



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

Public

January 24, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Sonja M. Geourzoung, M.D.

REDACTED

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

Terrence Sheehan, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001-1810

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. **BPMC-94-06**) of the Hearing Committee 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

New York State Department of Health
Office of Professional Medical Conduct
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
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 than 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 (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Corning Tower -Room 2503
Empire State Plaza
Albany, New York 12237-0030

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 Mr. Horan 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.

Very truly yours,

REDACTED

Tyhone T. Butler, Director
Bureau of Adjudication

TTB:crc
Enclosure

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

-----X
: IN THE MATTER :
: OF : DETERMINATION
: : AND
: : ORDER
SONJA GEOURZOUNG, M.D. : NO. BPMC-94-06
: :
-----X

The Hearing Committee, composed of George Hyams, M.D., Chairperson, Diana E. Garneau, M.D., and Anthony Santiago, was duly designated and appointed by the Commissioner of Health of the State of New York pursuant to New York Public Health Law § 230, subd. 10(e). Eugene A. Gaer, Esq., Administrative Law Judge, served as Hearing Officer for the Committee.

The Committee, each of whose members has considered the entire record in this matter, hereby renders its decision with regard to the charge of professional misconduct filed against Sonja Geourzoung, M.D. (the "Respondent").

STATEMENT OF CHARGES

Petitioner Department of Health (the "Petitioner") brought this case pursuant to New York Public Health Law § 230, subd. 10(p), which provides for an expedited hearing when, as here, a licensee is charged solely with a violation of New York Education Law § 6530, subd. 9(a)(i).

In such cases, where the charge is based upon a prior New

York criminal conviction, the scope of the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the Respondent. A copy of the Notice of Referral Proceeding and Statement of Charges is attached hereto as Appendix I.

RECORD OF PROCEEDINGS

Notice of Referral Proceeding and Statement of Charges dated:	October 26, 1993
Hearing and Deliberation date:	November 24, 1993
Place of Hearing:	New York State Department of Health 5 Penn Plaza New York, New York 10001
Petitioner represented by:	Terrence Sheehan, Esq. Associate Counsel Bureau of Professional Medical Conduct 5 Penn Plaza New York, New York 10001
Respondent represented by:	Nathan L. Dembin, Esq. 225 Broadway, Suite 1905 New York, New York 10007

WITNESSES

Petitioner called no witnesses.

Respondent testified in her own behalf and called no other witnesses.

FINDINGS OF FACT

The following findings of fact were made after review of the entire record by the Committee. Citations indicate evidence found persuasive by the Committee in arriving at the finding. "Tr." citations are to the transcript of the November 24, 1993, hearing. "Ex." citations are to the exhibits introduced by Petitioner. Evidence which conflicted with any finding of the Committee was considered and rejected.

1. Respondent was authorized to practice medicine in the State of New York on July 27, 1987, by the issuance of License No. 171160 by the Department of Education. Ex. 6, p. 2. She is currently licensed to practice medicine in the State. Ex. 6, p. 4. At all times relevant to this proceeding she has practiced medicine in the City of New York. See Tr. 46, 55-56; Ex. 3, pp. 5-6, 8.

2. On October 8, 1991, Respondent was convicted by the Supreme Court of the State of New York, County of Queens, of the crimes of attempted grand larceny, fourth degree (one count) and offering a false instrument for filing, second degree (two counts), each of which constitutes a misdemeanor under the laws of the State of New York. See Penal Law §§ 110.00, 110.05, 155.30, 175.30; Ex. 4. Respondent pled guilty to the above charges and was sentenced to a conditional discharge and payment of restitution (plus surcharge) in the amount of \$14,700. Ex. 3,

pp. 4-5, 12-14; Ex. 4. The charges generally related to submission by a clinic at which Respondent practiced of false bills to the New York State Medicaid program. Tr. 47-55; Ex. 3, pp. 5-12.

**CONCLUSIONS AS TO FACTUAL ALLEGATIONS
AND
DISPOSITION OF SPECIFICATION**

The Respondent has pled guilty to misdemeanor charges resulting from false submissions to the Medicaid program. Under § 6530, subd. 9(a)(i), of the Education Law, conviction of a crime under New York law constitutes professional misconduct. In the present case the conviction stemmed directly from the submission of statements in the course of Respondent's medical practice.

