

April 2, 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ann Landsman, R.P.A.  
REDACTED

Joyce B. David, Esq., P.C.  
664 Flatbush Avenue  
Brooklyn, New York 11225

Anna Lewis, Associate Counsel  
NYS Department of Health  
90 Church Street – 4<sup>th</sup> Floor  
New York, New York 10007

**RE: In the Matter of Ann Landsman, R.P.A.**

Dear Parties:

Enclosed please find the Determination and Order (No. 14-81) 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**

**IN THE MATTER  
OF  
ANN LANDSMAN, R.P.A.**

**COPY**

**DETERMINATION**

**AND**

**ORDER**

**BPMC #14-81**

A Notice of Hearing, dated September 4, 2013, and an Amended Statement of Charges, dated September 18, 2013, were served on the Respondent's attorney who accepted service on the Respondent's behalf. (Transcript p. 6) Gregory Fried, M.D., Chair, James R. Dickson, M.D., and James Ducey, members of the State Board for Professional Medical Conduct ("BPMC"), served as the hearing committee in this matter pursuant to Section 230(10) of the Public Health Law ("PHL"). Denise Lepicier, Esq., Administrative Law Judge ("ALJ"), served as the Administrative Officer.

The Department of Health appeared by Anna Lewis, Esq., Associate Counsel, Bureau of Professional Medical Conduct. Respondent Ann Landsman, R.P.A. appeared by the Law Offices of Joyce David, Joyce David, Esq., of Counsel. 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.

## PROCEDURAL HISTORY

Answer Filed by Respondent:	September 25, 2013
Pre-Hearing Conference:	September 25, 2013
Hearing Dates	October 2, 2013 December 16, 2013
Witnesses for Petitioner:	April Soltren John Sitterly
Witnesses for Respondent:	Jason Shanbaum Ann Landsman
Deliberations Held:	February 18, 2014

## BACKGROUND

The State Board for Professional Medical Conduct (“BPMC”) is a professional disciplinary agency of the State of New York, authorized pursuant to PHL § 230, et seq., to consider certain disciplinary matters brought by the Department of Health. This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct. The Department of Health has jurisdiction to conduct disciplinary hearings for physicians, physician assistants, specialists’ assistants, physicians working on a limited permit, and medical residents when there is a violation of the misconduct provisions of the N.Y. Education Law (“Educ. Law”).



The Respondent is subject to a previous BPMC disciplinary order as a result of prior misconduct. This hearing has come about as the result of alleged violations of that disciplinary order as well as some additional charges of misconduct. The factual allegations in this matter are basically of three types. First are those allegations which allege a violation of the terms of probation under Respondent's BPMC disciplinary order, specifically that "Respondent shall provide the Director, Office of Professional Medical Conduct . . . with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing within 30 days of any additions to or changes in the required information." (Ex. 1, p. 20) Second are the allegations which allege a violation of the prior BPMC order which imposed a permanent condition on the Respondent's license requiring her to "provide copies of all applications relating to the practice of medicine, to include, but not limited to, employment, privileges, insurance, and licensure, in any jurisdiction, to the Director, OPMC, concurrent with their submission." (Ex. 1, p.12) Third are the allegations that allege new false statements in employment and licensure applications. These allegations form the factual basis upon which the Department relies in charging the Respondent with misconduct.

The Respondent is charged with twenty specifications of misconduct in the Statement of Charges. Specifications one through six charge the Respondent with violating a term, or condition, or limitation imposed on the licensee pursuant to PHL § 230, in violation of Educ. Law § 6530(29). The seventh specification charges a violation of Educ. Law § 6530(14) in that Respondent violated PHL § 2805-k (required information in hospital privileges application).

Specifications eight through thirteen charge the Respondent with willfully making a false report or failing to file a report required by law or by the department of health or education department, in violation of Educ. Law § 6530(21). Specifications fourteen through nineteen charge the Respondent with practicing the profession of medicine fraudulently, in violation of Educ. Law § 6530(2). The twentieth specification charges the Respondent with conduct in the practice of medicine which evidences moral unfitness to practice medicine, in violation of Educ. Law § 6530(20).

Respondent filed an answer to the Statement of Charges denying all the factual allegations and specifications except the initial allegation that the Respondent is subject to a disciplinary order effective February 14, 2008. (Resp. Ex. H) A copy of the Statement of Charges is attached to this Determination and Order as Appendix 1. A copy of the Respondent's Answer is attached to this Determination as Appendix 2.

#### FINDINGS OF FACT

The following findings of fact were made after a review of the entire record in this matter. Numbers and letters 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 was considered and rejected in favor of the cited evidence.

1. The Respondent was licensed to practice medicine as a physician assistant in the State of New York on or about September 26, 1983, upon issuance of license number 002289 by the New York State Education Department. (Ex. 1, p. 12)

2. On January 22, 2008, Respondent signed a consent agreement and order with the State Board for Professional Medical Conduct agreeing, among other things, that she did not contest eight specifications of misconduct and agreeing to a three-year suspension, the first year to be active, and the two next years to be served as a stayed suspension with probation. Respondent admits that she is currently subject to BPMC disciplinary order # 08-20. (Ex. 1, p. 11-21; Ex. H)

3. On or about March 2, 2009, Respondent returned to practice at Brookdale University Hospital and Medical Center ("Brookdale") at the termination of her year of actual suspension. (Ex. 5, p. 1) Respondent did not notify the Director of the Office of Professional Medical Conduct ("OPMC"), as was required by her disciplinary order (Order # 08-20, probation term # 3), within thirty days of her return to employment that she returned to practice at Brookdale. (T. 35, 55-56, 71-73, 271; Ex. 1, p. 20; Ex. 5; Ex. 12, p.3) Respondent failed to reveal this employment knowingly and with the intent to deceive.

