

# PUBLIC

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

BPMC #: 13-114

IN THE MATTER

OF

**BRYON HAROLDO RODAS, R.P.A.**  
**CO-13-02-0624-A**

**COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
HEARING**

TO: Bryon Haroldo Rodas, RPA  
ADDRESS REDACTED

Bryon Haroldo Rodas, RPA  
St. Frances Hospital  
241 North Road  
Poughkeepsie, NY 12601

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 **BRYON HAROLDO RODAS, R.P.A.**, Respondent, licensed to practice as a physician assistant in the State of New York on March 21, 1995, by license number 005074, has been convicted of committing an act constituting a felony under New York law, in the Dutchess County Court, State of New York, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **BRYON HAROLDO RODAS, R.P.A.**, shall not practice as a physician assistant 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 AS A PHYSICIAN ASSISTANT IN VIOLATION OF THIS  
COMMISSIONER'S 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.**

PLEASE TAKE NOTICE a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. 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 June 19, 2013, at 10:30 a.m., at the Offices of the New York State Department of Health, Riverview Center, 150 Broadway Suite 510, Albany, NY 12204-2719 and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), 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. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed

admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below.

Pursuant to §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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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

DATE

4/22/13

**SIGNATURE REDACTED**

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

Inquiries should be directed to:  
Michael G. Bass, Assistant Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282

## SECURITY NOTICE TO THE LICENSEE

The proceeding will be held in a secure building with restricted access. Only individuals whose names are on a list of authorized visitors for the day will be admitted to the building

No individual's name will be placed on the list of authorized visitors unless written notice of that individual's name is provided by the licensee or the licensee's attorney to one of the Department offices listed below.

The written notice may be sent via facsimile transmission, or any form of mail, but must be received by the Department **no less than two days prior to the date** of the proceeding. The notice must be on the letterhead of the licensee or the licensee's attorney, must be signed by the licensee or the licensee's attorney, and must include the following information:

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Licensee's Name \_\_\_\_\_ Date of Proceeding \_\_\_\_\_

Name of person to be admitted \_\_\_\_\_

Status of person to be admitted \_\_\_\_\_  
(Licensee, Attorney, Member of Law Firm, Witness, etc.)

\_\_\_\_\_  
Signature (of licensee or licensee's attorney)

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This written notice must be sent to:

New York State Health Department  
Bureau of Adjudication  
Riverview Center  
150 Broadway - Suite 510  
Albany, NY 12204-2719  
Fax: 518-402-0751

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

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IN THE MATTER	STATEMENT
OF	OF
BYRON HAROLDO RODAS, R.P.A. CO-13-02-0624-A	CHARGES

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BYRON HAROLDO RODAS, R.P.A., the Respondent, was authorized to practice as a physician assistant in New York state on March 21, 1995, by the issuance of license number 005074 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 11, 2012, in the Dutchess County Court, State of New York, Respondent pled guilty to Course of Sexual Conduct against a Child in the Second Degree, in violation of New York State Penal Law Section 130.80, a felony. On or about November 1, 2012, in the Dutchess County Court, State of New York, Respondent was sentenced to one (1) year of interim probation.

B. On or about October 6, 2011, in Dutchess County, New York, Respondent was charged with Predatory Assault against a Child, Criminal Sexual Act in the First Degree (both felonies) and Endangering the Welfare of a Child (a misdemeanor), and arraigned in Dutchess County Court.

C. On or about February 5, 2012, Respondent prepared and/or submitted to the New York State, Education Department, a Registration Renewal Document, wherein he falsely answered "No" to the question "Since your last registration application, 3. Are criminal charges pending against you in any court?"

**SPECIFICATIONS**

**FIRST SPECIFICATION**

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

1. The facts in Paragraph A.

**SECOND SPECIFICATION**

Respondent violated New York Education Law Section 6530(2) by practicing the profession fraudulently, in that Petitioner charges:

2. The facts in Paragraphs B and C.

DATED: *April 22*, 2013  
Albany, New York

**SIGNATURE REDACTED**

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