



# 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., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

May 29, 2001

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

Robert Bogan, Esq.  
Paul Robert Maher, Esq.  
NYS Department of Health  
Hedley Building – 4<sup>th</sup> Floor  
433 River Street  
Troy, New York 12180

Alan Arthur Siegel, M.D.  
14 John Jay Place  
Rye, New York 10580

Paul D. Jaffe, Esq.  
202 Mamaroneck Avenue  
3<sup>rd</sup> Floor  
White Plains, New York 10601

**RE: In the Matter of Alan Arthur Siegel, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-51) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**In the Matter of**

**Alan Arthur Siegel, M.D. (Respondent)**

**A proceeding to review a Determination by a  
Committee (Committee) from the Board for  
Professional Medical Conduct (BPMC)**

**Administrative Review Board (ARB)**

**Determination and Order No. 01-51**

**COPY**

**Before ARB Members Grossman, Lynch, Pellman, and Briber<sup>1</sup>  
Administrative Law Judge James F. Horan drafted the Determination**

**For the Department of Health (Petitioner): Paul Robert Maher, Esq.  
For the Respondent: Paul D. Jaffe, Esq.**

After a hearing below, a BPMC Committee found the Respondent engaged in professional misconduct, following his criminal conviction for committing Medicare fraud. The Committee voted to limit the Respondent's License to practice medicine in New York State, to place the Respondent on probation and to order the Respondent to perform community service. In this proceeding pursuant to N.Y. Pub. Health Law § 230-c (4)(a)(McKinney's Supp. 2000), both parties ask the ARB to modify that Determination. The Respondent asks the ARB to modify the community service conditions, while the Petitioner asks the ARB to overrule the Committee and revoke the Respondent's License. After considering the hearing record and the submissions from the parties, we vote 4-0 to revoke the Respondent's License for using that License to engage in Medicare fraud.

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<sup>1</sup> ARB Member Winston Price, M.D. took no part in the review on this case. The ARB reviewed the case with a four member quorum, see Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996).

### Committee Determination on the Charges

The Petitioner commenced the proceeding by filing charges with BPMC alleging that the Respondent violated N. Y. Educ. Law §§ 6530(9)(a)(ii) (McKinney Supp. 2001), by engaging in conduct that resulted in his criminal conviction under federal law. An expedited hearing (Direct Referral Proceeding) ensued pursuant to N.Y. Pub. Health Law § 230(10)(p)(McKinney Supp. 2001), before a BPMC Committee, who rendered the Determination which the ARB now reviews. In such a Direct Referral Proceeding, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996).

The hearing record indicated that a proceeding, before the United States District Court for the Southern District of New York, found the Respondent guilty for:

- conspiracy to commit health care fraud,
- health care fraud,
- false statements, and,
- false Medicare claims (five counts).

The Court sentenced the Respondent to one month imprisonment, five months home confinement, five years supervised release and \$191, 972.03 in restitution.

The Committee sustained the charge that the Respondent's criminal conduct constituted professional misconduct. The Committee found that the Respondent "entered innocently" into a criminal conspiracy and continued in the criminal enterprise after he realized that he was engaged in health care fraud. The Committee found that the Respondent ceased his participation in the enterprise after the Federal Bureau of Investigation (FBI) confronted the Respondent. The Committee's Determination indicated that the Committee considered the following factors in assessing the penalty to impose against the Respondent:

- the charges bore no reflection on the Respondent's competence as a physician,
- the conviction constituted the Respondent's first offense,
- the Respondent has already served imprisonment and home confinement, and,
- the Respondent must work to pay the restitution.

The Committee voted to limit the Respondent to practice in a hospital only, to place the Respondent on probation and to order the Respondent to perform five hundred hours community- service, in eight hour per week intervals.

### **Review History and Issues**

The Committee rendered their Determination on March 2, 2001. This proceeding commenced on March 15, 2001, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Petitioner's brief and the Respondent's brief and response brief. The record closed when the ARB received the response brief on April 17, 2001.

The Petitioner asks that the ARB revoke the Respondent's License. The Petitioner alleges error by the Committee for:

- stating that the Respondent entered innocently into the criminal conspiracy,
- failing to penalize the Respondent for extricating himself from the criminal enterprise only with reluctance and unnecessary delay, and,
- holding that the Respondent's conviction bore no reflection on his competence as a physician.

The Petitioner argues that allowing a convicted felon to continue in practice diminishes the high standard of personal excellence and honor to which all physicians should aspire.