4. Respondent was suspended from employment at Brookdale on March 14, 2010. She was subsequently terminated by Brookdale after a review of information regarding Respondent's termination from the Medicaid program. (Ex. 5, p. 1) Respondent asserted in her resume that she was terminated from Brookdale on March 12, 2010. (Ex. J, p. 7) This resume was submitted as part of information that the OPMC requested of Respondent and which was accompanied by an affidavit, signed by her on May 21, 2010, asserting that the information she provided was true. (Ex. J, p. 10) Respondent subsequently reported in an e-mail dated August 10, 2010, that she worked at Brookdale until March 25, 2010.<sup>1</sup> (Ex. 12) In either case, Respondent failed to notify OPMC, within thirty days of this change in her employment and practice. (Ex. J, p. 10; T.

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<sup>1</sup> At hearing, Respondent testified that she was terminated on April 25, 2010. (T. 231) Of course, at this point she was aware of the charge relating to her Brookdale termination.

56, 272) Respondent failed to notify OPMC of her termination from Brookdale knowingly and with the intent to deceive.

5. Respondent failed to report that she was employed by Michael Ackerman, M.D., on either the data sheet she was asked to submit and that she signed in February of 2009, or in the resume she submitted with this data sheet. (Ex. 2) Subsequently, she was asked to provide dates of employment with Dr. Ackerman, and the doctor reported that she had worked for him from August of 2007 until February of 2008 as a physician assistant. Dr. Ackerman also reported that in February of 2008, he employed Respondent as a medical assistant with more limited responsibilities until March 6, 2009, when Respondent's actual suspension ended and she again began working for him as a physician assistant. (Ex. 11; T. 48, 52-56) Respondent testified that she never stopped working for Dr. Ackerman and reported working for him from August of 2007 to May 28, 2010, in her resume submitted on or about that date. (T. 287-289) She also did not report her return to work as a physician assistant for him until August 10, 2010, when directly asked by an OPMC employee. (Ex. 12) Respondent failed to report this change in her employment knowingly and with the intent to deceive.

6. On September 14, 2010, Respondent, at a minimum, provided information for an application for employment with Practice Management Solutions, Inc. She indicated she would be available to start work on October 4, 2010 and she provided information about her employment history. (Ex. 6) Respondent admitted at hearing that she worked as a part-time contract worker for Practice Management Solutions, Inc. (T. 238-239) She did not, however, notify the OPMC that she was working for Practice Management Solutions, Inc. (T. 36-41) Respondent failed to reveal this employment knowingly and with the intent to deceive.

7. Respondent testified that Practice Management Solutions, Inc., was a subsidiary of Genesis Medical Health, P.C. (T. 238-239) Respondent began working for Genesis Medical Health, P.C., in October 2010 as a per diem worker and last worked for Genesis Medical Health, P.C., in September 2011. (Ex. 9) Respondent did not notify the OPMC that she was working for Genesis Medical Health, P.C., in a timely fashion. (T. 45-46) Respondent failed to reveal this employment knowingly and with the intent to deceive.

8. On February 4, 2011, the OPMC received confirmation from Sickday Medical House Calls that Respondent had worked for this agency on a per diem basis since August of 2009. (Ex. 10) Respondent only notified the OPMC of her employment with Sickday Medical House Calls when the OPMC requested that the Respondent sign an annual compliance declaration which Respondent signed on May 21, 2010, and which was received by the OPMC on June 1, 2010. (T. 46-48; 56-57, 234-236; Ex. J, p. 1 & 10) Respondent failed to notify the OPMC of her employment with Sickday Medical House Calls in a timely manner. Respondent failed to reveal this employment knowingly and with the intent to deceive.

9. In or about July of 2010, Respondent applied for licensure in the State of Maine. (Ex. 4, p.8) (Ex. 4, p.8) (Ex. 4, p.8) As part of her application, Respondent provided the name of Medical Associates of Wall Street as a previous employer. (Ex. 4, p. 38) Medical Associates of Wall Street indicated through the Medical Director that Respondent had begun work for this practice in May of 2009 and was still practicing there in August of 2010. (Ex. 4, p. 38) Respondent never notified the OPMC of her employment at Medical Associates of Wall Street. (T. 139-141) Respondent failed to reveal this employment knowingly and with the intent to deceive.

10. Practice Management Solutions, Inc., provided the OPMC with a document from its files entitled an Application for Employment. This application gave the applicant's name as Ann Landsman. (Ex. 6) The Respondent argues that she did not fill in this form and that, therefore, she was not required to submit this application to the OPMC. (T. 238) However, a comparison of the information provided in the application with Respondent's education and employment history reveals that the information provided in the form must have been provided by the Respondent. (Ex. 6) Respondent essentially admitted that she never provided this application to the OPMC. (T. 238) Respondent failed to provide her application for employment with Practice Management Solutions, Inc., knowingly and with the intent to deceive.

11. Sickday Medical House Calls provided a letter to an OPMC employee in February of 2011 stating that Respondent had worked for them since August of 2009. (Ex. 10) Respondent admitted this employment in an e-mail of August 10, 2010. (Ex. 12) Respondent never provided a copy of her employment application to the OPMC for Sickday Medical House Calls. (T. 46-48, 55-57) Respondent failed to provide a copy of this application knowingly and with the intent to deceive.

12. Medical Associates of Wall Street provided a letter to the Maine Board of Licensure in Medicine stating that Respondent worked for Medical Associates of Wall Street beginning in May of 2009 to the present. (Ex. 4, p. 38) A letter dated August 6, 2010, from the Medical Director of Medical Associates of Wall Street was provided to the Maine Board as a reference. (Dept. Ex. 4, p. 37) Respondent never provided a copy of her employment application to the OPMC for Medical Associates of Wall Street. (T. 139-141) Respondent failed to provide a copy of this application knowingly and with the intent to deceive.

13. On or about July 13, 2010, Respondent applied for licensure as a physician assistant in Maine to the Maine Board of Licensure in Medicine. (Ex. 4, p. 8) Respondent failed to provide a copy of her application to the Maine Board of Licensure in Medicine to the OPMC. (Ex. 1, p.12; Ex. 4; T. 30-33, 63) Respondent failed to provide a copy of this application knowingly and with the intent to deceive.

14. Brookdale University Hospital and Medical Center provided a copy of an employment application from Respondent signed by her on March 3, 2009. (Ex. 5, p. 7) Respondent wrote "NO" in answer to the question: "Have you ever been suspended, sanctioned or otherwise restricted in any private, federal or state health insurance program (e.g., Medicare, Medicaid)? (Ex. 5, p. 6) Respondent was notified of her termination from Medicaid by letter dated March 24, 2008. (Ex. F) That the letter was addressed to her employer's address, and not her home address, is Respondent's responsibility, as she did not provide her home address on her Medicaid provider enrollment application, and it was her responsibility to keep her address with Medicaid current. (Ex. 17; T. 292-294) Respondent knowingly falsified her answer on the Brookdale application with the intent to deceive.

15. On or about February 26, 2009, Respondent submitted her *curriculum vitae* to the Physician Monitoring Unit of the OPMC. (T. 25-30) In her *curriculum vitae*, Respondent listed her certifications and included her NCCPA (National Commission on Certification of Physician Assistants) certification number. (Ex. 2, pp.7 &10) Respondent knew her certification had been revoked by the NCCPA effective March 13, 2008. (Ex. 3, p.3) Respondent did not regain her certification until October 29, 2009. Respondent included this certification on her *curriculum vitae* knowingly and with the intent to deceive.

16. On or about July 13, 2010, Respondent applied for licensure as a physician assistant in Maine to the Maine Board of Licensure in Medicine. (Ex. 4, p. 8) Respondent answered “no” to a question in the application which asked: “Have you EVER received a sanction from Medicare or from any state Medicaid program?” (Ex. 4, p. 9, question 6; T. 31-34) Respondent was notified on or around March 24, 2008, that she had been terminated from the New York State Medicaid Program. (Ex. F, p.2) Respondent testified that she did not learn of this termination until April of 2009, but this was still prior to her Maine application. (T. 241-242) Respondent knowingly answered falsely on her Maine application. (T. 291-293)

17. On June 18, 2010, Respondent submitted an application for registration with the Drug Enforcement Administration to permit her to prescribe Schedule II and Schedule III narcotics. (Ex. 7; T. 41-44) Respondent answered “No” to the question: “Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation, or is any such action pending?” Respondent certified the truth of the statements made in the application by signing her E-Signature. (Ex. 7, p. 2) Respondent knew she had been disciplined by the Board for Professional Medical Conduct, and had been sanctioned with a three-year suspension, the first year active, and the second two years on probation. (Ex. 1, pp. 11-21) Respondent knowingly answered the question falsely and with the intent to deceive.



## DISCUSSION

While it is the hearing committee's belief that the Department has produced sufficient independent evidence to prove all the allegations in the Statement of Charges, the hearing committee's decision is also bolstered by its belief that it could not credit any of the Respondent's testimony and explanations regarding the charges herein. Indeed, the committee believes that the Respondent has engaged in a pattern of lying and deceit that stretches back to long before the particular issues raised in the current charges.<sup>2</sup>

Information she provided in her Maine application for licensure is telling. Respondent explains that in June 2007 she was convicted of an E felony for a scheme to defraud because she worked simultaneous shifts over a four-year period at two hospitals. (Ex. 4, p. 10) Respondent admits she was arrested for this conduct in November of 2003. (Ex. 4, p. 12) Respondent claims in her long explanation that she never intended to defraud the hospitals. However, Respondent also admits that she was terminated in 2002 from a different hospital because she worked overlapping shifts with yet another institution. (Ex. 4, p. 11-12) Clearly, she must have known that the behavior resulting in her conviction was wrong. She had already been terminated once for such behavior. Yet, she continues to maintain that she did nothing with an intent to defraud.

