

June 12, 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Michael G. Bass, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237

Alexander G. Bateman, Jr., Esq.  
Ruskin, Moscou, Faltischek, P.C.  
1425 RXR Plaza  
15<sup>th</sup> Floor – East Tower  
Uniondale, New York 11556

Michael Steven Turano, M.D.  
#64830-054-FCI Otisville  
P.O. Box 1000  
Otisville, New York 10963

**RE: In the Matter of Michael Steven Turano, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 13-176) 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  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

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), (McKinney Supp. 2013) and §230-c subdivisions 1 through 5, (McKinney Supp. 2013), "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., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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,

REDACTED

James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah  
Enclosure

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

COPY

-----X  
IN THE MATTER : DETERMINATION  
: :  
OF : AND  
: :  
MICHAEL STEVEN TURANO, M.D. : ORDER  
CO-11-12-6852-A :  
-----X BPMC #13-176

A Commissioner's Order, Notice of Referral Proceeding and Statement of Charges, dated November 8, 2012, were served upon the Respondent, Michael Steven Turano, M.D. **TREVOR A. LITCHMORE, M.D. (Chair), DAVID B.L. MEZA, III, M.D., and DEBORAH WHITFIELD, M.A., 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. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. The Department of Health appeared by Michael G. Bass, Esq., Assistant Counsel. The Respondent appeared by Ruskin, Moscou Faltischek, P.C., Alexander G. Bateman, Jr., Esq., of Counsel. A hearing was held on May 16, 2013. Evidence was received and witnesses sworn and heard 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 §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(a)(ii) by being convicted a committing a crime under federal law. A copy of the Statement of Charges is attached to this Determination and Order in Appendix I.

### 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.

1. Michael Steven Turano, M.D., (hereinafter "Respondent") was authorized to practice medicine in New York State on August 3, 1987 by the issuance of license number 171552 by the New York State Education Department. (Exhibit #3).

2. On or about December 20, 2011, in the United States District Court, Southern District of New York, Respondent pled guilty to Conspiracy to Commit Bribery, in violation of Title 18 of the United States Code §371, a felony. Respondent was sentenced, *inter alia*, to twenty-four (24) months of imprisonment and ordered to pay \$223,534.00 in restitution. (Exhibit #4).

#### CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The evidence established that Respondent was convicted, upon a guilty plea, of a crime under Federal law. Therefore, he is guilty of professional misconduct in violation of Education Law §6530(9)(a)(ii). As a result, the Hearing Committee voted to sustain the specification of professional misconduct.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine should be revoked.

This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent's criminal conviction occurred in conjunction with the federal conviction of former State Senator Carl Kruger.

Kruger, a close family friend of Respondent, engaged in a massive, long term scheme to solicit and obtain bribes in exchange for supposed legislative action. As an integral part of the scheme, bribes were funneled through two consulting firms owned by Respondent, who along with Kruger, directly benefitted from the arrangement. Hundreds of thousands of dollars in ill-gotten gains were generated by this criminal conspiracy.

Respondent expressed remorse for his actions, and indicated that he would be willing to abide by any conditions the Committee might wish to impose upon him in exchange for his ability to practice medicine upon his release from prison. We don't doubt the sincerity of Respondent's remorse at this point, although there was no evidence of its existence prior to his

arrest and conviction. Similarly, we take note of the fact that Respondent has paid \$223,540 in restitution. However, this just represents repayment of moneys unlawfully obtained in the first place.

Respondent's actions were morally reprehensible. He traded on his standing as a physician to aid and abet an elected official's scheme to defraud the public, and personally profited in the proceeds. This represents an irreparable breach of the trust placed by the people in those to whom is granted the privilege of a medical license. No amount of suspension, probation or monitoring could adequately address Respondent's fundamental dishonesty. Under the totality of the circumstances, revocation is the only sanction which will adequately punish Respondent for his actions, and protect the public at large.





TO: Michael G. Bass, Esq.  
Assistant Counsel  
New York State Department of Health  
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**APPENDIX I**

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

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IN THE MATTER  
OF  
MICHAEL STEVEN TURANO, M.D.  
CO-11-12-6852-A

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STATEMENT  
OF  
CHARGES

MICHAEL STEVEN TURANO, M.D., Respondent, was authorized to practice medicine in New York state on August 3, 1987, by the issuance of license number 171552 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about December 20, 2011, in United States District Court, Southern District of New York, Respondent pled guilty to Conspiracy to Commit Bribery, in violation of Title 18 of the United States Code Section 371, a felony. On or about April 26, 2012, in United States District Court, Southern District of New York, Respondent was sentenced, *inter alia*, to twenty four (24) months of imprisonment and ordered to pay \$223,534.00 in restitution.

**SPECIFICATION**

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

1. The facts in Paragraph A.

DATED: *November 9*, 2012  
Albany, New York

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