The Respondent took exception to the Committee's Order limiting the Respondent to eight hours community service per week. The Respondent asks for a modification in the Order to allow him to spend more time per week providing community service at St. Anthony's Free Medical Clinic.

In response to the Petitioner's brief, the Respondent alleges that the Petitioner is trying to mislead the ARB by ignoring the record concerning the circumstances under which the Respondent entered into association with the criminal enterprise. The Respondent argues that the pre-sentencing report from the criminal proceeding stated that the Respondent, without plan or pre-meditation, fell into a trap and into another's scheme. The Respondent acknowledges that he remained involved in the illegal enterprise after becoming aware of its actual nature, for which the Respondent remains accountable. The Respondent states that no evidence before the Committee reflected on his skills as a physician and that the criminal sentence requires him to make restitution for all sums he received from Medicare. The Respondent contends that the public interest will receive sufficient protection from the restitution under the criminal sentence and the community service and license limitation under the Committee's Determination.

#### **Determination**

The ARB has considered the record and the parties' briefs. We affirm the Committee's Determination that the Respondent committed professional misconduct. The Respondent made no challenge to that Determination. We overturn the Committee and vote to revoke the Respondent's License.

The Respondent's conviction bore no reflection on the Respondent's skill or competence in providing medical care. The conviction does reflect on the Respondent's integrity as a physician and demonstrates that the Respondent lacks integrity. A physician must deal honestly with patients, with other physicians, with health care facilities, with third party-payers and with the government. The Respondent's criminal conduct directly involved his medical practice. The Respondent used his License to commit Medicare fraud. Such conduct, standing alone and without any threat to patient care, provides sufficient justification for revoking the Respondent's License, Matter of Teruel v. DeBuono, 244 A.D.2d 710, 664 N.Y.S.2d 381 (3<sup>rd</sup> Dept. 1997).

The Respondent may have become involved in the criminal enterprise innocently, but the Respondent acknowledges that at some point he became aware about the criminal scheme in which he was involved. At that point, the Respondent used his License knowingly to defraud. The Respondent remained involved in the enterprise thereafter, until his confrontation with the FBI. We find no mitigating factors in this record. We infer from the Respondent's conduct that he would still be involved in the criminal enterprise if the FBI never caught him. We conclude that revocation constitutes the appropriate penalty in this case.

**ORDER**

**NOW**, with this Determination as our basis, the ARB renders the following **ORDER**:

1. The ARB **AFFIRMS** the Committee's Determination that the Respondent committed professional misconduct.
2. The ARB **OVERTURNS** the Committee's Determination on penalty.
3. The ARB **REVOKES** the Respondent's License to practice medicine in New York State.

Robert M. Briber  
Thea Graves Pellman  
Stanley L. Grossman, M.D.  
Therese G. Lynch, M.D.



In the Matter of Arthur Alan Siegel, M.D.

Stanley L. Grossman, an ARB Member concurs in the Determination and Order in the

Matter of Dr. Siegel.

Dated: May 13, 2001

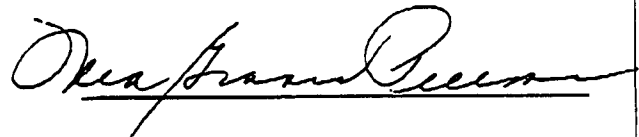
Stanley L. Grossman M.D.

Stanley L. Grossman, M.D.

In the Matter of Arthur Alan Siegel, M.D.

Thea Graves Pellman, an ARB Member concurs in the Determination and Order in the Matter of Dr. Siegel.

Dated: May 21, 2001




**Thea Graves Pellman**

In the Matter of Arthur Alan Siegel, M.D.

Robert M. Briber, an ARB Member, concurs in the Determination and Order in the Matter of Dr. Siegel.

Dated: May 17, 2001



Robert M. Briber

In the Matter of Arthur Alan Siegel, M.D.

Therese G. Lynch, M.D., an ARB Member concurs in the Determination  
and Order in the Matter of Dr. Siegel.

Dated: May 16, 2001

Therese G. Lynch M.D.

Therese G. Lynch, M.D.



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., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

March 1, 2001

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Bogan, Esq.  
Paul Robert Maher, Esq.  
NYS Department of Health  
Hedley Building – 4<sup>th</sup> Floor  
433 River Street  
Troy, New York 12180

Alan Arthur Siegel, M.D.  
14 John Jay Place  
Rye, New York 10580

Paul D. Jaffe, Esq.  
202 Mamaroneck Avenue  
3<sup>rd</sup> Floor  
White Plains, New York 10601

**RE: In the Matter of Alan Arthur Siegel, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-51) 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), 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.

