



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 27, 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Frank Wohlsein Telang, M.D.
4250 Hempstead Turnpike
Bethpage, New York 11714

Frank Wohlsein Telang, M.D.
[REDACTED]

Douglas Nadjari, Esq.
Ruskin, Moscou, & Faltischek, P.C.
1425 RXR Plaza
15th Floor, East Tower
Uniondale, New York 12237

David Quist, Esq.
NYS Department of Health
Corning Tower – ESP – Room 2512
Albany, New York 12237

RE: In the Matter of Frank Wohlsein Telang, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No.15-234) 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. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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.

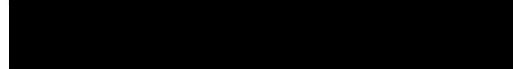
The notice of review served on the Administrative Review Board should be forwarded to:

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,

A solid black rectangular redaction box covering the signature of James F. Horan.

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
FRANK WOHLSEIN TELANG, M.D.

DETERMINATION
AND
ORDER

BPMC #15-234

COPY

A hearing was held on August 20, 2015, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Referral Proceeding and Statement of Charges, all dated October 21, 2013, were served upon the Respondent, **Frank Wohlsein Telang, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Trevor A. Litchmore, M.D., Chair, Prospere Remy, M.D.** and **Janet R. Axelrod, Esq.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **James E. Dering, Esq.**, General Counsel, by **David Quist, Esq.**, of Counsel. The Respondent, **Frank Telang, M.D.**, did appear, with counsel, **Douglas Nadjari, Esq.** of the firm of **Ruskin, Moscou, & Faltischek, P.C.** of Uniondale, New York. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10) (p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law §6530(9) (a)(ii), by having been convicted of committing an act constituting a crime under federal law. Copies of the Commissioner's Order, Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 2

WITNESSES

For the Petitioner:

None

For the Respondent:

Janet Fowler, M.D. (By telephone)

Barbara Hubbard, R.N. (By telephone)

Millard Jayne (By telephone)

Frank Telang, M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. **Frank Telang, M.D.**, the Respondent, did appear at the hearing, with counsel, and was duly served on November 6, 2013. (Petitioner's Exhibit 2 and 3)
2. **Frank Telang, M.D.**, the Respondent, was authorized to practice medicine in New York State on September 4, 2001, by the issuance of license number 222694 by the New York State Education Department. (Petitioner's Exhibit 4)
3. On or about November 13, 2012, in the United States District Court for the Eastern District of New York, Respondent pled guilty to Count I of the Information in case CR 12-711. Count 1 consisted of Income tax evasion, a felony offense under federal law, 26 U.S.C. §7201. (Petitioner's Exhibit 5)
4. On or about November 13, 2012, in the United States District Court for the Eastern District of New York, Respondent pled guilty to Count 1 of the Indictment in case CR 11-840. Count I consisted of a charge of charge of distribution and possession with intent to distribute a controlled substance, a felony offense under federal law, 21 U.S.C. §841 (a)(1) and 841 (b)(1)(C). (Petitioner's Exhibit 5)

5. On or about May 9, 2013, Respondent was sentenced to an aggregate term of 30 months imprisonment, followed by 2-years supervised release, and additional conditions, for the convictions in CR 12-711 and CR 11-840. (Petitioner's Exhibit 5)

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

"Respondent violated New York State Education Law §6530 (9) (a)(ii) by having been convicted of committing an act constituting a crime under federal law"

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent appeared at the hearing, with counsel. The Administrative Law Judge, after considering the documentary evidence, which included an Affidavit of Substituted Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for service of process and that jurisdiction had been established over the Respondent. There was no dispute about jurisdiction.

The record herein also shows that, on or about On or about November 13, 2012, in the United States District Court for the Eastern District of New York, Respondent pled guilty to Count I of the Information in case CR 12-711. This count consisted of Income tax evasion, a felony offense under federal law.

In addition, the record shows that Respondent pled guilty to a charge of charge of distribution and possession with intent to distribute a controlled substance, a felony offense under federal law. For these crimes the Respondent was sentenced to a term of 30-months imprisonment, in total, to be followed by 2-years supervised release. There was no dispute about the basic facts in this case. The Attorney for the Respondent acknowledged that his client did plead guilty in federal court to the crimes of tax evasion and of distribution and possession with intent to distribute a controlled substance. (T. 84 *et seq.*)

As for the penalty, the panel recognized the seriousness of the crimes committed but also took into account the fact that this Respondent has paid his debt to society and expressed genuine remorse and contrition for his actions. He did not dispute the fact of his conviction and explained that he made a horrible mistake and would never do it again. In fact, the Respondent indicated that he would never go back to the pain management practice again. The panel was impressed with the work of the Respondent at the Brookhaven National Laboratory on Long Island. They saw in Respondent an intelligent and gifted scientist who still has a great deal to contribute to scientific research. The panel was particularly impressed with the fact that, even from prison, the Respondent was able to keep current with developments in his field and to contribute to publications.¹

¹ See, for example, Respondent's Exhibit P, "Recovery of Dopamine Transporters with methamphetamine detoxification is not linked to changes in dopamine release." Neuroimage, July 2015, and "Evidence that formulations of the selective MAO-B inhibitor, selegiline, which bypass first-pass metabolism also inhibit MAO-A in the human brain," Neuro psychopharmacology, February, 2015. The panel also noted the Respondent's article in the July, 2014 issue of the Proceedings of National Academy of Science, "Decreased dopamine brain reactivity in marijuana abusers is associated with negative emotionality and addiction severity."

The panel recognized the seriousness of the Respondent's crime, but saw it as an aberration in an otherwise spotless career. The Hearing Committee believed this to be an isolated incident and were unanimous in finding the Respondent truly remorseful and believed him when he said he would never again commit these crimes.

The Department's attorney asked for revocation. Because of the seriousness of these crimes, the panel considered this. In the end, however, the panel saw the crimes to be an aberration and a one-time occurrence and did not wish to revoke his license and lose the possibility of his contribution to medical science. So, the panel fashioned a penalty that would protect the patients of New York and yet not deprive society of the contributions this gifted physician has yet to offer.

Accordingly, as to the penalty, the Hearing Committee determined, unanimously, that the people of New York State would be protected by a five year stayed suspension of the Respondent's license, coupled with a five year period of probation and a restriction on his license from prescribing I to IV controlled substances. In addition, the Respondent should be permanently barred from engaging in the field the pain management and limited to work in Article 28 facilities or Federally Qualified Health Care (FQHC) facilities. In addition, the period of probation should have a provision for a practice monitor. Finally, before resuming practice, the Respondent should complete 30 hours of clinical Continuing Medical Education.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is **SUSTAINED**.
2. The license of the Respondent to practice medicine in New York State is hereby **SUSPENDED FOR A PERIOD OF FIVE YEARS; HOWEVER, THE SUSPENSION IS STAYED IN WHOLE.**
3. The Respondent is placed on **PROBATION FOR A PERIOD OF FIVE YEARS.** The terms of the probation are attached hereto as Appendix I and are incorporated into this Order.
4. The license of the Respondent to practice medicine in New York State is hereby restricted to practice in an Article 28 facility or a Federally Qualified Health Center (FQHC) and the Respondent is permanently barred from the practice of pain management and from prescribing Schedule I to IV controlled substances.
5. Before resuming practice, the Respondent should complete 30 hours of clinical Continuing Medical Education.
6. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10) (h).

DATED: Schenectady, New York
~~September~~, 2015
10/26/2015



Trevor A. Litchmore, M.D. Chair

**Prosper Remy, M.D.
Janet R. Axelrod, Esq.,**

To: Frank Wohlsein Telang, M.D.
4250 Hempstead Turnpike
Bethpage, NY 11714

Frank Wohlsein Telang, M.D.


Douglas Nadjari, Esq., Attorney for Respondent
Ruskin, Moscou, & Faltischek, P.C.
1425 RXR Plaza,
15th Floor, East Tower
Uniondale, New York 12237

David Quist, Esq.
Attorney for Petitioner, Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower, Room 2512, Empire State Plaza
Albany, New York 12237

APPENDIX 1

Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), River View Center, 150 Broadway, Albany, New York 12208; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Throughout the period of probation, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty (practice monitor). The practice monitor shall be on-site during office hours, unless determined otherwise by the Director of OPMC. The practice monitor shall be proposed by the Respondent and subject to the written approval of the Director of OPMC. The practice monitor shall not be a family member or personal friend, or be in a professional

relationship, which could pose a conflict with supervision responsibilities. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.

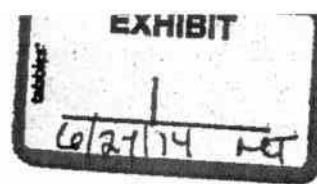
5. Respondent shall authorize the practice monitor to have access to patient records and to submit quarterly written reports to the Director of OPMC, regarding Respondent's practice. These narrative reports shall address all aspects of Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, general demeanor, and other such on-duty conduct as the practice monitor deems appropriate to report. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.

6. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State, Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more, Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

7. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.

APPENDIX 2

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



IN THE MATTER
OF
FRANK WOHLSEIN TELANG, M.D.
CO-12-11-5801A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: FRANK WOHLSEIN TELANG, M.D.
4250 Hempstead Turnpike
Bethpage, NY 11714

FRANK WOHLSEIN TELANG, M.D.


The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **FRANK WOHLSEIN TELANG, M.D.**, Respondent, New York license number 222694, has pleaded or been found guilty to committing an act constituting a felony under federal law; as is more fully set forth in the Statement of Charges attached hereto, and made a part hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **FRANK WOHLSEIN TELANG, M.D.**, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN VIOLATION OF THIS COMMISSIONER'S ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED BY NEW YORK EDUCATION LAW §6512.

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure 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 the 11th day of December, 2013, at 10:30 a.m., at Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct.

Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent 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. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. The licensee may file a brief and affidavits with the Committee on Professional Conduct. A summary of the Department of Health Hearing Rules is enclosed. 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.


The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of

Adjudication, Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

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 or sanction 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 FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
Oct 21, 2013


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

Inquiries should be addressed to:

David W. Quist
Associate Attorney
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

IN THE MATTER
OF
FRANK WOHLSEIN TELANG, M.D.

STATEMENT
OF
CHARGES

FRANK WOHLSEIN TELANG, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 4, 2001, by the issuance of license number 222694 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 13, 2012, in the United States District Court for the Eastern District of New York, Respondent pled guilty to Count 1 of the Information in case CR 12-711. Count 1 consisted of income tax evasion, a felony offense under federal law. On or about May 9, 2013, Respondent was sentenced to a term of 30-months imprisonment, in total, to be followed by 2-years supervised release, and additional conditions, for the convictions in CR 12-711 and CR 11-840.

B. On or about November 13, 2012, in the United States District Court for the Eastern District of New York, Respondent pled guilty to Count 1 of the Indictment in case CR 11-840. Count 1 consisted of a charge of charge of distribution and possession with intent to distribute a controlled substance, a felony offense under federal law. On or about May 9, 2013, Respondent was sentenced to a term of 30-months imprisonment,

in total, to be followed by 2-years supervised release, and additional conditions, for the convictions in CR 12-711 and CR 11-840.

SPECIFICATION OF CHARGES

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. The facts in Paragraphs A and B.

DATE: October 21, 2013
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct