



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

December 27, 1994

RECEIVED
JAN 3 1995
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Claudia Morales Bloch, Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza, 6th Floor
New York, New York 10001

Charles Addo-Yobo, M.D.
Federal Correctional Penitentiary
P.O. Box 5095
Oakdale, Louisiana 71463

RE: In the Matter of Charles Addo-Yobo, M.D.
Effective Date: 1/3/95

Dear Ms. Bloch and Dr. Addo-Yobo:

Enclosed please find the Determination and Order (No. 94-275) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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.

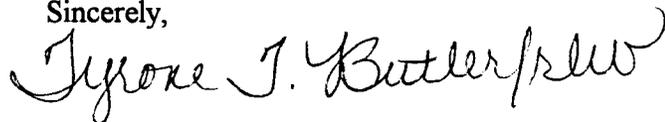
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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 handwritten signature in cursive script that reads "Tyrone T. Butler" followed by a flourish.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:rlw

Enclosure

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

-----X
IN THE MATTER : DETERMINATION
OF : AND
CHARLES ADDO-YOBO, M.D. : ORDER
:

-----X
BPMC-94-275

A Notice of Hearing, dated October 5, 1994, and Statement of Charges, dated August 25, 1994, were served upon the Respondent, Charles Addo-Yobo, M.D.. Eugenia Herbst (Chair), Diana Garneau, M.D., and Robert Strauss, M.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. JEFFREY ARMON, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on November 22, 1994. The Department of Health appeared by Claudio Morales Bloch, Esq., Associate Counsel. The Respondent did not appear. 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.

STATEMENT OF CHARGES

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged 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 or another jurisdiction, or upon a prior administrative adjudication

regarding conduct which 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, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis 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, if any was considered and rejected in favor of the cited evidence.

1. Charles Addo-Yobo, M.D. (hereinafter "Respondent") was authorized to practice medicine in New York State on December 31, 1982 by the issuance of license number 152883 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period of January 1, 1993 through December 31, 1994.

2. On or about November 16, 1993, in the United States District Court, Southern District of New York, Respondent was sentenced pursuant to his conviction based upon his plea of guilt to one count of Mail Fraud, in violation of 18 USC 1341 and one count of Conspiracy to commit Medicaid and Mail Fraud, in violation of 18 USC 371. Respondent was sentenced to twelve

months and one day incarceration and then three years of supervised release. In addition, Respondent was ordered to make restitution to the State of New York in the amount of \$1,500,000.00. (Ex. 4)

3. The underlying basis for such conviction was that Respondent, together with others, participated in a scheme to operate medical clinics for the purpose of obtaining payments directly and indirectly from the Medicaid system by submitting bills, and causing others to submit bills, to the New York State Department of Social Service for medical services, drug prescriptions, and laboratory tests which he knew to be, and were in fact, medically unnecessary. (Ex.3, 4)

4. Respondent was personally served with the Notice of Hearing and Statement of Charges (Dept. Ex.1) on October 13, 1994.

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Committee concluded that Respondent had been properly served with the Notice of Hearing and Statement of Charges based upon the Affidavit of Personal Service (Dept. Ex.1), and that it obtained jurisdiction over Respondent in this matter as a result.

The Committee determined that the Department had met its burden of proof by demonstrating by a preponderance of the evidence that the Respondent was convicted of two counts of violations of Federal law based upon his plea of guilty. The Hearing Committee voted to sustain the Specification of professional misconduct contained within the Statement of Charges pursuant to New York Education Law Section 6530(9)(a)(ii) which sets forth the conviction of committing an act constituting a crime under Federal law as constituting professional misconduct.

DETERMINATION AS TO PENALTY

A majority of the Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

In reaching its determination, the majority of the Hearing Committee relied upon the Respondent's plea of guilty to multiple violations of federal law, which was based upon the Respondent's participation in a scheme to defraud the Medicaid program. It noted Respondent's admission that he was aware that his conduct was illegal and that his participation in the conspiracy was over a period of at least one year. The majority of the Committee found the Respondent's actions to be so serious, as evidenced by his current incarceration in a Federal Correctional Institution, that revocation of his license to practice medicine in New York State was the only penalty deemed appropriate to adequately protect the public.

ORDER

1. The specification of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED**;

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

DATED; Albany, New York

December 22 1994

Eugenia Herbst

EUGENIA HERBST (Chair)

**DIANA GARNEAU, M.D.
ROBERT STRAUSS, M.D.**

**TO: Claudia Morales Bloch, Esq.
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza-6th Floor
New York, New York 10001**

**Charles Addo-Yobo, M.D.
Federal Correctional Penitentiary
P.O. Box 5095
Oakdale, La. 71463**

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: CHARLES ADDO-YOBO, M.D. : PROCEEDING
: :
-----X

TO: CHARLES ADDO-YOBO, M.D.
Federal Correctional Penitentiary
P.O. Box 5095
Oakdale, LA 71463

PLAINTIFF'S
DEFENDANT'S
COMPANY'S
DEPARTMENT'S
PETITIONER'S for identification
RESPONDENT'S in evidence
DATE 11/22/94 REPORTER V/L
STERLING REPORTING SERVICE, INC.

EXHIBIT 1

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 22th day of November, 1994 at 10:00 o'clock in the forenoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before November 8, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before November 8, 1994 and a copy of all

papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York
October 5, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

CLAUDIA MORALES BLOCH
Associate Counsel
Bureau of Professional
Medical Conduct
5 Penn Plaza, Room 601
New York, NY 10001
212-613-2615

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

-----X
IN THE MATTER : STATEMENT
OF : OF
CHARLES ADDO-YOBO, M.D. : CHARGES
-----X

CHARLES ADDO-YOBO, M.D., the Respondent, was authorized to practice medicine in New York State on December 31, 1982 by the issuance of license number 152883 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at 3 Meadow Court, Farmingdale, N.Y. 11735.

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(ii) (McKinney Supp. 1994), in that Respondent was convicted of committing an act constituting a crime under federal law, specifically:

On or about May 14, 1993, Respondent was convicted, upon his plea of guilty, of one (1) count of Mail Fraud and one (1) count of Conspiracy to commit Medicaid and Mail Fraud,

in violation of 18 USC 1341 and 18 USC 371, respectively, in that, in or about March, 1990 through in or about April 1991, Respondent, together with others, participated in a scheme to operate medical clinics for the purpose of obtaining payments directly and indirectly from the Medicaid system by submitting bills, and causing others to submit bills, to the New York State Department of Social Service for medical services, drug prescriptions, and laboratory tests which he knew to be, and were in fact, medically unnecessary.

DATED: New York, New York

August 25, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct