

December 29, 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Christine M. Radman, Esq.  
NYS Department of Health  
90 Church Street -- 4<sup>th</sup> Floor  
New York, New York 10007

Nathan L. Dembin, Esq.  
Nathan L. Dembin & Associates, PC  
1123 Broadway, Suite 1117  
New York, New York 10010

Georges Ramalanjaona, M.D.  
REDACTED

**RE: In the Matter of Georges Ramalanjaona, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 14-323) 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.

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 Respondent or the Department may seek a review of a committee determination.

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:nm  
Enclosure

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

**COPY**

**IN THE MATTER**

**OF**

**GEORGES RAMALANJAONA, M.D.**

**DETERMINATION**

**AND**

**ORDER**

**BPMC No. 14-323**

This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct ("the Department"). A Notice of Hearing ("NOH") dated October 18, 2013 and Amended Statement of Charges ("Amended SOC") dated January 2, 2014 were served on Georges Ramalanjaona, M.D. ("Respondent"). A copy of the NOH and Amended SOC is attached to this Determination and Order as Appendix 1. Hearings were held pursuant to N.Y. Public Health Law ("PHL") §230 and New York State Admin. Proc. Act §§301-307 and 401. The hearings were held at The Offices of the New York State Department of Health, at 90 Church Street, New York, New York. Frank E. Iaquinta, M.D. - Chair, Iffath Abbasi Hoskins, M.D., and James J. Ducey, duly designated members of the State Board for Professional Medical Conduct ("Board"), served as the Hearing Committee ("Committee") in this matter. Kimberly A. O'Brien, Administrative Law Judge ("ALJ"), served as the Administrative Officer. The Department appeared by James E. Dering, Esq.,

General Counsel, by Christine M. Radman, Associate Counsel. The Respondent appeared by Nathan L. Dembin, Esq., of Nathan L. Dembin and Associates, P.C. Evidence was received, including witnesses who were sworn or affirmed, and a transcript of this proceeding was made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### **PROCEDURAL HISTORY**

Notice of Hearing	October 18, 2013 <sup>1</sup>
Amended Statement of Charges	January 2, 2014
Pre-Hearing Conference:	January 8, 2014
Hearing Dates:	January 9, 2014 March 21, 2014 April 10, 2014 April 11, 2014 April 25, 2014 May 20, 2014
Submission of Briefs	July 3, 2014
Deliberations Dates:	October 30, 2014 <sup>2</sup>

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<sup>1</sup> This is the second case brought by the Department against the Respondent. The Department brought this case soon after its motion to add additional charges in the first case was denied. The charges and factual allegations in this matter reference Respondent's testimony in the first case. While the Hearing Committee was aware of the first case and the May 2014 decision, since all of the charges and factual allegations discussed herein were dismissed the Hearing Committee did not deliberate about if or how the penalty imposed in the first case would impact their penalty determination.

## STATEMENT OF THE CASE

The Department charged the Respondent with eighteen specifications of professional misconduct under N.Y. Educ. Law §6530 which included obtaining the license fraudulently §6530(1), practicing the profession of medicine fraudulently §6530(2), violating Section 2805-K of the Public Health Law §6530(14), moral unfitness §6530(20), willfully filing a false report §6530(21), failing to respond within thirty days to written communications from the department of health and to make available relevant records §6530(28). The Respondent denied each of the factual allegations and specifications.

## FINDINGS OF FACT

The following Findings of Fact ("FOF") were made after a review of the entire record in this matter. Citations in brackets, which refer to transcript page numbers ["Tr."] and exhibits ["Ex"] that were accepted into evidence, represent evidence found persuasive by the Hearing Committee in arriving at a particular

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<sup>2</sup> Deliberations in this matter were delayed due to the illness of a member of the Hearing Committee. The member was not replaced given that there were several days of hearing and well over one thousand transcript pages of testimony, that for various reasons both parties extended the hearing schedule and both parties agreed to a relatively lengthy briefing schedule, that the vast majority of the Department's allegations involved conduct that occurred twenty or more years ago, and that none of the allegations involved patient care. Deliberations were held as soon as practicable.

finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings are unanimous unless otherwise stated.

1. Respondent was authorized to practice medicine in New York State on or about October 11, 1991, by the issuance of license number 187371 by the New York State Education Department [Ex. 2].
2. The New York State Education Department (“NYSED”) is the authority that was responsible for issuing Respondent’s license to practice medicine in New York State [Ex.2]. The NYSED Committee on the Professions (“COP”) determined that Respondent’s clinical work from 1983 – 1986 in the Colorado and Cincinnati fellowship programs constituted a third year of residency [Ex. 2 at p. 25, 44;Tr. 263, 356-361].
3. Respondent was employed by Buffalo General Hospital (“hospital”) from approximately 7/1/82 to approximately 10/31/82. Monthly evaluations pertaining to Respondent’s performance for the most part show progressive improvement [Ex. 11 at p.10-18; Tr. 661-662, 731]. There is no documentation indicating that these evaluations were discussed with Respondent [Tr. 661-663, 659, 711,718, 780-783].
4. Duane Freier, M.D., was the Chief of Buffalo General Hospital’s Department of Surgery from approximately 1981-1987 and oversaw its residency program

[Tr. 627]. He did not recall Respondent or his termination from the residency program [Tr. 637-638, 640].

5. In a letter dated November 24, 1982, Dr. Freier wrote to the hospital's Executive Committee recommending that Respondent's appointment as a third-year resident be terminated [Ex. 11 at p. 4]. Dr. Freier's letter did not state a reason for why he was making this termination recommendation [Ex. 11 at p. 4; Tr. 645-646, 651]. There is no documentation indicating that the Executive Committee approved Dr. Freier's recommendation to terminate Respondent's employment, or that Respondent's employment was ever terminated and that he was informed about his termination [Tr. 666-667, 719, 743, 796-797].
6. Respondent served as an instructor and research fellow at the University of Colorado Health Sciences Center, Denver, Colorado from July 1, 1985 to June 30, 1986 [Ex. 2 at p. 22, 33; Ex. D].
7. Respondent served as a research fellow at the University of Cincinnati, Cincinnati, Ohio, from June 1983 to June 1985 [Ex. 2 at p. 22-23, 34; Ex. 8].
8. The New Jersey Board of Medicine granted Respondent a license to practice medicine in 1996 [Tr. 254].
9. Respondent authorized his counsel, Nathan Dembin, Esq., to accept service of the Notice of Hearing and Statement of Charges on his behalf [Ex. 1 at p. 16].

10. The Department made at least three written requests, via Respondent's Counsel, that Respondent provide a copy of his initial application to the American Board of Emergency Medicine ("ABEM") [Ex. 18A, Ex. 18B, Ex. 18C]. The Department's third written request dated 6/21/13 was sent by certified mail to Respondent's Counsel and the receipt indicates that it was received on 6/25/13 [Ex.18C]. Respondent did not provide a copy of his initial ABEM application to the Department, even after he was charged with failing to comply with the Department's request for this record [Tr. 1067-1070, 1090-1096; Ex. 1].

### **DISCUSSION AND CONCLUSIONS**

Respondent is charged with eighteen specifications of professional misconduct under Education Law §6530. The Committee unanimously concluded that all the factual allegations and specifications of misconduct were not sustained.

As required by § 230(10)(f) of the Public Health Law, the Hearing Committee based its conclusions on whether the Department met its burden of establishing that the allegations contained in the Statement of Charges were more probable than not. When the evidence was equally balanced or left the Hearing Committee in such doubt as to be unable to decide a controversy either way, then the judgment went against the Department (*See* Prince, Richardson on Evidence § 3-206 [Farrell 11<sup>th</sup> ed]). Having considered the complete record in this matter, the



Hearing Committee concludes that the Department has proved none of the charges against Respondent by a preponderance of the evidence.

### **First-Sixteenth Specifications & Eighteenth Specification**

The first through sixteenth specifications and the eighteenth specification are all based on the Department's contention that Respondent intentionally misrepresented on various hospital employment applications, certification applications and licensure applications that he was not terminated from his position at Buffalo General Hospital on or about December 1, 1983; that he completed a third year of hospital/residency training through clinical experience obtained throughout 1983-1986 during his vascular research fellowships in both Ohio and Colorado; that he had obtained a certain United States immigration/residency status. The Department brought these charges some thirty years after Respondent's alleged termination from Buffalo General Hospital ("hospital"), more than twenty-five years after Respondent completed his fellowships at Ohio and Colorado ("fellowships"), and years after numerous licensing agencies, certifying boards and hospitals vetted Respondent's applications for licensure, board certification and employment, and years after Respondent had been working and residing in the United States. The Committee was given an impossible task. The Department asked the Committee to turn back the hands of

time and make its determination based almost entirely on suppositions about what might have been.