Her other excuses are simply preposterous. For example, Respondent testified that when she went to Maine for a job interview at a hospital, the Medical Director of the hospital had her fill out the Maine license application on the same day, apparently including her three-page single-spaced narrative addendum. (Ex. 4, p. 12) As she left the hospital, she asked the Medical Director to forward the application to New York State! (T. 254-255) Even if what she

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<sup>2</sup> Respondent raised family medical issues in mitigation of her conduct while on probation, but Respondent testified that her daughter became sick in 2006 and subsequently her husband became sick. These events arose subsequent to most of the conduct, which she did not contest, underlying the Board order in issue here.

testified is true, it was still her obligation to see that OPMC received this application, and she never contacted OPMC to make sure that it was received.

Another example is her claim that the Practice Management Solutions employment application was not filled in by her. (Ex. 6) Some of the writing may in fact be another's handwriting, although her name, printed at the beginning of the application, does appear to be in the same handwriting as her printed name contained in her Maine application. (Cf. Ex. 6, p. 2, and Ex. 4, p. 8) Terra v. Department of Health, State of New York, et. al., 199 A.D.2d 577, 604 N.Y.S.2d 644 (3<sup>rd</sup> Dept. 1993). The real question, however, is who provided the information contained in the application? It was information Respondent must have provided. Moreover, her disciplinary order does not distinguish applications she filled in from those someone else filled in for her. (Ex. 1, p.12) It was her obligation to provide all applications.

Respondent bases much of her arguments on her alleged lack of intent. The hearing committee rejects these assertions completely. There was nothing inadvertent or mistaken about Respondent's actions. She clearly did not want OPMC to know where she was working. She also did not want OPMC reviewing her applications.

Just as Respondent received a felony conviction because she persisted in the same behavior for which she had been previously terminated from employment, Respondent persisted in this matter in lying on applications. The Statement of Charges underlying her disciplinary order enumerates six separate applications on which it was alleged that Respondent had falsified her answer to at least one question. (Ex. 1, p. 17-18) Respondent chose not to contest these allegations, but even in the absence of a hearing on these charges, Respondent had to know that the Board takes falsification of information very seriously.

The hearing committee believes that Respondent's fabrications were calculating and that nothing Respondent states can be relied upon as the truth. Indeed, one of Respondent's arguments is revealing. Respondent argued at hearing that she did inform the OPMC of her return to work at Brookdale because she apparently sent in her application for appointment to the medical staff. (Ex. I; T. 230) Respondent testified that this is Brookdale's application which involves credentialing. (T. 226-228) She further testified that once she was credentialed, she was required to fill in another application for Human Resources. (T. 228-229) In her credentialing application Respondent apparently did not need to answer any questions about her status with the Medicaid program, but in her Human Resources application she did need to answer whether her participation in the program had been restricted -- and she lied. (Ex. 5, p. 6) It was this application that she did not send in to OPMC.

Respondent also called her prior attorney to provide some information in justification of her actions. The hearing committee found him unpersuasive, particularly when he tried to distinguish contract employment from employment as an employee. (T. 188-189) Respondent was required to keep OPMC informed of all her employment. Her disciplinary order does not draw fine distinctions. On the other hand, the hearing committee found the Department's two witnesses to be credible and careful in their testimony.

Having proven the factual allegations, the question remaining is whether the facts proven rise to the level of misconduct as a matter of law.

#### THE SPECIFICATIONS OF MISCONDUCT

All the following determinations with respect to the specifications were unanimous.

The first six specifications of misconduct charge Respondent with violating a term of probation and/or a condition or limitation imposed on her license. Educ. Law § 6530(29). The

allegations in Paragraph B charge the Respondent with violating the probation term which required, in relevant part, that “Respondent shall provide the Director, Office of Professional Medical Conduct . . . with the following information, in writing, and ensure that this information is kept current: a full description of Respondent’s employment and practice; all professional and residential addresses and telephone numbers within and outside New York State . . . .

Respondent shall notify OPMC, in writing within 30 days of any additions to or changes in the required information.” (Ex. 1, p. 20) As Respondent failed to inform the OPMC of the information in the time required, or in some cases at all, the first specification of misconduct is sustained.

The allegations in paragraph C allege a violation of the Respondent’s prior BPMS discipline which imposed a permanent condition on the Respondent’s license requiring her to “provide copies of all applications relating to the practice of medicine, to include, but not limited to, employment, privileges, insurance, and licensure, in any jurisdiction, to the Director, OPMC, concurrent with their submission.” (Ex. 1, p.12) As Respondent failed to provide copies of all of her applications concurrent with their submission, the second specification of misconduct is sustained.

The allegations in paragraphs D, E, F and G, all have to do with providing false information on applications for various privileges or licenses. The first term of Respondent’s probation terms states that “Respondent’s conduct shall conform to moral and professional standards of conduct and governing law.” As discussed below, these four specifications are, at a minimum, fraud or a willful making or filing of a false report under the definitions of misconduct. Respondent’s falsifications do not conform to the moral and professional standards of conduct and law. The third, fourth, fifth and sixth specifications of misconduct are sustained.

The seventh specification of misconduct charges a violation of PHL § 2805-k (Investigations prior to granting or renewing privileges). But this section of the Public Health law applies, on its face, only to physicians, dentists and podiatrists. Physician assistants are nowhere mentioned in the statute. The seventh specification cannot be sustained.

The eighth through thirteenth specifications, in relevant part, charge that the Respondent either failed to file a report required by the department of health, or willfully made or filed a false report. Respondent was required, under BPMC order number 08-20, to report all employment or changes in employment to OPMC in writing within thirty days of such change. (Ex. 1, p. 20) The Department proved that the Respondent failed to provide this information in a timely fashion with respect to every factual allegation cited in Factual Allegation B. (Ex. 1, p. 5-6) The eighth specification is sustained.

