



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

April 5, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
Hedley Park Place
433 River Street – Fourth Floor
Troy, New York 12180

Irving Anolik, Esq.
225 Broadway
Suite 1902
New York, New York 10007

Leon (Leonid) G. Turovsky, M.D.
Inmate # 825-65-054
Allenwood Federal Prison Camp
Allenwood, PA 17752

RE: In the Matter of Leon (Leonid) G. Turovsky, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-97) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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), "the 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 penalties other than suspension or revocation 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
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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". The signature is written in black ink and is positioned above the typed name.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

IN THE MATTER
OF
LEON (LEONID) G. TUROVSKY, M.D.

DECISION
AND
ORDER

BPMC-00-97

A Notice of Referral Proceeding and Statement of Charges, both dated October 19, 1999, were served upon the Respondent, **LEON (LEONID) G. TUROVSKY, M.D.**

WILLIAM MAJOR, M.D., Chairperson, **HOWARD SOHNEN, M.D.** and **MR. JOHN TORRANT**, 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. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on March 22, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **IRVING ANOLIK, ESQ.**, 225 Broadway, Suite 1902, New York, New York 10007.

Evidence was received and transcripts of these proceeding were 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). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(ii). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

WITNESSES

For the Petitioner:

None

For the Respondent:

Alan Brutton, Esq.
Harout Nalbandian, M.D.
Sixto Caro, M.D.
Nadva Libma
Leon Sanevich
Leon (Leonid)G. Turovsky, M.D., the Respondent

FINDING OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page number or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cite evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **LEON (LEONID) G. TUROVSKY, M.D.**, the Respondent, was authorized to practice medicine in New York state on July 2, 1984, by the issuance of license number 158755 by the New York State Education Department. (Pet's. Ex. 3)
2. On June 2, 1999, in the United States District Court for Southern District of New York, the Respondent entered a plea of guilty and was found guilty of violating Title 42, United States Code §1320a-7b(b)(1)(B), (Accepting Kickbacks for Referrals of Medicare Patients) and Title 26, United States Code §7201, (Tax Evasion) and was sentenced to six (6) months confinement, two (2) years supervised release, a \$268,950.00 fine and a \$200.00 assessment. (Pet's. Ex. 4)

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

Respondent violated New York Education §6530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DELIBERATIONS

The evidence in this case indicates that the Respondent pleaded guilty in the United State District Court, Southern District of New York, to unlawfully, willfully and knowingly accepting kickbacks for referrals of Medicare patients during the period 1992 to on or about February 18, 1998, and to unlawfully, willfully and knowingly attempting to evade federal income tax owing by him for the calendar years 1994, 1995 and 1996.

The Respondent contends that his behavior in accepting the kickbacks was an aberration and pointed to the fact that the judge in the federal court case described him as "a sort of guardian angel to the Russian Community" and took "special note of the fact that Dr. Turovsky did nothing to compromise patient care in the commission of the crimes for which he's been convicted." Notwithstanding these stated opinions, the federal judge sentenced the Respondent to six (6) months imprisonment. (Pet's. Ex. 4; Resp. Ex. App. 18-19)

By his own admission, the Respondent was motivated by greed in accepting the kickbacks and considering the fact that his criminal conduct continued over a period of approximately six years, it can hardly be termed an aberration.

Even accepting the federal judge's note that the Respondent did nothing to compromise patient care, and also considering that the charges against the Respondent do not reflect on his technical competence as a physician, the Respondent's criminal conduct was "unlawful", "willful" and "knowing" and evidences a moral unfitness to practice the profession.

The Hearing Committee determines unanimously (3-0) that the Respondent's license to practice medicine should be REVOKED.

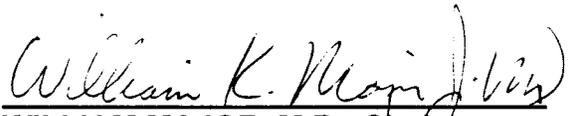
ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is hereby **REVOKED.**
2. The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: , New York

Mar. 31, 2000


WILLIAM MAJOR, M.D., Chairperson

**HOWARD SOHEN, M.D.
MR. JOHN TORRANT**

APPENDIX I



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

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IN THE MATTER : NOTICE OF
OF : REFERRAL
LEON (LEONID) G. TUROVSKY, M.D, : PROCEEDING

-----x

TO: LEON (LEONID) G. TUROVSKY, M.D.
Inmate #: 825-65-054
Allenwood Federal Prison Camp
Allenwood, PA 17752
Phone: (570) 547-1641

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 18th day of November, 1999 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

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.

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, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before November 8, 1999.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you must file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a 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 8, 1999 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 the 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: Albany, New York
October 19, 1999



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
Office of Professional Medical Conduct
433 River Street
Suite 303
Troy, NY 12180
(518)402-0820

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

**IN THE MATTER
OF
LEON (LEONID) G. TUROVSKY, M.D.**

STATEMENT
OF
CHARGES

LEON (LEONID) G. TUROVSKY, M.D., the Respondent, was authorized to practice medicine in New York state on July 2, 1984, by the issuance of license number 158755 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 2, 1999, in the United States District Court for the Southern District of New York, the Respondent entered a plea of guilty and was found guilty of violating Title 42, United States Code, §1320a-7b(b)(1)(B), (Accepting Kickbacks for Referrals of Medicare Patients) and Title 26, United States Code §7201, (Tax Evasion) and was sentenced to six (6) months confinement, two (2) years supervised release, a \$268,950.00 fine, and a \$200.00 assessment.

SPECIFICATION

Respondent violated New York Education §6530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraphs A.

DATED: *Oct. 19*, 1999
Albany, New York



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct