



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Public

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

April 29, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Natalia Gurevich, M.D.
31-23 Crescent Street
Apartment 2C
Astoria, New York 11106

Natalia Gurevich, M.D.
Metro-Med
466 Main Street
New Rochelle, New York 10801

Barry Levin, Esq.
666 Old Country Road
Garden City, New York 11530

Robert Bogan, Esq.
NYS Department of Health
Office of Professional Medical Conduct
433 River Street - 4th Floor
Troy, New York 12180

RE: In the Matter of Natalia Gurevich, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 05-85) 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 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.

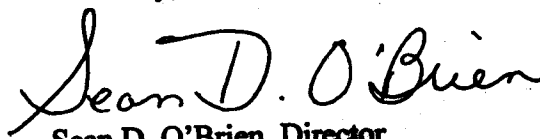
The notice of review served on the Administrative Review Board should be forwarded to:

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,



Sean D. O'Brien, Director
Bureau of Adjudication

SDO:cah
Enclosure

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

**IN THE MATTER
OF
NATALIA GUREVICH, M.D.**

DETERMINATION

AND

ORDER

BPMC #05-85

COPY

A "Commissioner's Order and Notice of Hearing" and a Statement of Charges, both dated December 20, 2004, were served upon the Respondent, **NATALIA GUREVICH, M.D.** **STEVEN V. GRABIEC, M.D.**, Chairperson, **ALEXANDER M. YVARS, M.D.**, **F.A.C.S.** and **FRANK J. KING, R.P.A.-C.**, 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. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on April 20, 2005, 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, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent appeared in person and by **BARRY LEVIN, ESQ.**

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 Sections 230(12)(b) and 230(10)(p). The first cited statute provides, in pertinent part, that when a licensee has been convicted of a felony, the commissioner may order the licensee, by written notice, to discontinue or refrain from the practice of medicine in New York in whole or in part pending a hearing.

The latter 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i), based upon her conviction of a crime under New York State law. A copy of the Commissioner's Order and Notice of Hearing, and a copy of the Statement of Charges, are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Natalia Gurevich, M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex.". These citations refer to 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. **NATALIA GUREVICH, M.D.**, the Respondent, was authorized to practice medicine in New York State on July 1, 1993, by the issuance of license number 192688 by the New York State Education Department (Ex. 4).
2. On July 30, 2004, Respondent was found guilty, upon a plea of guilty, to the crime of Attempted Enterprise Corruption (Penal Law sections 110 and 460.20), a class C felony, and was sentenced to a 3-year conditional discharge, payment of a \$200 surcharge and payment of a \$10 victim assistance fee (Ex. 5)

HEARING COMMITTEE CONCLUSIONS

The hearing Committee concludes that Respondent's having been convicted of committing an act constituting a crime under New York State law constitutes misconduct under the laws of New York State, pursuant to New York Education Law §6530(9)(a)(i), and that the appropriate penalty for this misconduct is a one-year license suspension followed by a 5 year period of probation. The crime was a felony, and the Commissioner's Order was predicated upon this conviction.

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of committing an act constituting a crime under the laws of New York state.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case establishes that Respondent was convicted of committing an act constituting a crime under New York State law. Since the crime was a felony, a Commissioner's Order summarily suspending her license was issued on December 20, 2004, and this hearing was scheduled at the same time to review the allegations of misconduct.

Pursuant to Public Health Law §230(10)(p), inasmuch as the criminal conviction has been established, the only issue that can be decided in this case is the appropriate penalty for Respondent's misconduct.

The Hearing Committee determines, first of all, that a significant penalty should be imposed because Respondent participated in a scheme at the Medical Arts Center in Jamaica, Queens, where she was employed, to defraud insurance companies by causing bills for unnecessary medical services to be submitted for victims of minor automobile accidents, actual and staged. During the criminal proceeding, Respondent admitted preparing medical reports for patients that contained false entries, and these reports provided the basis for the filing of false insurance claims (Ex. 6). This type of felonious

behavior is a clear and egregious violation of not only the criminal law but of ethical standards governing the practice of medicine.

Furthermore, the Hearing Committee can find little in the evidence and testimony adduced by Respondent to suggest that leniency should be shown to her. Although professing remorse for her conduct and vowing not to repeat it, Respondent's testimony as to the acts she committed was vague and confusing, and reveals either an unwillingness to admit, or inability to fully recognize, the wrongfulness of her acts. Her attempts to downplay her involvement in the scheme that led to her conviction was not convincing, given the seriousness of the crime for which she was convicted and the definition of the crime found in the Penal Law¹.

Furthermore, the Hearing Committee is troubled by the evidence submitted by Respondent as to her psychiatric condition during and after her employment with the clinic. In a February 28, 2005 letter to the Director of the Office for Professional Medical Conduct (OPMC), it was stated on Respondent's behalf that during her employment at the clinic, she suffered from depression and alcohol abuse, and evidence was introduced that on May 26, 2004, after her arrest, Respondent was hospitalized (until June 4, 2004) for treatment of major depression disorder with psychotic features and alcohol dependence (Ex. B).

It is unclear whether or not this evidence was offered with the intent that it be considered as an explanation for Respondent's criminal conduct, but the Hearing Committee notes that there is no evidence relating Respondent's criminal conduct to her

¹ The pertinent subdivision of the underlying criminal statute, Penal Law §460.20(1)(a) provides that a person is guilty of Enterprise Corruption when he or she "intentionally conducts or participates in the affairs of an enterprise by participating in a pattern of criminal activity", and, pursuant to §110 of the penal law, "Attempt" requires intent to commit the underlying crime, coupled with conduct tending to effect its commission. Since there is no evidence that Respondent gained an interest or control in an enterprise as a result of her criminal conduct or that she invested her proceeds in an enterprise, the other subdivisions in the cited statute do not, seemingly, apply.

psychiatric condition. Respondent's guilty plea is seemingly inconsistent with the notion that her criminal conduct should be considered to be less serious because of her mental condition or alcohol abuse. In addition, if the Hearing Committee were to conclude that Respondent's criminal behavior was related to her psychiatric condition, then the question as to whether other aspects of her practice during that period were affected by her condition would follow logically.

If this evidence was adduced to show that Respondent should be granted leniency because of the deleterious effects the arrest and subsequent criminal proceedings had upon her psychological condition, it fails to meet that objective, because it instead raises significant unanswered questions about her subsequent and current ability to practice medicine safely. Respondent, apparently anticipating these concerns, produced a letter from a psychiatrist stating that he had seen her on 4/11/05, that she was not on any psychiatric medications at that time, and that she "...did not exhibit any signs or symptoms of major psychiatric illness". This letter is notably lacking in any detail about exactly what Respondent's current psychiatric condition is, as to what, if any, treatments Respondent has had since June of 2004, as to what prompted the apparent improvement in her condition, and as to her capacity to practice safely at this time.

Since Respondent's testimony does not reflect that she has had any significant treatment for her condition, and since she testified that she has not worked since her "breakdown" (she was then working for a Dr. Jacoby), the Hearing Committee is left with nagging concerns, which are reflected in its formulation of the terms of probation imposed below.

The Hearing Committee, on the other hand, does feel that there is some evidence weighing against revocation of Respondent's license, namely evidence that Respondent

other than this incident has an apparently unblemished medical record, and evidence (recommendations from colleagues) that she is a caring and competent physician (see sub-exhibit C of Ex. B).

For the for the reasons expressed above, the Hearing Committee concludes that the appropriate penalty in this case is a one year license suspension, which will include the period during which Respondent has already been under suspension pursuant to the Commissioner's Order of December 20, 2004, followed by a 5-year period of probation. The terms of probation are detailed in the order that follows.