At the hearing, Dr. Freier testified that he had no specific recollection of Respondent, and he did not specifically recall terminating any resident from the program including Respondent [Tr. 637, 647, 650]. Dr. Freier identified his November 1982 letter but did not recall making a recommendation to terminate Respondent to the Executive Board ("board"). He could only "speculate" that he likely recommended terminating Respondent from the program because "he left and we didn't hear from him again" [Tr. 646, 650-652]. Dr. Freier characterized his recommendations to the board as a formality and did not recall an instance where the board did not confirm his employment decisions [Tr. 635, 645]. He believes that he would have terminated the Respondent after he wrote to the board, but he doubted whether a termination letter was sent to Respondent because he would have "gotten it done" in a face to face meeting [Tr. 651, 666-667].

Respondent provided lengthy testimony about his time at the hospital. He claimed that he delayed signing the residency agreement because he was uncertain about his status in the program and did not believe that he was in an approved residency slot because his assigned duties were those of a "house physician" not a resident [Tr. 856]. He said that he worked at the hospital for approximately three months and for personal reasons he took an extended vacation, and when he

returned to the hospital he could not work because the nurses were on strike and he was considered a non-essential employee [Tr. 736-742]. Respondent said he did not really know how to account for his time at the hospital [Tr. 686,736-742, 792-793, 860]. Admittedly, he came to describe the time between July 1982 and May 1983 as a "vacation period" and testified about his reasons for doing so [Tr. 859-861, 1103-1104]. He said that he had discussions with the New Jersey Board about the inconsistencies in his account of this period of time before they granted him a license to practice medicine [Tr. 799, 834-836].

Dr. Freier had no recollection of the Respondent or about terminating him from the residency program. Without any documentation to support it the Committee could not credit Dr. Freier's testimony about what he thinks might have happened thirty years ago. Respondent admitted that he worked at the hospital for approximately three months not a year. While the Committee found Respondent's testimony about his "vacation period" to be conspicuously inconsistent and lacking credibility, in the end there was insufficient evidence to sustain the Department's allegations that Respondent intentionally misrepresented that he was in imminent danger of being fired so he resigned/withdrew or that his employment was terminated and he knew it.

Similarly, the Committee found the Department's allegations that Respondent failed to complete a third year of hospital/residency training through

his 1983-1986 vascular research fellowships in Ohio and Colorado ("fellowships"), he intentionally misrepresented the nature of his clinical training, and he created and or falsified documents to support his training/experience were not supported by the record. It is true that the exhibits and the testimony of various Department witnesses and the Respondent himself show that the fellowships involved a significant amount of research/ surgery on animals. However, the record also contains letters that show both fellowship programs contained a clinical practice component [FOF6&7]. The Committee noted that these letters were created relatively close in time to the completion of the fellowships.

The Department conceded that licensing agencies, certifying boards, and potential employers were empowered to vet Respondent's education and experience which he supplied on various applications, and to make a determination that his experiences could constitute a third year of residency training. Instead, the Department argued that Respondent misrepresented his experience at both Buffalo General Hospital and the Colorado & Cincinnati Fellowships including that he created or altered existing letters from the various institutions ("letters") to comport with the stated requirements on each application, and he misrepresented his United States immigration/residency status. This argument was undermined by the fact that some if not most of the documents put into question by the Department were sent directly from an educational institution,

hospital or government agency, not Respondent. Regardless, Respondent repeatedly applied for licensure, board certification and employment in the United States. The Committee found that the veracity of the information Respondent provided on various applications about his education, training/experience, and United States immigration/residency status were vetted each and every time Respondent made an application for licensure, certification, and employment.

### **Seventeenth Specification**

The Department has charged Respondent with committing professional misconduct in that he has failed “to respond within thirty days to written communications from the department of health and to make available any relevant records with respect to an inquiry or complaint about the licensee's professional misconduct,” New York State Education Law §6530(28). Specifically, the Department requested in writing, on three separate occasions, a copy of Respondent’s initial ABEM application. These requests for information were made by the Department to Respondent’s counsel. Respondent and his counsel both acknowledged that Respondent received the requests for the ABEM application, but by the conclusion of the hearing, which far exceeded thirty days, Respondent had not provided the requested records.