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,



Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

IN THE MATTER

OF

**ALAN ARTHUR SIEGEL, M.D.**

**DETERMINATION**

**AND**

**ORDER**

BPMC # 01-51

A Commissioner's Order/Notice of Hearing and a Statement of Charges both dated January 10, 2001, were served upon the Respondent, **ALAN ARTHUR SIEGEL, M.D.**

**MICHAEL R. GOLDING, M.D.**, Chairperson, **MOHAMMAD GHAZI-MOGHADAM, M.D.** and **STEPHEN E. WEAR, Ph.D.**, 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 February 15, 2001, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **PAUL D. JAFFE, ESQ.**, 202 Mamaroneck Avenue, Third Floor, White Plains, New York 10601.

Evidence was received and transcripts of these proceedings 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 Commissioner's Order/Notice of hearing and Statement of Charges is attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner

NONE

For Respondent:

Alan Arthur Siegel, M.D., the Respondent

**FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers 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



cited evidence. All Hearing Committee findings were unanimous unless otherwise specified.

1. **ALAN ARTHUR SIEGEL, M.D.**, the Respondent, was authorized to practice medicine in New York State on August 18, 1958, by the issuance of license number 081130 by the New York State Education Department. (Pet's Ex. 4).

2. On July 12, 2000, in the United States District Court, Southern District of New York, Respondent was found guilty of Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. §371; Health Care Fraud in violation of 18 U.S.C. §1347; False Statements in violation of 18 U.S.C. § 1035; and five (5) counts of False Medicare Claims in violation of 42 U.S.C. §1320a, and was sentenced to one (1) month imprisonment; five (5) months home confinement upon release from imprisonment; three (3) years supervised release; and to pay \$191,972.03 restitution. (Pet's Ex. 5)

3. By ORDER, dated January 10, 2001, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that Alan Arthur Siegel, M.D., has been found guilty of committing an act constituting a felony under federal law in the United States District Court, Southern District of New York.

The Commissioner ORDERED, "pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, Alan Arthur Siegel, M.D., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This Order shall remain

in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12)." (Pet's Ex. 1)

**VOTE OF THE HEARING COMMITTEE**  
**(ALL VOTES WERE UNANIMOUS UNLESS OTHERWISE SPECIFIED)**

**SPECIFICATION**

Respondent violated New York Education Law §65630(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

**VOTE: SUSTAINED (3-0)**

**HEARING COMMITTEE DETERMINATION**

The record in this case indicates that on July 12, 2000, in the United States District Court, Southern District of New York, Respondent was found guilty of Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. §371; Health Care Fraud in violation of 18 U.S.C. §1347; False Statements in violation of 18 U.S.C. § 1035; and five (5) counts of False Medicare Claims in violation of 42 U.S.C. §1320a, and was sentenced to one (1) month imprisonment; five (5) months home confinement upon release from imprisonment; three (3) years supervised release; and to pay \$191,972.03 restitution.

The Respondent testified at the instant hearing. He contends that he entered innocently into the conspiracy but admits that he continued in the enterprise after realizing that he was involved in conspiracy to commit Health Care Fraud and did not cease until he was confronted by the FBI.

The Hearing Committee has considered the following factors in its determination as to the penalty to be imposed:

- The charges do not reflect on the Respondent's competence as a physician.

- This is the Respondent's first offense and the hearing Committee is convinced that there will be no repetition.
- The Respondent has already served one (1) month in prison and five (5) months of home confinement.
- The Respondent needs to work in order to pay the \$191,972.03 restitution as ordered by the Federal Court. He has sold his private practice and was performing community services on a 4 day/week basis at St. Anthony's Free Medical Clinic in the Bronx, pursuant to the Federal Court Order, until the issuance of the Commissioner's Order which prohibited him from practicing medicine in New York State.

After due consideration of the full spectrum of penalties available pursuant to statute, the Hearing Committee determines unanimously, (3-0), that the Respondent's serious misconduct warrants a permanent limitation on his license to practice medicine and a period of probation under terms and conditions as hereinafter specified in the ORDER.