Respondent was required under BPMC order number 08-20, to provide copies of "all applications relating to the practice of medicine to include, but not limited to, employment, privileges, insurance, and licensure, in any jurisdiction, to the Director, OPMC, concurrent with their submission." (Ex. 1, p. 12) The Department proved that the Respondent failed to provide this information in a timely fashion with respect to every factual allegation cited in Factual Allegation C. (Ex. 1, p. 6) The ninth specification is sustained.

With respect to the tenth through thirteenth specifications, the Department has charged the wilful making or filing of false reports. In each case, the hearing committee has found that Respondent made or filed a document containing a falsehood knowing it was false and willfully doing so. The tenth through thirteenth specifications are sustained.

With respect to the fourteenth through nineteenth specifications, the Department has charged the fraudulent practice of medicine. The intentional misrepresentation or concealment of a known fact, made in some connection with the practice of medicine, constitutes the fraudulent practice of medicine. Matter of Choudhry v. Sobol, 170 A.D.2d 893, 894, 566 N.Y.S.2d 723, 725 (3d Dept. 1991), citing Matter of Brestin v. Commissioner of Education, 116 A.D.2d 357, 359, 501 N.Y.S.2d 923, 925 (3d Dept. 1986). In order to sustain a charge that a licensee was engaged in the fraudulent practice of medicine, the hearing committee must find that (1) a false representation was made by the licensee, whether by words, conduct or concealment of that which should have been disclosed, (2) the licensee knew the representation was false, and (3) the licensee intended to mislead through the false representation. Sherman v. Board of Regents, 24 A.D.2d 315, 266 N.Y.S.2d 39 (3d Dept. 1966), *aff'd* 19 N.Y.2d 679, 278 N.Y.S.2d 870 (1967). The licensee's knowledge and intent may properly be inferred from facts found by the hearing committee, but the committee must specifically state the inferences it is drawing regarding knowledge and intent. Choudhry, at 894, citing Brestin. See also, Adler v. Bureau of Professional Medical Conduct, 211 A.D.2d 990, 622 N.Y.S.2d 609 (3d Dept. 1995); Berger v. Board of Regents, 178 A.D.2d 748; 577 N.Y.S.2d 500 (3d Dept. 1991).

The Department proved with respect to each of the factual allegations charged in the fourteenth through nineteenth specifications that Respondent made a false representation, either overtly or by omission, and that the Respondent knew the representation was false. With respect to the allegations of paragraph F of the Statement of Charges, however, the Department failed to plead the third required element for fraud, i.e., that the Respondent intended to mislead through the false representation. For this reason, the eighteenth specification of misconduct cannot be sustained. With respect to the fourteenth through seventeenth specifications and the nineteenth

specification, the Department charged and proved that the Respondent intended to mislead. Indeed, it is the Respondent's long history of dishonesty and difficulty with her practice that leads the committee to its conclusion regarding intent. After the terminations, criminal conviction, and prior disciplinary charges Respondent has faced, she can no longer claim a failure to understand or an innocent mistake. She should have been scrupulous about any possibility to mislead. Instead, she continued her long established pattern of deceit. The fourteenth, fifteenth, sixteenth, seventeenth and nineteenth specifications in the Statement of Charges are sustained.

Finally, with respect to the twentieth specification, the Department charged Respondent with conduct in the practice of medicine which evidences moral unfitness to practice medicine. The hearing committee is persuaded that Respondent's pervasive deceit over both time and situation justifies a finding of moral unfitness. The Respondent simply cannot be trusted and the practice of medicine requires such trust between practitioners, and between patients and practitioners. Respondent has argued that there were never any findings against her of harm to a patient, but wasn't that the real risk of the conduct underlying her felony conviction? Working at two facilities at the same time meant that Respondent was not at one of the facilities when she was expected to be. A patient could easily have been harmed. Respondent's thoroughgoing lack of honesty in such a variety of situations over such an extensive period of time which continued even after being disciplined, compels this committee to conclude that Respondent's conduct evidences moral unfitness to practice medicine. The twentieth specification, which references all the factual allegations in the Statement of Charges is sustained.

In conclusion, the hearing committee has not sustained the seventh and eighteenth specifications of misconduct, and has sustained the first, second, third, fourth, fifth, sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, and twentieth specifications of misconduct.

#### DETERMINATION AS TO SANCTION

The Hearing Committee has considered the full range of sanctions available pursuant to PHL § 230-a, including: (1) censure and reprimand; (2) suspension of the license, wholly or partially; (3) limitation on practice; (4) revocation of the license; (5) annulment of the license or registration; (6) limitation on registration or further licensure; (7) monetary penalties; (8) a course of education or training; (9) performance of public service; and, (10) probation. The Committee has concluded that the only appropriate sanction is revocation of the Respondent's license.

The Committee considers this an appropriate sanction in light of the fact that Respondent has already been given the opportunity to rehabilitate herself while on probation and has dismally failed to do so. Having failed to cooperate with the disciplinary order she agreed to, it would be futile to engage in this exercise again.



