

Public

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

IN THE MATTER

OF

RONALD LYNCH, M.D.
CO-11-11-6367-A

COMMISSIONER'S
SUMMARY
ORDER

TO: Ronald Lynch, M.D.
REDACTED

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Florida, Department of Health, has made a finding substantially equivalent to a finding that the practice of medicine by **RONALD LYNCH, M.D.**, Respondent, New York license number 213631, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Emergency Suspension Order, dated November 17, 2011, and allied papers, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **RONALD LYNCH, M.D.** shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Florida.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to Respondent after the final conclusion of the State of Florida, Department of Health proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, 433 RIVER STREET, SUITE 1000, TROY, NY 12180-2299, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON SUCH CONCLUSION.

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 BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: Albany, New York
Apr 27, 2012

REDACTED

Nirav R. Shah, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

Jude B. Mulvey
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

Appendix A

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Numbers: 2011-11980

ORDER OF EMERGENCY SUSPENSION OF LICENSE

H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General,
ORDERS the Emergency Suspension of the license of Ronald Lynch, M.D. (Dr.
Lynch) to practice as a physician in the State of Florida. Dr. Lynch holds license
number ME 50990. His address of record is 2500 West Lake Mary Boulevard,
Suite 109, Lake Mary, Florida 32746. The following Findings of Fact and
Conclusions of Law support the Emergency Suspension of Dr. Lynch's license to
practice as a physician in the State of Florida.

INTRODUCTION

As the result of an ongoing investigation, the Drug Enforcement
Administration (DEA) revoked Dr. Lynch's Certificate of Registration (DEA
Registration) effective January 18, 2011. The effect of this revocation was to
prohibit Dr. Lynch from prescribing controlled substances. Notwithstanding this
revocation, Dr. Lynch has continued to prescribe Schedule II through IV controlled
substances, including various opioids and benzodiazepines, in contravention of the
laws applicable to his practice of medicine in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of medicine, pursuant to Chapters 20, 456, and 458, Florida Statutes (2010-2011). Section 456.073(8), Florida Statutes (2010-2011), empowers the State Surgeon General to summarily suspend Dr. Lynch's license to practice as a physician in the State of Florida in accordance with Section 120.60(6), Florida Statutes (2010-2011).

2. At all times material to this Order, Dr. Lynch was licensed to practice as a physician in the State of Florida, pursuant to Chapter 458, Florida Statutes (2010-2011), was registered as a dispensing practitioner in the State of Florida, pursuant to Section 465.0276, Florida Statutes (2010-2011), and was board certified in Family Practice by the American Board of Family Medicine.

3. From on or about February 26, 2010, to the date of this Order, Dr. Lynch was the owner and medical director of Integrative Family Medicine of Lake Mary (Integrative), a registered pain management clinic within the State of Florida. Integrative operates under pain medicine clinic registration number PMC 569.

4. In 2002, Dr. Lynch began working for the Kenaday Medical Clinic, Inc. (Kenaday), a medical practice with several clinics throughout Florida. KS, a

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

Florida-registered pharmacist and the owner of Kenaday, also owned Ken Drugs, Inc. and the Kennedee Group, Inc. Two websites, medsviaweb.com and medsviaweb.net, were also registered to the Kennedee Group at the address of 1612 West Waters, Avenue, Tampa, Florida, which was the location of one of the Ken Drugs pharmacies.

5. KS hired Dr. Lynch to write prescriptions for the Kennedee Group and paid him \$30 per telephone consultation, as long as Dr. Lynch authorized a prescription. KS paid Dr. Lynch nothing if he did not prescribe any medication.

6. From about June 2002, through about September 2004, Dr. Lynch wrote or otherwise authorized prescriptions for controlled substances for internet customers throughout the United States based upon the customers' completion of online questionnaires and/or telephone consultations. While these customers were located throughout the United States, Dr. Lynch is only licensed to practice medicine in Florida and New York.

