

**NEW YORK**  
state department of  
**HEALTH**

Public

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

March 6, 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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

Ronald Rahman, M.D.  
REDACTED

**RE: In the Matter of Ronald Rahman, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 13-62) 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. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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

-----X  
IN THE MATTER : DETERMINATION  
OF :  
RONALD RAHMAN, M.D. : AND  
CO-12-02-0666-A : ORDER  
-----X

BPMC #13-62  
**COPY**

A Commissioner's Order, Notice of Referral Proceeding and Statement of Charges, dated November 8, 2012, were served upon the Respondent, Ronald Rahman, M.D. **TREVOR A LITCHMORE, M.D. (Chair), JANET M. MILLER, R.N., and REID T. MULLER, M.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 failed to appear, either in person or by Counsel. A hearing was held on January 24, 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). A copy of the Statement of Charges is attached to this Determination and Order in Appendix I.

The Department was unable to personally serve Respondent with the Commissioner's Order and Notice of Referral Proceeding.

Attempts to do so revealed that Respondent had moved and left no forwarding address. The Department then served the documents by certified mail, return receipt requested to Respondent's last known address on file with the state. The administrative law judge ruled that the Department had obtained jurisdiction by substituted service and the hearing proceeded in Respondent's

absence.

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. Ronald Rahman, M.D., (hereinafter "Respondent") was authorized to practice medicine in New York State on February 11, 1985 by the issuance of license number 161420 by the New York State Education Department. (Exhibit #4).

2. On or about January 13, 2012, in the United States District Court, District of New Jersey, Respondent pleaded guilty to Distribution of Prescription Drugs, in violation of Title 21 of the United States Code Sections 841(a)(1) and 841(b)(1)(C), a felony. Respondent was sentenced, *inter alia*, to twenty-five (25) months of imprisonment. (Exhibit #5).

### 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 was found guilty of trafficking in prescription drugs. He essentially used his ability as a licensed physician to sell drugs to the public. He failed to appear or to present any evidence which might mitigate the sanction to be imposed. Under the circumstances, revocation of

Respondent's medical license is the only sanction which will adequately protect the public.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specification of professional misconduct, as set forth in the Statement of Charges (Exhibit # 1) is SUSTAINED;
2. Respondent's license to practice medicine in New York State be and hereby is REVOKED;
3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Albany, New York  
3/1/2013, 2012

REDACTED

TREVOR A. LITCHMORE, M.D. (CHAIR)

JANET M. MILLER, R.N.  
REID T. MULLER, M.D.

TO: Michael G. Bass, Esq.  
Assistant Counsel  
New York State Department of Health  
Corning Tower - Room 2512  
Albany, New York 12237

Ronald Rahman, M.D.

REDACTED



## APPENDIX I

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

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IN THE MATTER  
OF  
RONALD RAHMAN, M.D.  
CO-12-02-0666-A

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STATEMENT  
OF  
CHARGES

RONALD RAHMAN, M.D., Respondent, was authorized to practice medicine in New York state on February 11, 1985 by the issuance of license number 161420 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 13, 2012 in United States District Court, District of New Jersey, Respondent pled guilty to Distribution of Prescription Drugs, in violation of Title 21 of the United States Code Sections 841(a)(1) and 841(b)(1)(C), a felony, and was sentenced, *inter alia*, to twenty five (25) months of imprisonment.

**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: *Nov. 8*, 2012  
Albany, New York

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