ORDER

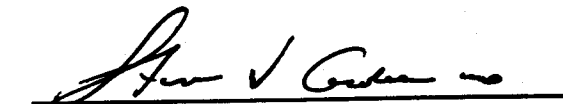
IT IS HEREBY ORDERED THAT:

1. The New York medical license of **NATALIA GUREVICH** is hereby **SUSPENDED** for one (1) year, commencing December 20, 2004.
2. At the conclusion of the suspension, Respondent's medical license will be placed on **PROBATION** for **FIVE (5)** years.
3. The terms of Respondent's probation are as follows:
 - A. Respondent shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by her profession.
 - B. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; 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 days of each action.
 - C. 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.
 - D. 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 she 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 shall be fulfilled upon Respondent's return to practice in New York State.
 - E. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.

- F. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
- G. Respondent shall undergo a complete psychiatric / medical / substance abuse evaluation at a location to be selected by the Director of the Board or his designee. The report of this evaluation shall be forwarded to and received by the Director between the time of issuance of this order and 30 days after her probation commences, The Respondent shall execute any releases necessary for the evaluator to obtain any of Respondent's past medical/psychiatric/substance abuse records.
- H. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the 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.

This ORDER shall be effective upon service on the Respondent pursuant to Public Health Law section 230(10)(h).

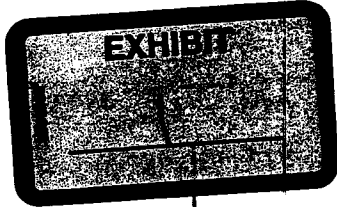
DATED: Niagara Falls, New York
4/28/, 2005


STEVEN V. GRABIEC, M.D.
Chairperson

ALEXANDER M. YVARS, M.D., F.A.C.S.
FRANK J. KING, R.P.A.-C.

APPENDIX 1

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



IN THE MATTER
OF
NATALIA GUREVICH, M.D.
CO-04-04-2063-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
HEARING

TO: NATALIA GUREVICH, M.D.
31-23 Crescent Street
Apt. 2C
Astoria, NY 11106

NATALIA GUREVICH, M.D.
Metro-Med
466 Main Street
New Rochelle, NY 10801

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 **NATALIA GUREVICH, M.D.**, Respondent, licensed to practice medicine in New York state on July 1, 1993, by license number 192688, has been found guilty, based on a plea of guilty, of committing an act constituting a felony under New York State law, in the Supreme Court of the State of New York, County of Queens, New York.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **NATALIA GUREVICH, 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 of Professional Medical Conduct, on the 19th day of January, 2005 at 10:00 am in the forenoon at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

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 her behalf, to issue or have subpoenas issued on her behalf for the production of witnesses and documents. 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 that 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. Respondent has the right cross-examine witnesses and examine evidence produced against her. 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.

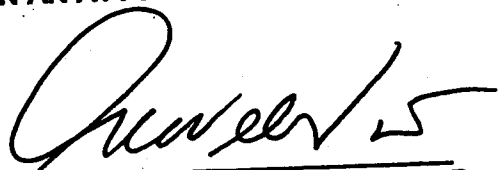
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and 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 that 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 FOR THIS
MATTER.**

DATED: Albany, New York

December 20, 2004


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

Inquires should be addressed to:

**Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street - Suite 303
Troy, New York 12180
(518) 402-0828**

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

IN THE MATTER
OF
NATALIA GUREVICH, M.D.
CO-04-04-2063-A

STATEMENT
OF
CHARGES

NATALIA GUREVICH, M.D., the Respondent, was authorized to practice medicine as a Physician in New York state on July 1, 1993, by the issuance of license number 192688 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 30, 2004, in the Supreme Court of the State of New York, Queens County, New York, Respondent was found guilty, based on a plea of guilty, of Attempted enterprise corruption, in violation of New York Penal Law §110.00 and §460.20, a class C felony, and was sentenced to a three (3) year Conditional Discharge and to pay a \$200.00 surcharge, and a \$10.00 victim's assistance fee.

SPECIFICATION

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

1. The facts in Paragraphs A.

DATED: *Dec. 20*, 2004
Albany, New York

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