7. Dr. Lynch conducted about fifty consultations per week and primarily prescribed hydrocodone to customers. Dr. Lynch contacted the customers by accessing the Kennedee Group's websites and conducted the consultations. He talked to the customers about their medical conditions and needs, whether they had been taking any medications and what medications they were seeking. Dr. Lynch

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

allowed the Kennedee Group to use a rubber stamp with his signature to complete prescription authorizations.

8. Hydrocodone is an opioid and is prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2010-2011), hydrocodone is a Schedule III controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of hydrocodone may lead to severe psychological or physical dependence.

9. In September 2002, the DEA received information that Ken Drugs was refilling prescriptions for hydrocodone that medsviaweb.com originally sent to another pharmacy. Subsequently, the DEA opened an investigation against KS, Ken Drugs, and the Kennedee Group.

10. Part of the DEA's investigation consisted of seventeen undercover purchases by the DEA or other law enforcement through either the medsviaweb.com website or Ken Drugs of various medications including hydrocodone or Xanax.

11. Xanax is a brand of alprazolam (a benzodiazepine) and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes (2010-2011), alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

in treatment in the United States. Abuse of alprazolam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

12. Investigators obtained the medications by completing online questionnaires with information such as names, addresses, credit card numbers, dates of birth and alleged medical conditions. A clerk from Ken Drugs called the investigators and connected them with one of five physicians employed by the Kennebec Group, including Dr. Lynch. The physician spoke to the investigators briefly over the telephone and then issued prescriptions for controlled substances.

13. In February 2004, an investigator using the fictitious name "Michael Patrick" (MP) accessed medsviaweb.com, registered as a patient, and provided biographical information, address, allergy information, and medical information. Because he lacked an undercover credit card, MP arranged with an employee of Ken Drugs to purchase a controlled substance using a postal money order. On or about February 6, 2004, MP sent a money order for \$125 to Ken Drugs.

14. After a few days, someone from Ken Drugs called MP and said that a medical consultation would occur if MP sent a copy of his driver's license and medical records to Ken Drugs. MP did not send any medical records, but was connected with Dr. Lynch anyway. MP advised Dr. Lynch that he had back pain from an auto accident and requested extra-strength Vicodin. MP told Dr. Lynch

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

that the back pain caused him sleeping problems and that it lasted for hours some days and just minutes on others. Dr. Lynch asked MP how many pills he thought he would need each day and MP told him two or three. Dr. Lynch prescribed hydrocodone/APAP for MP. At no time did Dr. Lynch perform a physical examination on MP, nor did he take a medical history or give him a treatment plan. On or about February 12, 2004, MP went to a Ken Drugs location and picked up #60 hydrocodone/APAP 10/500 mg, which Dr. Lynch prescribed to him.

15. On or about July 20, 2004, a Department investigator made an undercover purchase of hydrocodone through the website modernlifestylemeds.com. The investigator went to the website, registered as a customer, gave an undercover name of "Donald Huntley" (DH), a date of birth, an address, a telephone number and a medical complaint.

16. On or about July 29, 2004, DH filled out a medical history form and received an email confirming his name, date of birth, phone number and medical complaint. The following day, someone from "Modern Lifestyles" called DH and instructed him to send a copy of his driver's license and his medical records. On or about August 1, 2004, DH faxed a copy of his undercover driver's license, but no medical records.

17. On or about August 2, 2004, a staff member from "Modern

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

Lifestyles" called DH and connected him to Dr. Lynch. Dr. Lynch asked DH his age and the cause of his pain. DH told Dr. Lynch that he was 60-years-old and that he had injured his back four-to-five years earlier while helping his son move furniture. Dr. Lynch asked DH what medications he was taking and whether he had liver damage. DH told him that he was currently taking Vicodin and Lortab and he did not have liver damage. Dr. Lynch asked DH for the name of the physician he was currently seeing and after three-to-five minutes, the conversation ended with Dr. Lynch prescribing Lortab with three refills to D.H.. On or about August 4, 2004, DH received a vial in the mail which contained #90 hydrocodone/APAP 10/500 mg and listed Dr. Lynch as the prescribing physician.