ORDER

Based on the foregoing, IT IS HEREBY ORDERED THAT:

1. The FIRST through SIXTH SPECIFICATIONS, the EIGHTH through SEVENTEETH SPECIFICATIONS, and the NINETEENTH through TWENTIETH SPECIFICATIONS contained in the Statement of Charges are SUSTAINED; and
2. Respondent's license to practice medicine in the State of New York is REVOKED, and
3. This Order shall be effective on personal service on the Respondent, or seven (7) days after the date of mailing of a copy to Respondent's last known address by certified mail.

DATED: New York  
March 31, 2013

REDACTED

~~GREGORY FRIED, M.D., Chair~~

JAMES R. DICKSON, M.D.  
JAMES DUCEY

TO:

Ann Landsman, R.P.A.  
REDACTED

Joyce B. David, Esq., P.C.  
664 Flatbush Avenue  
Brooklyn, New York 11225

Anna Lewis, Associate Counsel  
New York State Department of Health  
Division of Legal Affairs  
Bureau of Professional Medical Conduct  
90 Church Street, 4<sup>th</sup> floor  
New York, N.Y. 10007

## APPENDIX I

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

IN THE MATTER  
OF  
ANN LANDSMAN, R.P.A.

NOTICE  
OF  
HEARING

TO: c/o Joyce B. David, Esq.  
664 Flatbush Avenue  
Brooklyn, NY 11225

ANN LANDSMAN, R.P.A.  
REDACTED



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 October 2, 2013, at 10:00 a.m., at the Offices of the New York State Department of Health, 90 Church Street, 4<sup>th</sup> Floor, New York, NY 10007, 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.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here \_\_\_\_\_

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, 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 9/4/13

NY, NY

REDACTED

Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be directed to:  
Anna R. Lewis  
Associate Counsel  
Bureau of Professional Medical Conduct

IN THE MATTER

OF

ANN LANDSMAN, R.P.A.

AMENDED  
STATEMENT  
OF  
CHARGES

ANN LANDSMAN, R.P.A., the Respondent, was authorized to practice as a Registered Physician's Assistant in New York State on or about September 26, 1983, by the issuance of registration number 002289 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent is currently subject to disciplinary BPMC Order # 08-20, which was issued by the State Board for Professional Medical Conduct, effective February 14, 2008. (This Consent Order is attached as Appendix "A".)

B. Probation term #3, imposed pursuant to disciplinary Consent Order BPMC # 08-20 required that "Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street, Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC in writing, within 30 days of any additions to or changes in the required information." Respondent violated this term of probation when she knowingly failed to notify OPMC of the following: her return to practice at Brookdale University Hospital & Medical Center ("BUHMC"); her termination from BUHMC; her return to practice with

Michael Akerman; M.D.; her return to practice with Practice Management Solutions; her employment with Sickday; her employment with Genesis Medical Group and her employment with Medical Associates of Wall Street.

1. Respondent did so with intent to deceive.

C. Disciplinary BPMC Order # 08-20 required the following permanent condition on Respondent's license to practice as a physician assistant: "Respondent shall provide copies of all applications relating to the practice of medicine to include, but not limited to, employment, privileges, insurance, and licensure, in any jurisdiction, to the Director, OPMC, concurrent with their submission." Respondent violated this requirement when she knowingly failed to provide the Physician Monitoring Program with copies of employment and licensure applications for: Practice Management Solutions, Sickday, Medical Associates of Wall Street and the State of Maine Board Licensure application.

1. Respondent did so with intent to deceive.

D. In her application dated March 3, 2009, submitted to the Brookdale University Hospital and Medical Center ("BUHMC"), One Brookdale Plaza, Brooklyn, NY, for Appointment to the Medical Allied Health Professional Staff, Respondent answered "No" to question #4, "Have you ever been suspended, sanctioned or otherwise restricted in any in any private, federal or state health insurance program (e.g., Medicare, Medicaid)?" when in fact she knew she had been terminated from Medicaid on February 14, 2008.

1. Respondent did so knowingly.
2. Respondent did so with intent to deceive.

E. On or about February 26, 2009, Respondent knowingly submitted her Curriculum Vitae ("CV") to the New York State Department of Health, Physician Monitoring Program, which stated she was certified by NCCPA when in fact she knew her certification had been revoked on March 12, 2008.

1. Respondent did so with intent to deceive.

F. On or about June 25, 2010, Respondent knowingly submitted an application to be a physician assistant to the Maine Board of Licensure, in which she answered "No" to question #6 "Have you EVER received a sanction from Medicare or from any state Medicaid program?" when in fact she knew her Medicaid eligibility was terminated February 14, 2008.

G. On or about June 18, 2010, Respondent knowingly submitted to the United States Drug Enforcement Agency (DEA) an "Application for Registration Under Controlled Substances Act of 1970", in which she answered "N[o]" to section 4, question #3."Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?" when in fact she knew that her license as a physician assistant had been suspended for three years, the first year active, and the remaining two years were to be served as probation, pursuant to disciplinary BPMC Order # 08-20, effective February 14, 2008.

1. Respondent did so with intent to deceive.

### SPECIFICATION OF CHARGES

#### FIRST THROUGH SIXTH SPECIFICATIONS

#### VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(29) by violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law, as alleged in the facts of the following:

1. Paragraphs A. and B.



2. Paragraphs A. and C.
3. Paragraphs A. and D. and D.1.
4. Paragraphs A. and E.
5. Paragraphs A. and F.
6. Paragraphs A and G.