Under New York State Education Law §6530(28), “[t]he period of thirty days shall commence on the date when such communication was delivered

personally to the licensee. If the communication is sent from the department of health by registered or certified mail, with return receipt requested, to the address appearing in the last registration, the period of thirty days shall commence on the date of delivery to the licensee, as indicated by the return receipt." While the Department complied with the spirit of the law by making a written request and sending it by certified mail with return receipt to Respondent's counsel, it did not comply with the letter of the law which requires that the written request be sent to the Respondent's last known registration address.

Based on the foregoing, the Committee could not sustain the charge. However, the Committee strongly believes that Respondent has a professional responsibility to supply the requested records to the Department. The Committee encourages the Department to renew its request in writing and send it by certified mail/ return receipt to the Respondent's last known registration address.

### **ORDER**

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

1. The eighteen specifications of professional misconduct set forth in the Statement of Charges are **DISMISSED**;
2. This Determination and Order shall be effective upon service.

Service shall be either by certified mail upon the Respondent at his 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: New York, New York**

**2014**

DEPT OF HEALTH

**DEC 24 2014**

REDACTED

**FRANK E. IAQUINTA, M.D. (CHAIR)**  
**IFFATTI ABBASI HOSKINS, M.D.**  
**JAMES J. DUCEY**

**To: Christine M. Radman**  
**Associate Counsel**  
**New York State Department of Health**  
**Bureau of Professional Medical Conduct**  
**90 Church Street, 4<sup>th</sup> Floor**  
**New York, New York 10007**

**Nathan L. Dembin, Esq.**  
**Nathan L. Dembin & Associates, PC**  
**1123 Broadway, Suite 1117**  
**New York, New York 10010**

**Georges Ramalanjaona, M.D.**

REDACTED

# APPENDIX I

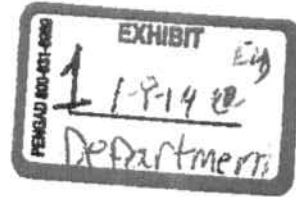


NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
GEORGES RAMALANJAONA, M.D.

NOTICE  
OF  
HEARING

TO: GEORGES RAMALANJAONA, M.D.  
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 January 9, 2014, 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, New York 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.

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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

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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 October 19, 2013

NY, NY

REDACTED

Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be directed to:  
Christine M. Radman, Associate Counsel  
Bureau of Professional Medical Conduct  
(212) 417-4450

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**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.)

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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

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**IN THE MATTER**  
**OF**  
**GEORGES RAMALANJAONA, M.D.**

AMENDED  
STATEMENT  
OF  
CHARGES

GEORGES RAMALANJAONA, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 11, 1991, by the issuance of license number 187371 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about June 12, 1991, Respondent submitted an Application for License and First Registration to the New York State Department of Education and affirmed its accuracy, under penalties of perjury and denial or loss of license, knowing that certain material representations he made therein were not true, complete and correct. Respondent:
1. Completed only two years of approved hospital training yet misrepresented on his New York State application that he obtained other clinical training to satisfy New York State's three year requirement,
  2. Failed to disclose his participation in a third year residency program in general surgery at The Buffalo General Hospital (BGH) from on or about July 1, 1982 through on or about December 1, 1982 and
  3. Answered "No" to the question "Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you voluntarily or involuntarily resigned or withdrawn from such association to avoid

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imposition of such measures?" when in fact he was terminated and/or withdrew from BGH on or about December 1, 1982.

4. Respondent submitted the signed application with intent to deceive.

B. On June 25, 2013, Respondent, an Emergency Medicine physician, testified under oath before members of the Board at a hearing of the New York State Department of Health Bureau of Professional Medical Conduct involving Respondent's care and treatment of six Emergency Department patients at the North Shore-Long Island Jewish Health System at Plainview Hospital (NSLIJ Plainview).

Respondent:

1. Falsely denied that he began a third year residency program in general surgery at BGH in July of 1982 that ended short of completion,
2. Subsequently falsely testified that his position at BGH was not an approved one from which he "just quit,"
3. Falsely testified that he obtained clinical work experience, from 1983 through 1985 at the University of Cincinnati in Ohio and from 1985 through 1986 at the University of Colorado, to satisfy a requirement for a third year of hospital training for his New York State license application, when in fact Respondent, during those years, was engaged in vascular research on animals in programs with no clinical privileges, in states in which he never obtained a license to practice medicine and
4. Respondent so testified with intent to deceive.

