



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

October 9, 2015

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Richard J. Cedeno, R.P.A.



Re: License No. 011166

Dear Mr. Cedeno:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 15-238. This order and any penalty provided therein goes into effect October 16, 2015.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.

If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

Please direct any questions to: NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719, telephone # (518)402-0855.

Sincerely,



Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

cc: Lauren Mack, Esq.
Moses & Singer, LLP
The Chrysler Building
405 Lexington Avenue
New York, NY 10174

Enclosure

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

IN THE MATTER
OF
RICHARD JOHN CEDENO, R.P.A.

SURRENDER
ORDER

Upon the application of (Respondent) RICHARD JOHN CEDENO, R.P.A. to Surrender his or her license as a physician assistant in the State of New York, which is made a part of this Surrender Order, it is

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

ORDERED, that Respondent's name be stricken from the roster of physician assistants in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender of License application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney,

Whichever is first.

SO ORDERED.

DATE: 10/9/2015


ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
RICHARD JOHN CEDENO, R.P.A.

SURRENDER
OF
LICENSE
AND
ORDER

RICHARD JOHN CEDENO, R.P.A., represents that all of the following statements are true:

That on or about March 6, 2006, I was licensed to provide medical services as a physician assistant in the State of New York, and issued License No. 011166 by the New York State Education Department.

My current address is 

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", which is attached to and part of this Surrender of License.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician^{assistant} in the State of New York on the grounds that I assert that I cannot successfully defend against at least one of the acts of misconduct alleged in full satisfaction of the charges against me.

I ask the Board to accept my Surrender of License, and I agree to be bound by all of the terms set forth in attached Exhibit "B".

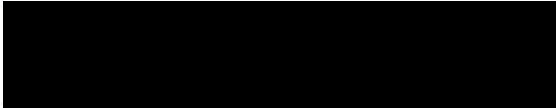
I understand that, if the Board does not accept my Surrender of License, none of its terms shall bind me or constitute an admission of any of the acts of misconduct alleged; this application shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be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

I agree that, if the Board accepts my Surrender of License, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Surrender 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(s). OPMC shall report this action to the National Practitioner Data Bank, the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I ask the Board to accept this Surrender of License, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and 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.

DATE 10/09/15



RICHARD JOHN CEDENO, R.P.A.
RESPONDENT

The undersigned agree to Respondent's attached Surrender of License and Order and to its proposed penalty, terms and conditions.

DATE: 10/9/15



MOSES & SINGER LLP
Attorney for Respondent *Moses+Singer*

DATE: 10/9/15



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

DATE: 10/9/15



KETH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER

OF

RICHARD JOHN CEDENO, R.P.A.

STATEMENT

OF

CHARGES

RICHARD JOHN CEDENO, R.P.A., the Respondent, was authorized to perform medical services as a physician assistant in New York State on or about March 6, 2006, by the issuance of license number 011166 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Between on or about October 1, 2010, and on or about April 1, 2012, Respondent referred multiple patients to a specific pharmacy or specific pharmacies for professional service and received value in exchange for this referrals.

1. The patients referenced in Paragraph A included Medicaid enrollees.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Impermissible Referral Fee

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(18) by directly or indirectly offering, giving, soliciting, or receiving any fee or other consideration to or from a third party for the referral of a patient or in connection with the performance of professional services, as alleged in the facts of:

1. Paragraph A.

EXHIBIT "A"

SECOND SPECIFICATION

Failure to Comply With Substantial Provisions of Law

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(16), by his willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine, to wit: anti-kickback provisions pertaining to Medicaid, as alleged in the facts of:

2. Paragraphs A and A1.

OCT 9
DATE: ~~September~~, 2015
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

1. Licensee shall immediately cease and desist from providing medical services as a physician assistant in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice the profession as a physician assistant.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice as a physician assistant in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within 15 days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender Licensee's DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
4. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health.
5. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
6. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in practice as a physician assistant. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
7. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment for up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the

penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.