**SEVENTH SPECIFICATION**

**VIOLATION OF §TWENTY-EIGHT HUNDRED FIVE-K  
OF THE PUBLIC HEALTH LAW**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(14) by violating section twenty-eight hundred five-k of the Public Health Law, as alleged in the facts of:

7. Paragraph D.

**EIGHTH THROUGH THIRTEENTH SPECIFICATIONS**

**FALSE OR FAILED REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

8. Paragraph B.

9. Paragraph C.
10. Paragraph D. and D.1.
11. Paragraph E.
12. Paragraph F
13. Paragraph G.

**FOURTEENTH THROUGH NINETEENTH SPECIFICATIONS**

**FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

14. Paragraph B. and B.1.
15. Paragraph C. and C.1.
16. Paragraph D. and D.1 and D.2.
17. Paragraph E. and E.1
18. Paragraph F. and F1.
19. Paragraph G and G.1.

**TWENTIETH SPECIFICATION**

**MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of the profession of

medicine that evidences moral unfitness to practice as alleged in the facts of the following:

20. Paragraphs A through G and their subparagraphs.

DATE: September 18, 2013  
New York, New York

REDACTED

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional Medical Conduct

IN THE MATTER

OF

ANN LANDSMAN, R.P.A.

CONSENT

ORDER

BPMC #08-20

Upon the application of (Respondent); ANN LANDSMAN, R.P.A., in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 2-6-2008

REDACTED

KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

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IN THE MATTER  
OF  
ANN LANDSMAN, R.P.A.  
CO-07-06-3371-A

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CONSENT  
AGREEMENT  
AND ORDER

ANN LANDSMAN, R.P.A., representing that all of the following statements are true, deposes and says:

That on or about September 26, 1983, I was licensed to practice as a physician assistant in the State of New York, and issued License No. 002289 by the New York State Education Department.

My current address is REDACTED and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with eight (8) Specifications of professional misconduct.

A copy of the Amended Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

I do not contest the eight (8) Specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Three (3) year suspension of my New York State license to practice medicine, the first year active, the remaining two (2) years to be served as probation in accordance with Exhibit B, attached, hereto.

I further agree that the Consent Order shall impose the following conditions:

Respondent shall provide copies of all applications relating to the practice of medicine, to include, but not limited to, employment, privileges, insurance, and licensure, in any jurisdiction, to the Director, OPMC, concurrent with their submission.

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 1/22/08

REDACTED

ANN LANDSMAN, R.P.A.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 1/22/08

REDACTED

JAMES FABIAN  
Attorney for Respondent

DATE: 01 February 2008

REDACTED

ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 2/5/08

REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct



STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

ANN LANDSMAN, R.P.A.  
CO-07-06-3371-A

AMENDED

STATEMENT

OF

CHARGES

**ANN LANDSMAN, R.P.A.** Respondent, was authorized to practice medicine as a physician assistant in New York state on September 26, 1983, by the issuance of license number 002289 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about February 15, 1998, Respondent commenced full time employment, as a physician assistant, at North Central Bronx Hospital, Bronx, New York.

B. On or about February 21, 2002, the New York Medical Alliance, U.F.P.C., the management for North Central Bronx Hospital, where Respondent had been employed as a full time physician assistant from on or about February 15, 1998, notified Respondent, that she was terminated from employment at North Central Bronx Hospital, Bronx, New York, for cause.

C. On or about December 3, 1992, Respondent commenced full time employment, as a physician assistant, at Maimonides Medical Center, Brooklyn, New York.

D. On or about April 15, 1999, Maimonides, Medical Center, by a Disciplinary Action, suspended Respondent without pay on April 15, 16, and 17, 1999.

E. On or about March 29, 2000, Maimonides Medical Center confirmed that Respondent was suspended from duty commencing February 10, 2000, and terminated her employment.

F. On or about April 15, 2002, Respondent prepared and/or submitted, to the New York State Education Department, a Registration Application, wherein she falsely answered "No," to question "5. Since you last registered, has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such action due to professional misconduct, unprofessional conduct, incompetence or negligence?"

G. On or about August 5, 2002, Respondent prepared and/or submitted, to The Brookdale University Hospital & Medical Center, Brooklyn, New York, an Application for Appointment to the Medical/Allied Health Professional Staff, wherein she falsely answered "No" to question "1. Have you ever had any of the following items (A-H) involuntarily, denied, revoked, suspended, not renewed, placed under probation or otherwise limited or curtailed; or have you voluntarily relinquished any item in anticipation of any of these actions; or are any actions currently pending with respect to any of these items? If your answer is 'yes' to any of the following please attach a full explanation. E. Membership on any hospital medical staff," under the "Professional Conduct History" section and failed to attach a full explanation and/or employment at North Central Bronx Hospital and/or Maimonides Medical Center, under the "Professional Conduct History" section and the "Work Experience/Professional History" section.

H. On or about November 26, 2003, Respondent prepared and/or submitted to Brookhaven, Memorial Hospital Medical Center, Patchogue, New York, an "Application for Appointment to the Medical Staff," wherein she falsely failed to list her employment at North Central Bronx Hospital in the "Affiliations" section and/or falsely answered "No" to question "3. Have you ever been denied membership or the renewal thereof or been subject to disciplinary action by any hospital, medical staff, medical organization, or managed care organization, or have you voluntarily relinquished your membership in anticipation of same - or is such action pending?" and/or "4. Have your privileges at any hospital ever been suspended, diminished, revoked or not renewed, or have you voluntarily relinquished your privileges in anticipation of same - or is any such action pending?" in the "Discipline" section.