C. On or about September 10, 2013, Respondent submitted a form document to a New York State Board of Professional Medical Conduct Investigation Committee entitled Hospital Verification-Privileges, Employment or Appointment, purportedly stamped by a BGH official in 1996, attesting to Respondent's completion of a residency year at BGH from June 1, 1982 through July 30, 1983. Respondent:

1. Created or induced to be created such document which he knew to be false.
  - a. Respondent did so with intent to deceive.

- D. On or about May 13, 1998, Respondent submitted an Application for Appointment to the Medical Staff to St. Michael's Hospital in New Jersey. On or about January 7, 1999, Respondent sent a responsive signed letter to the Vice President of the Medical Staff Offices to explain a "gap" in his curriculum vitae from June 30, 1982 through June 30, 1983. Respondent:
1. Falsely represented that he took time off following the completion of his second year of surgical residency.
    - a. Respondent did so with intent to deceive.
- E. On or about October 16, 1995 submitted an Application for Appointment to the Medical and Dental Staff of Staten Island University Hospital (SIUH). Respondent:
1. Falsely answered "No" to the question of whether his membership on any hospital medical/dental staff has "ever been or are any currently in the process of being denied, revoked, suspended, reduced, limited, placed on probation, not renewed or voluntarily relinquished".
    - a. Respondent did so with intent to deceive.
- F. On or about April 7, 2008, Respondent submitted a Medical Staff Initial Appointment Application to North Shore-Long Island Jewish Health System at Plainview Hospital (NSLIJ Plainview). Respondent:
1. Falsely answered "No" to the question of whether his membership on any hospital staff has " been, or are any currently in the process of being denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished in order to avoid disciplinary action"?
    - a. Respondent did so with intent to deceive.
- G. On or about August 5, 2009, Respondent submitted an Application to St. John's Episcopal Hospital. Respondent:
1. Falsely answered "No" to the question of whether his membership on any hospital medical staff, or medical facility, on a voluntary or involuntary basis, has been or is currently being denied, suspended, revoked, relinquished,

withdrawn, reduced, limited, placed on probation, not renewed, or currently pending investigation?"

a. Respondent did so with intent to deceive.

H. Respondent submitted an application to the American Board of Emergency Medicine (ABEM) sometime prior to his initial board certification in 1993.

Respondent:

1. Failed to respond within thirty days to written communications from the Department of Health and to make available his initial application to ABEM and

### SPECIFICATION OF CHARGES

#### FIRST SPECIFICATION

#### OBTAINING THE LICENSE FRAUDULENTLY

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(1) by obtaining the license fraudulently as alleged in the facts of the following:

1. Paragraph A and each of its subparagraphs.

#### SECOND THROUGH EIGHTH SPECIFICATIONS

#### FRAUDULENT PRACTICE

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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:

2. Paragraph B and each of its subparagraphs.
3. Paragraph C and each of its subparagraphs.
4. Paragraph D and each of its subparagraphs.
5. Paragraph E and each of its subparagraphs.
6. Paragraph F and each of its subparagraphs.
7. Paragraph G and each of its subparagraphs.

#### **EIGHTH THROUGH THIRTEENTH SPECIFICATIONS**

#### **FALSE 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 A and each of its subparagraphs, except A (4).
9. Paragraph B and each of its subparagraphs, except B (5).
10. Paragraph C and each of its subparagraphs, except C (1) (a).
11. Paragraph E and each of its subparagraphs, except E (1) (a).
12. Paragraph F and each of its subparagraphs, except F (1) (a).
13. Paragraph G and each of its subparagraphs, except G (1) (a).

#### **FOURTEENTH THROUGH SIXTEENTH SPECIFICATIONS**

**VIOLATION OF SECTION 2805-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:

- 14.Paragraph E and each of its subparagraphs, except E (1) (a).
- 15.Paragraph F and each of its subparagraphs, except F (1) (a).
- 16.Paragraph G and each of its subparagraphs, except G (1) (a).

**SEVENTEENTH SPECIFICATION**

**FAILING TO RESPOND WITHIN THIRTY DAYS TO WRITTEN COMMUNICATIONS FROM THE DEPARTMENT OF HEALTH AND TO MAKE AVAILABLE RELEVANT RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(28) by failing to respond within thirty days to written communications from the department of health and to make available any relevant records with respect to an inquiry or complaint about the licensee's professional misconduct, as alleged in the facts of:

- 17.Paragraphs H and H (1).

**EIGHTEENTH 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:

18. Paragraph A and each of its subparagraphs, Paragraph B and each of its subparagraphs, Paragraph C and each of its subparagraphs, Paragraph D and each of its subparagraphs, Paragraph E and each of its subparagraphs, Paragraph F and each of its subparagraphs, Paragraph G and each of its subparagraphs and Paragraph H and each of its subparagraphs.

DATE: January 2, 2014  
New York, New York

REDACTED

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Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct

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7011 0470 0000 2683 5969

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

RECEIVED NYS	Postage	
1 JUL 2013	Certified Fee	
PM	Return Receipt Fee (Postage Payment Required)	
PM	Priority Delivery Fee (Postage Payment Required)	
	<b>Total Postage &amp; Fees</b>	\$ 2.17

Postmark  
Here  
**12**

Sent To  
*Nathan Dembin, Esq.*  
 Street, Apt. No.,  
 or PO Box No. *1123 Broadway - Suite 1117*  
 City, State, ZIP+4 *New York N.Y. 10010*

**SENDER: COMPLETE THIS SECTION**

1 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.

2 Print your name and address on the reverse so that we can return the card to you.

3 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Nathan L. Dembin  
 Nathan L. Dembin & Associates, PC  
 1123 Broadway, Suite 1117  
 New York, N.Y. 10010

Article Number 7011 01  
 (Transfer from service label)

Form 3811, February 2004 Domestic 1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]*  Agent  Addressee

X REDACTED

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery 10/21/13

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below: \_\_\_\_\_

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Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



English Customer USPS Mobile

Register / Sign In

Service



Search USPS.com or Track Package

Quick Tools

- Track
- Enter up to 10 Tracking # Find
- Find USPS Locations
- Buy Stamps
- Schedule Pickup
- Calculate Postage
- Find a ZIP Code
- Hold Mail
- Change of Address

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

# USPS Tracking™



Customer Service | Have questions? We're here to help.

Tracking Number: 70110470000026835969

Scheduled Delivery Day: October 19, 2013

## Product & Tracking Information

Postal Product:  
First-Class Mail®

Features:  
Certified Mail™

Return Receipt

Email Updates

Event	STATUS (Click for details)	Location
October 21, 2013, 3:24 pm	Delivered	NEW YORK, NY 10010
October 19, 2013, 10:42 am	Notice Left (Business Closed)	NEW YORK, NY 10010
October 19, 2013, 3:43 am	Processed at USPS Origin Sort Facility	NEW YORK, NY 10199
October 18, 2013	Depart USPS Sort Facility	NEW YORK, NY 10199
October 18, 2013, 7:16 pm	Processed at USPS Origin Sort Facility	NEW YORK, NY 10199
October 18, 2013, 8:52 pm	Dispatched to Sort Facility	NEW YORK, NY 10007
October 18, 2013, 2:41 pm	Acceptance	NEW YORK, NY 10007

## Track Another Package

What's your tracking (or receipt) number?

Track It

19

### LEGAL

- Privacy Policy
- Terms of Use
- FOIA
- No FEAR Act EEO Data

### ON USPS.COM

- Government Services
- Buy Stamps & Shop
- Print a Label with Postage
- Customer Service
- Delivering Solutions to the Last Mile
- Site Index

### ON ABOUT.USPS.COM

- About USPS Home
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- USPS Service Alerts
- Forms & Publications
- Careers

### OTHER USPS SITES

- Business Customer Gateway
- Postal Inspectors
- Inspector General
- Postal Explorer



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# Product Tracking System



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Search

Reports

Manual Entry

Rates/  
Commitments

PTS / EDW

USPS Corporate  
Accounts

November 13, 2013

## Track & Confirm Intranet Delivery Signature and Address

Tracking Number: 7011 0470 0000 2663 6969

This item was delivered on 10/21/2013 at 15:24:00

[< Return to Tracking Number View](#)

Signature	ature	REDACTED
	ed e	
Address	ery 383	1123 Bway - 1117

Enter up to 10 items separated by commas.

Select Search Type: Quick Search

Submit

Product Tracking System, All Rights Reserved  
Version: 1.8.1.1

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10/8/13

I authorize my attorney Scott Fleck to  
accept service of the Statement of Charges  
w/notice of Hearing of the 9/11/13 OPMC ~~case~~.

REDACTED

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