At the hearing the Respondent attributed her actions to her lack of knowledge of the governing legal regulations and to her inexperience as a newly licensed practitioner working in a somewhat disorganized and poorly managed facility. Tr. 40, 42, 44. However, inexperience and lack of information cannot erase a physician's obligation to comply with the law and to be honest in her billing practices. Her failure to do so cannot be overlooked.

As the evidence clearly establishes Petitioner's charges,

the Committee unanimously SUSTAINS the SPECIFICATION in the Statement of Charges.

ORDER

The Committee, by unanimous vote, has determined that the following penalty should be, and it hereby is,

ORDERED that the license to practice medicine of Respondent SONJA GEOURZOUNG, M.D., shall be SUSPENDED for a period of ONE YEAR, but that the said suspension shall be STAYED INDEFINITELY, on the condition that Respondent perform ONE-HUNDRED-FIFTY (150) HOURS OF PUBLIC SERVICE during the next year in a manner authorized and approved by the Board for Professional Medical Conduct.

Dated: New York, New York
January , 1994

By: REDACTED
GEORGE HYAMS, M.D.
(Chairperson)
DIANA E. GARNEAU, M.D.
ANTHONY SANTIAGO

APPENDIX I

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

-----X
:
IN THE MATTER :
:
OF :
:
SONJA MARIE GEOURZOUNG, M.D. :
:
-----X

NOTICE OF
REFERRAL
PROCEEDING

TO: SONJA MARIE GEOURZOUNG, M.D.
REDACTED

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 24th day of November, 1993 at 2:00 o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

Case 60082001-01-01
McKinney
For ID
In Ed 11-24-93

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: NANCY MASSARONI, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before November 14, 1993 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before November 14, 1993 and a copy of

all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York
October 26, 1993

REDACTED

CHRIS STERN HYMAN /
COUNSEL
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Terrence Sheehan
Associate Counsel
(212) 613-2601

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

-----X
IN THE MATTER : STATEMENT
OF : OF
SONJA MARIE GEOURZOUNG, M.D. : CHARGES
-----X

SONJA MARIE GEOURZOUNG, M.D., the Respondent, was authorized to practice medicine in New York State in 1956 by the issuance of license number 17160 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994.

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(i) (McKinney Supp. 1993), in that she was convicted of committing an act constituting a crime under New York State law. Specifically, Petitioner charges:

On or about October 8, 1991, Respondent pled guilty in Queens County Supreme Court to one count of the crime of attempted

grand larceny in the fourth degree and two counts of the crime of offering a false instrument for filing in the second degree. Specifically, in 1988 and 1989, Respondent billed Medicaid \$14,000 under her provider number for medical services actually rendered by three unlicensed individuals, one of whom was her husband, Ruppert Bacchus.

Respondent was sentenced to a conditional discharge and required to make restitution of \$14,700.

DATED: New York, New York

October 26, 1993

REDACTED

CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

DLS

DEMOVSKY LAWYER SERVICE

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

-----X

IN THE MATTER OF

AFFIDAVIT OF SERVICE

SONJA MARIE GEOURZOUNG, M.D.,

-----X

STATE OF NEW YORK)
) S.S.:
COUNTY OF NEW YORK)

DOMINIC DELLAPORTE, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 27TH day of OCTOBER, 1993, at approximately 8:05 P.M., deponent served a true copy of the NOTICE OF REFERRAL PROCEEDING and STATEMENT OF CHARGES upon SONJA MARIE GEOURZOUNG, M.D. at 133 West Greenwich Avenue, Roosevelt, N.Y., by personally delivering and leaving the same with DR. GEOURZOUNG at that address. At the time of service, deponent asked DR. GEOURZOUNG whether she is in active military service for the United States of America or for any state in the United States in any capacity whatever and received a negative reply.

DR. GEOURZOUNG is a black female, approximately 42 years of age, stands approximately 5 feet 3 inches tall, weighs approximately 158 pounds with black hair and dark eyes.

REDACTED

DOMINIC DELLAPORTE #849217

Sworn to before me this
1ST day of OCTOBER, 1993

REDACTED
NOTARY PUBLIC

JUAN MONSERRATE
NOTARY PUBLIC, State of New York
No. 24-4962482
Qualified in Kings County
Commission Expires Feb. 20, 1994