18. Vicodin contains hydrocodone and is prescribed to treat pain. According to Section 893.03(3), Florida Statutes (2010-2011), hydrocodone, in the dosages found in Vicodin, is a Schedule III controlled substance that has a potential for abuse less than the substances in Schedules I and II and has a currently accepted medical use in treatment in the United States. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

19. Lortab is the brand name for a drug that contains hydrocodone and is prescribed to treat pain. According to Section 893.03(3), Florida Statutes (2010-

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: MB 50990
Case Number: 2011-11980

2011), hydrocodone, in the dosages found in Lortab, is a Schedule III controlled substance that has a potential for abuse less than the substances in Schedules I and II and has a currently accepted medical use in treatment in the United States. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

20. On or about April 4, 2008, the Deputy Assistant Administrator for the DEA's Office of Diversion Control issued an Order to Show Cause to Dr. Lynch, which proposed the revocation of his DEA registration, #BL6686541, and the denial of any pending applications to renew or modify his registration.

21. On or about September 18, 2009, following a hearing, a DEA Administrative Law Judge (ALJ) issued a recommended decision, in which she stated that Dr. Lynch misused his registration in the past and that he would likely do again so in the future. Therefore, the ALJ recommended that Dr. Lynch's registration be revoked and that any pending applications be denied.

22. On or about December 3, 2010, the Deputy Administrator for the DEA issued an Order revoking Dr. Lynch's DEA registration, effective January 18, 2011, and denying any application for renewal.

23. From the effective date of January 18, 2011, onward, Dr. Lynch was no longer legally permitted to prescribe controlled substances in the State of

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

Florida. However, from January 18, 2011, through the date of this Order, Dr. Lynch has utilized the revoked DEA registration at least 83 times to prescribe controlled substances. These prescriptions consist of written prescriptions given directly to patients and telephonic or facsimile authorizations for prescriptions that Dr. Lynch provided directly to pharmacies.

24. From the effective date of January 18, 2011, to the date of this Order, patients have filled at least the following controlled substance prescriptions that Dr. Lynch wrote or authorized: twenty-eight prescriptions for Xanax; six prescriptions for clonazepam; five prescriptions for lorazepam; five prescriptions for hydrocodone; five prescriptions for diazepam; three prescriptions for androgel; four prescriptions for oxycodone; two prescriptions for temazepam; and two prescriptions for Panlor SS.

25. Clonazepam is sold under the brand-name Klonopin and is a benzodiazepine commonly prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes (2010-2011), clonazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of clonazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

26. Lorazepam is sold under the brand-name Ativan and is a benzodiazepine commonly prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes (2010-2011), lorazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of lorazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

27. Diazepam, commonly known by the brand name Valium, is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes (2010-2011), diazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of diazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

28. Oxycodone is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2010-2011), oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of oxycodone may lead to severe psychological or physical dependence.

12

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

Oxycodone is an opioid. Opiate, or opioid, drugs have similar actions as the drug opium and are typically prescribed to treat pain. Opioid drugs are synthetically manufactured, while opiate drugs are naturally occurring, but the terms opioid and opiate are often used interchangeably. Opioid drugs are addictive and subject to abuse.

29. AndroGel is a brand-name of a testosterone topical gel used to treat the symptoms of low testosterone in men who do not naturally produce enough testosterone. Testosterone is an anabolic steroid. According to Section 893.03(3), Florida Statutes (2010-2011), anabolic steroids are Schedule III controlled substances that have a low potential for abuse relative to the substances in Schedules I and II and have a currently accepted medical use in treatment in the United States. Abuse of anabolic steroids may lead to moderate or low physical dependence, high psychological dependence or physical damage.

