Syracuse, New York 13210.

ORDER

NOW, based upon this Determination, the Review Board issues the following

ORDER:

1. The Review Board sustains the Hearing Committee on Professional Medical Conduct's January 24, 1994 Determination finding Dr. Sonja Geourzoung guilty of Professional Misconduct.
2. The Review Board modifies the Hearing Committee's penalty for the reasons which we enumerated in our Determination.
3. The Review Board refers the Respondent for an evaluation of her skills as a physician at the Physician Prescribed Education Program at Syracuse.
4. The Respondent shall be on probation until she completes the PPEP Evaluation successfully.

ROBERT M. BRIBER

MARYCLAIRE B. SHERWIN

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

WILLIAM A. STEWART, M.D.

IN THE MATTER OF SONJA GEOURZOUNG, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Geourzoung.

DATED: Albany, New York

5/31, 1994

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/ v _____
ROBERT M. BRIBER

IN THE MATTER OF SONJA GEOURZOUNG, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Geourzoung.

DATED: Brooklyn, New York

_____, 1994

REDACTED

WINSTON S. PRICE, M.D.

IN THE MATTER OF SONJA GEOURZOUNG, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Geourzoung.

DATED: Roslyn, New York

May 26, 1994

REDACTED

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF SONJA GEOURZOUNG, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Geourzoug.

DATED: Syracuse, New York

31 May, 1994

REDACTED

WILLIAM A. STEWART, M.D.