### ORDER

#### **IT IS HEREBY ORDERED:**

1. The Respondent's license to practice medicine in the State of New York is hereby **PERMANENTLY LIMITED** as follows:

- The Respondent is prohibited from engaging in the independent, unsupervised, private practice of medicine.
- The Respondent's medical practice is restricted to employment in a medical facility holding a government issued operating certificate (such as a certificate pursuant to Article 28 of the Public Health Law) or operated by

a state or federal agency (such as the United States Veteran's Administration), where his practice can be supervised as part of the ongoing quality program of the institution.

2. The Respondent is placed on probation for a period to run concurrent with the period of his federal supervised release under the following terms and conditions:

- Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
- Respondent shall submit written notification of the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street, Fourth Floor, Troy, New York 12180: said notice is to include a full description of any employment and practice; professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility within thirty (30) days of each action.
- The Respondent shall perform 500 hours of community service as follows:

The Respondent shall perform one (eight-hour) day of uncompensated community service per week. The service must be medical in nature, and delivered in a facility or with an organization equipped to provide medical services and serving a needy or medically undeserved population. A written proposal for community service must be submitted to, and is subject

to the written approval of the Director of OPMC.

Community service performed prior to written approval

shall not be credited toward compliance with this Order.

- Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
- The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled upon Respondent's return to practice in New York State.

3. The Respondent shall comply with all of the terms and conditions of his supervised release as prescribed by the Federal Court. The Respondent shall cause his federal probation officer to submit semi-annual reports to the Office of Professional Medical Conduct reporting on his compliance or failure to comply with any or the terms of his federal supervised release and report any changes in the duration or terms of his federal probation.

4. Respondent shall comply with all terms, conditions, restrictions, limitations, and penalties to which he is subject pursuant to this Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any

violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

5. This **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or certified or registered mail.

DATED: 23 Feb , 2001  
                    , New York

  
MICHAEL R. GOLDING, M.D.  
Chairperson

MOHAMMAD GHAZI-MOGHADAM, M.D.  
STEPHEN E. WEAR, Ph.D.

APPENDIX I

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

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IN THE MATTER  
  
OF  
  
ALAN ARTHUR SIEGEL, M.D.

---

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
HEARING

TO: ALAN ARTHUR SIEGEL, M.D.  
14 John Jay Place  
Rye, NY 10580

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that ALAN ARTHUR SIEGEL, M.D., has been found guilty of committing an act constituting a felony under federal law in the United States District Court, Southern District of New York.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, ALAN ARTHUR SIEGEL, M.D., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230 and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 15<sup>th</sup> day of February 2001, at 10:00 am in the forenoon at Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180, and at such other adjourned dates, times, and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below named attorney for the Department of Health.

EXHIBIT

NAFK 12/15/01



At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. Such evidence or sworn testimony shall be 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 that would show that 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. A summary of the Department of Health Hearing Rules is enclosed. 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.

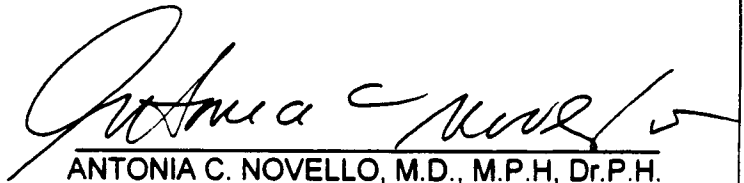
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judges' Office, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU MAY BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW SECTION 230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY IN THIS MATTER.

DATED: Albany, New York

*January 10*, 2001



ANTONIA C. NOVELLO, M.D., M.P.H., Dr.P.H.  
Commissioner

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
New York State Department of Health  
Office of Professional Medical Conduct  
433 River Street Suite 303  
Troy, New York 12180  
(518) 402-0820

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
ALAN ARTHUR SIEGEL, M.D.

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STATEMENT  
OF  
CHARGES

**ALAN ARTHUR SIEGEL, M.D.**, the Respondent, was authorized to practice medicine in New York state on August 18, 1958, by the issuance of license number 081130 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 12, 2000, in the United States District Court, Southern District of New York, Respondent was found guilty of Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. §371, Health Care Fraud in violation of 18 U. S.C. §1347, False Statements in violation of 18 U.S.C. §1035, and five (5) counts of False Medicare Claims in violation of 42 U.S.C. §1320a, and was sentenced to one (1) month imprisonment , five (5) months home confinement upon release from imprisonment, five (5) years supervised release, and to pay \$191,972.03 restitution.

**SPECIFICATION**

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

1. The facts in paragraph A.

DATED: *January 10*, 2001  
Albany, New York

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