30. Temazepam is sold under the brand-name Restoril and is prescribed to treat insomnia. According to Section 893.03(4), Florida Statutes (2010-2011), temazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of temazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

31. Panlor SS is a brand-name for a medication containing dihydrocodeine, caffeine, and acetaminophen. According to Section 893.03(3), Florida Statutes (2010-2011), dihydrocodeine is a Schedule III controlled substance that has a potential for abuse less than the substances contained in Schedules I and II and has a currently accepted medical use in treatment in the United States. Abuse of dihydrocodeine may lead to moderate or low physical dependence or high psychological dependence.

32. Illegal or dishonest activity by a physician necessarily affects that physician's ability to practice medicine, as a physician's professional judgment and ethical standards are all implicated in these activities. A physician's integrity and trustworthiness are necessary for delivery of health care services. The prevention of breaches of trust is vital to maintain the integrity of the medical profession and thereby insure the care given to patients is justifiable and proper. Dr. Lynch's illegal prescribing of controlled substances manifests a lack of the professional judgment and ethical standards that are necessary to practice medicine in the State of Florida.

33. Dr. Lynch's lack of good moral character, his keenness to use his medical license to prescribe dangerous drugs in violation of state and federal law and his indifference to the safety of patients, when taken together, plainly

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

demonstrate that Dr. Lynch is incapable of, or unwilling to, practice medicine safely and that his continued practice of medicine poses an immediate serious danger to the public health, safety or welfare.

34. Dr. Lynch's moral turpitude and intentionally-illegal activity makes obvious that a less restrictive sanction, such as an emergency restriction order, would not be sufficient to protect the public from the immediate serious danger posed by Dr. Lynch's continued practice as a medical doctor. Dr. Lynch's actions in this case are not the result of carelessness or ignorance on his part; instead Dr. Lynch's actions demonstrate his willingness to violate the laws, regulations and standards that govern the practice of medicine in the State of Florida. Because Dr. Lynch has continued to prescribe controlled substances in contravention of the order revoking his DEA registration, he faces criminal penalties including the loss of his freedom. Yet, he has continued to prescribe controlled substances to patients. Dr. Lynch's readiness to violate criminal laws and the laws that govern the practice of medicine demonstrates that nothing short of the immediate suspension of Dr. Lynch's license to practice medicine would be sufficient to protect the public from the danger of harm presented by Dr. Lynch.

35. Dr. Lynch's moral turpitude, his indifference to the safety of patients and his unwillingness to follow laws governing the practice of medicine in the

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

State of Florida and the United States, when taken together, demonstrate a likelihood that Dr. Lynch's unsafe practice of medicine is likely to recur.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2010-2011), and Chapter 458, Florida Statutes (2010-2011).
2. Section 458.331(1)(v), Florida Statutes (2010-2011), subjects a licensee to discipline, including suspension, for practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.
3. Dr. Lynch practiced beyond the scope permitted by law by continuing to prescribe Schedule II through IV controlled substances after his DEA registration was revoked.
4. Section 120.60(6), Florida Statutes (2010-2011), authorizes the State Surgeon General to summarily suspend Dr. Lynch's license to practice medicine

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

upon a finding that the physician presents an immediate serious danger to the public health, safety or welfare.

5. Based on the foregoing, Dr. Lynch's continued practice as a physician constitutes an immediate serious danger to the health, safety, or welfare of the public, and this summary procedure is fair under the circumstances to adequately protect the public.

In accordance with Section 120.60(6), Florida Statutes (2010-2011), it is **ORDERED THAT:**

1. The license of Ronald Lynch, M.D., license number ME 50990, is hereby immediately suspended.

2. A proceeding seeking formal suspension or discipline of the license of Ronald Lynch, M.D., to practice as a physician will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2010-2011).

DONE and ORDERED this 17 day of November, 2011.

REDACTED

H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P.
State Surgeon General
Department of Health

PREPARED BY:
Jenifer L. Friedberg F.B.N. 0021640
Assistant General Counsel

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

DOH, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
(850) 245-4640 – Telephone
(850) 245-4681 – Facsimile

18

IN RE: The Emergency Suspension of the License of
Ronald Lynch, M.D.
License Number: ME 50990
Case Number: 2011-11980

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the Department of Health and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.