I. On or about March 17, 2005, and/or about March 8, 2007, Respondent prepared and/or submitted to the Department of Veterans Affairs, James J. Peters VA Medical Center, Bronx, New York, a "Supplemental Information" form, wherein she falsely answered "No" to "Have any of the following ever been, or are they in the process of being – either on a voluntary or involuntary basis – denied, revoked, suspended, reduced, limited, placed on probation, not renewed, withdrawn, or relinquished while under investigation or for disciplinary reasons? 3. "Memberships on any hospital, agency, licensure program, medical staff or as a participant in a research program been the subject of focused individual monitoring" and/or 16. Within the last five years have you been discharged from any position for any reason?"

J. On or about February 6, 2006, Respondent prepared and/or submitted, to SUNY Downstate Medical Center, University Hospital of Brooklyn, Brooklyn, New York, an Allied Health Care Credentials Application, wherein she falsely answered "no" to question "Licensure and Hospital Membership 3) Have your privileges at any hospital ever been suspended, diminished, revoked, or not renewed or has disciplinary or corrective action ever been instituted?" and/or "4) Have you ever been denied membership or renewal thereof or been subject to disciplinary action in any medical organization, hospital/medical staff, or have such proceedings ever been initiated against you?" and failed to fully disclose all past employment in the "Clinical, Facility and other Professional Affiliations" section.

K. On or about December 10, 2006, Respondent prepared and/or submitted to The Mentor Network, an Application for Employment, wherein she falsely failed to list her employment at North Central Bronx Hospital in the "Record of Employment (last 10 years)" section.

L. On or about June 6, 2007, in the Supreme Court of the State of New York, Bronx County, New York, Respondent was found guilty, of Scheme to defraud in the first degree, in violation of New York Penal Law §190.65, a class E felony.

SPECIFICATIONS  
FIRST THROUGH SIXTH SPECIFICATIONS

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

1. The facts in Paragraphs A, B, C, D, E, and/or F.
2. The facts in Paragraphs A, B, C, D, E, and/or G.
3. The facts in Paragraphs A, B, C, D, E, and/or H.
4. The facts in Paragraphs A, B, C, D, E, and/or I.
5. The facts in Paragraphs A, B, C, D, E, and/or J.
6. The facts in Paragraphs A, B, C, D, E, and/or K.

SEVENTH SPECIFICATION

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

7. The facts in Paragraph L.

EIGHTH SPECIFICATION

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report required by law or by the department of health or the education department, in that the Petitioner charges:

8. The facts in Paragraphs A, B, C, D, E, and/or F.

DATED: Feb. 1, 2008  
Albany, New York

REDACTED

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

## EXHIBIT "C"

### Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York Education Law §§ 6530 or 6531 shall constitute a violation of probation and may Subject Respondent to an action pursuant to New York Public Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
8. Respondent shall enroll in and complete a continuing education program in the area of professional ethics. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first three months of the probation period, unless an extension is granted by the Director of OPMC.

9. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

## APPENDIX II



**Law Office of Joyce David, Esq., P.C.**

EXHIBIT  
RESPONDENT'S  
11  
9/25/13 CS

**Attorney at Law**

664 Flatbush Avenue  
Brooklyn, N.Y., 11215  
jhd@joycedavid.com  
347-403-7070 (fax)  
718-673-2000

Sept. 23, 2013

ALJ Denise Lepicier  
NYSD Department of Health  
Bureau of Adjudication  
150 Broadway - Suite 510  
Albany, N.Y., 12204-0719  
(by email and/or fax)

Re: Anna Landmann, R.P.A.

Dear ALJ Lepicier,

By this letter, my client denies each of the charges and allegations of professional misconduct in the Statement of Charges, pursuant to Public Health Law Sec. 230 (10)(c)(2).

1. With regard to Factual Allegation "A", respondent does not deny this allegation;
2. With regard to Factual Allegation "B", respondent denies that she knowingly failed to comply, or that she had an intent to deceive;
3. With regard to Factual Allegation "C", respondent denies that she knowingly failed to comply, or that she had an intent to deceive;
4. With regard to Factual Allegation "D", respondent denies that she knowingly failed to comply, or that she had an intent to deceive;
5. With regard to Factual Allegation "E", respondent denies that she knowingly failed to comply, or that she had an intent to deceive;
6. With regard to Factual Allegation "F", respondent denies that she knowingly failed to comply, or that she had an intent to deceive;
7. Respondent denies committing professional misconduct by willfully violating any term of probation or condition or limitation imposed on the license pursuant to Public Health Law Sec. 230.
8. Respondent denies committing professional misconduct by violating Public Health Law Sec. 2805-b;
9. Respondent denies committing professional misconduct by willfully making or filing a false report;
10. Respondent denies committing professional misconduct by practicing the profession of medicine fraudulently;
11. With regard to factual allegation G, respondent denies that she knowingly failed to comply or that she had an intent to deceive.



**13. Respondent denies committing professional misconduct by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness.**

**Sincerely,**

REDACTED

~~\_\_\_\_\_  
Jeyar David, Esq.~~

cc: Anna E. Lewis, Esq.  
jbd/em