



# 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 24, 1994

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Frank Romani, M.D.  
4536 22nd Avenue  
Kenosha, WI 53140

Cindy M. Fascia, Esq.  
NYS Department of Health  
Empire State Plaza  
Corning Tower - Room 2438  
Albany, New York 12237

### **RE: In the Matter of Frank Romani, M.D.**

Dear Dr. Romani and Ms. Fascia:

Enclosed please find the Determination and Order (No. 94-89) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
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 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), 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.

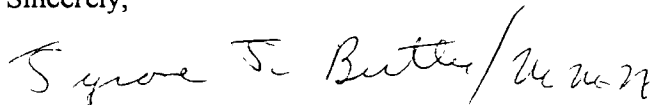
The notice of review served on the Administrative Review Board should be forwarded to:

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

Sincerely,

A handwritten signature in cursive script that reads "Tyrone T. Butler / mmn".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mmn

Enclosure

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

IN THE MATTER OF  
FRANK ROMANI, M.D.

RESPONDENT

DETERMINATION  
AND ORDER  
OF THE  
HEARING COMMITTEE  
NO. BPMC-94-89

This matter was commenced by a Notice of Hearing and Statement of Charges, both dated January 11, 1994, which were served upon FRANK ROMANI, M.D. (hereinafter referred to as "Respondent"). STANLEY D. LESLIE, M.D., Chairperson, DONALD F. BRAUTIGAM, M.D., and TRENA DeFRANCO, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. JONATHAN M. BRANDES, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on April 20, 1994 at the offices of the New York State Department of Health, Corning Tower, Albany, New York. The State Board For Professional Medical Conduct appeared by CINDY M. FASCIA, ESQ., Associate Counsel. Respondent neither appeared in person nor by counsel. Evidence was received and witnesses sworn and heard. A transcript of these proceedings was made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530 (9)(b). The charge arises from Respondent having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York state. A Copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

### SIGNIFICANT LEGAL RULINGS

The Administrative Law Judge found that the State had made service upon Respondent pursuant to statute and that therefore, jurisdiction of Respondent had been established.

### FINDINGS OF FACT

The Committee adopts the factual statement set forth on pages one and two of the Statement of Charges (Appendix I) as its findings of fact and incorporates them herein.

### CONCLUSIONS

Respondent has elected not to contest the charges herein. Therefore, the allegations are uncontroverted. Upon review of the of the documentation received in evidence, the Committee

finds that Respondent was found guilty, by the state of Wisconsin, of a pattern of fraudulent billing, substandard medical care and illicit prescribing of drugs, some of which was for his own use. The state of Wisconsin revoked Respondent's license. The Committee can see no basis for leniency. Revocation is the only appropriate penalty under the circumstances.

**ORDER**

Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The Factual allegations in the Statement of Charges are **SUSTAINED**.

Furthermore, it is hereby ordered that;

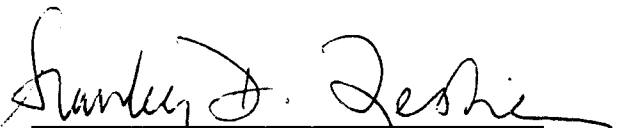
2. The Specification of Misconduct contained within the Statement of Charges (Appendix I) is **SUSTAINED**;

Furthermore, it is hereby ordered that;

3. Respondent 's license to practice medicine in the state of New York is **REVOKED**

Dated: Fayetteville, New York:

14 June, 1994

  
**STANLEY D. LESLIE, M.D. , chairperson**

**DONALD F. BRAUTIGAM, M.D.  
TRENA DeFRANCO**

TO:

**CINDY M. FASCIA, Esq.**  
Associate Counsel  
N.Y.S. Department of Health  
Corning Tower,  
Albany, New York 12237

**FRANK ROMANI, M.D.**  
4536 22nd Avenue  
Kenosha, WI 53140

APPENDIX I

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

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IN THE MATTER : STATEMENT  
OF : OF  
FRANK ROMANI, M.D. : CHARGES

-----X

FRANK ROMANI, M.D., the Respondent, was authorized to practice medicine in New York State on June 11, 1976 by the issuance of license number 127163 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. On or about November 9, 1992, the Medical Examining Board of the State of Wisconsin found that Respondent was guilty of three counts of issuing a prescription in the name of a person other than the patient identified on the prescription and otherwise than in the course of legitimate professional practice in violation of 21 CFR 1306.05(a), Wis. Stats. sec. 448.02(3) and Wis. Adm. Code sec. Med 10.02(2)(p); one count of issuing a prescription for his own personal use and otherwise than in the course of legitimate professional practice in violation of Wis. States. sec. 161.38(5), Wis. Stats. sec. 448.02(3) and Wis.



Adm. Code sec. Med 10.02(2)(p); one count of failing to meet acceptable standards of medical care in violation of Wis. Stats. sec. 448.02(3) and Wis. Adm. Code sec. Med 10.02(h); and four counts of obtaining or attempting to obtain a professional fee or compensation of any form by fraud or deceit in violation of Wis. Stats. sec. 448.02(3) and Wis. Adm. Code sec. Med 10.02(2)(m). Respondent's license to practice medicine in the State of Wisconsin was revoked. The conduct upon which the Wisconsin findings were based would, if committed in New York State, constitute professional misconduct in violation of New York Education Law §6530(2).

#### SPECIFICATION

The Respondent is charged with having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State in violation of New York Education Law §6530(9)(b), in that, Petitioner alleges:

1. The facts in Paragraph A.

DATED: Albany, New York  
*January 11, 1994*

*Peter D. Van Buren*  
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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct