

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER
OF
DANIEL SUSOTT, M.D.

STATEMENT
OF
CHARGES

Daniel Susott, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 2, 1986 by the issuance of license number 166800 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 15, 2013 the Medical Board of California (hereinafter "the Board") revoked Respondent's medical license for unprofessional conduct, gross negligence, repeated negligent acts, knowingly signing any certificate which falsely represents a state of facts, failure to maintain accurate records and dishonesty related to his issuing medical marijuana clearances. The Board's action was based on findings that Respondent was employed with BeLegally Green (hereinafter "BLG"), a business which facilitated recommendations for medical marijuana by providing physicians to perform evaluations at the International Cannabis and Hemp Expo (hereinafter "ICHE"). Respondent worked at the ICHE event on April 17 and 18, 2010. Respondent evaluated 254 event attendees who sought recommendations for the use of medical marijuana. Respondent issued 171 recommendations valid for three months and 83 recommendations valid for one year, without performing appropriate or adequate evaluation of patients. Patients who presented with medical records were given a full year recommendation; those without medical records were given a three month "provisional" recommendation and asked to provide additional records to BLG. Respondent, delegated to non-medical BLG personnel the responsibility to review subsequently provided medical records and thereafter determine whether to extend the duration of the three month recommendation

issued by the Respondent. Respondent's medical records falsely reflected a normal and thorough physical examination when in fact Respondent failed to conduct the examination indicated in his records. Respondent signed Physician Recommendation for Therapeutic Cannabis forms for each patient seen at the ICHE event which falsely represented that he had conducted a medical examination sufficient to determine that each patient would benefit from the use of cannabis and that the patients' had not been able to find an acceptable alternative treatment for specified medical conditions.

B. Respondent's conduct as described above, upon which the finding of unprofessional conduct in California was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(2) (practicing the profession fraudulently or beyond its authorized scope);
2. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion);
3. New York Education Law §6530(4) (practicing the profession with gross negligence on a particular occasion);
4. New York Education Law §6530(11) (permitting, aiding or abetting an unlicensed person to perform activities requiring a license);
5. New York Education Law §6530 (21) (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, or willfully impeding or obstructing such filing, or inducing another person to do so);
6. New York Education Law §6530 (25) (delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them; and/or
7. New York Education Law §6530 (32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATION OF CHARGES**FIRST SPECIFICATION****HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530 (3), (4), (11), (21), (25) and/or (32) as alleged in the facts of the following:

1. The facts in Paragraph A and B

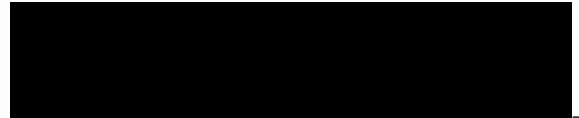
SECOND SPECIFICATION**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws

of New York state (namely N.Y. Educ. Law § 6530 (3), (4), (11), (21), (25) and/or (32)) as alleged in the facts of the following:

2. The facts in Paragraph A and B

DATE: May 26, 2016
Albany, New York



Michael A. Hiser, Esq.
Deputy Counsel
Bureau of Professional Medical Conduct