



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

November 18, 1999

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Paul R. Mahar, Esq.  
NYS Department of Health  
Division of Legal Affairs  
Bureau of Professional Medical Conduct  
Hedley Park Place-433 River Street, 4<sup>th</sup> Floor  
Troy, New York 12180-2299

Geoffrey Plimsoll Redmond, M.D.  
13600 Shaker Blvd., Apt. 706  
Cleveland, Ohio 44120

**RE: In the Matter of Geoffrey Plimsoll Redmond, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 99-287) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

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), "the 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 penalties **other than suspension or revocation** 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:

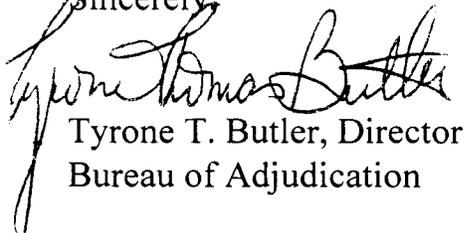
James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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 black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mla

Enclosure

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

COPY

IN THE MATTER  
OF  
GEOFFREY PLIMSOLL REDMOND, M.D

DETERMINATION  
AND  
ORDER

ORDER #99-287

A Notice of Referral Proceeding and Statement of Charges, both dated August 5, 1999, were served upon the Respondent, **GEOFFREY PLIMSOLL REDMOND, M.D.** **CHARLES J. VACANTI, M.D.** (Chairperson), **ROBERT KLUGMAN, M.D.** and **MR. ALAN KOPMAN**, 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**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on September 29, 1999. The Department of Health appeared by **HENRY M. GREENBERG**, General Counsel, by **PAUL R. MAHER**, Esq., of Counsel. The Respondent appeared on his own behalf. 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 CASE

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 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 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 was charged with professional misconduct pursuant to Education Law Sections 6530(9)(a). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses 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. Respondent was authorized to practice medicine in New York State on July 1, 1972 by the issuance of license number 112682 by the New York State Education Department. (Ex. 3)

2. On or about January 12, 1999, Respondent entered into a plea agreement in the U.S. District Court, Northern district of Ohio, in which he agreed to plead guilty to one count of a violation of 18 U.S.C. § § 287 and 2, False, Fictitious or Fraudulent Claims and Aiding and Abetting. He was sentenced to a fine of \$3,500.00, ordered to pay restitution of \$20,118.05 and to perform 160 hours of community service and placed on two years probation. (Ex. 4)

3. On or about September 8, 1999, the State Board of Ohio adopted the Report and Recommendation of its Hearing Examiner following Respondent's adjudicatory hearing before said Board on July 8, 1999. Respondent's license to practice medicine in Ohio was suspended for one year, eleven months of said suspension stayed, and he was placed on probation for a three year period. The Board specifically found no evidence to conclude that Respondent had the intent to cheat the government or to obtain undeserved reimbursement. (Ex. A)

### 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 Hearing Committee determined that the Department had met its burden of proof by concluding that the preponderance of the evidence demonstrated that Respondent had been convicted of committing an act constituting a crime under federal law. The Hearing Committee therefore determined to sustain the Specification set out in the Statement of Charges (Ex. 1).

## DISCUSSION AND DETERMINATION OF PENALTY

Respondent testified that his conviction was based on his misunderstanding that, under applicable rules of the Medicare and Medicaid Programs, he could bill for physician services when the services were performed by a Certified Nurse Practitioner (CNP) in his employ regardless of whether he was physically present in his office, as long as he supervised the CNP. He indicated he had believed he could bill for such services while the CNP was properly supervised. He noted that federal law was changed in 1998 to permit CNPs to bill and be paid in their own right when they take the place of a physician.

The Committee considered the Department's request for revocation of Respondent's medical license to be totally unreasonable and not based on the particular circumstances of this case. It rejected the apparent knee-jerk reaction that any conviction for the misappropriation of funds justified revocation, particularly in an instance in which the state where Respondent practices imposed a lesser penalty. The total loss resulting from Respondent's improper billing practices over approximately a 4 ½ year period was determined in the Plea Agreement to be \$2,195.00. The Hearing Committee determined to impose a civil penalty of One Thousand Dollars (\$1,000.00). This decision was made following due consideration of the full spectrum of penalties available pursuant to statute, including license revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties. The facts that Respondent accepted full responsibility for the improper billing and appeared sincerely remorseful for his actions were also considered by the Committee in its determination.

**ORDER**

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

1. The Specification contained within the Statement of Charges (Ex. 1) is **SUSTAINED**, and;
  
2. Respondent pay a civil penalty of One Thousand Dollars (\$1,000) within sixty (60) days of the effective date of this Order. Payment shall be submitted to:

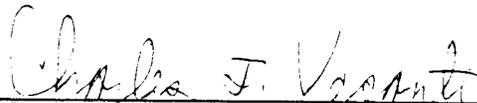
Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza  
Corning Tower, Room 1258  
Albany, New York 12237

Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees and the non-renewal of permits or licenses (Tax Law Section 171 (27); State Finance Law Section 18; CPLR Section 5001; Executive Law Section 32); and

3. This Order shall be effective upon service on the Respondent by personal service or by certified or registered mail.

**Dated: Albany, New York**

17 November, 1999



**CHARLES J. VACANTI, M.D. (Chairperson)**

**ROBERT KLUGMAN, M.D.  
ALAN KOPMAN**

**TO:**

Paul R. Mahar, Esq.  
NYS Department of Health  
Division of Legal Affairs  
Bureau of Professional Medical Conduct  
Hedley Park Place-433 River Street, 4<sup>th</sup> Floor  
Troy, New York 12180-2299

Geoffrey Plimsoll Redmond, M.D.  
13600 Shaker Blvd., Apt. 706  
Cleveland, Ohio 44120

## **APPENDIX 1**



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

**IN THE MATTER  
OF  
GEOFFREY PLIMSOLL REDMOND, M.D.**

NOTICE  
OF  
REFERRAL  
PROCEEDING

TO: GEOFFREY PLIMSOLL REDMOND, M.D.  
13600 Shaker Boulevard  
Cleveland, OH 44120

GEOFFREY PLIMSOLL REDMOND, M.D.  
Five Commerce Park Square  
23200 Chagrin Blvd.

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 2nd day of September, 1999 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

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, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, 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 August 23, 1999.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to 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 an 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. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before August 23, 1999 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 the 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: Albany, New York  
*August 5*, 1999

*Peter D. Van Buren*

PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Assistant Counsel  
Office of Professional Medical Conduct  
433 River Street  
Suite 303  
Troy, NY 12180  
(518)402-0820

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

**IN THE MATTER  
OF  
GEOFFREY PLIMSOLL REDMOND, M.D.**

STATEMENT  
OF  
CHARGES

GEOFFREY PLIMSOLL REDMOND, M.D., the Respondent, was authorized to practice medicine in New York state on July 1, 1972, by the issuance of license number 112682 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 12, 1999, in the United States District Court, Northern District of Ohio, Respondent was found guilty of False, Fictitious or Fraudulent Claims, and Aiding and Abetting in violation of 18 U.S. Code §§287 and 2, and was sentenced to a \$3,500.00 fine, restitution in the amount of \$20,118.05, and a \$100.00 assessment, and was placed on two (2) years probation.

**SPECIFICATIONS**

Respondent violated New York Education §6530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraphs A.

DATED: *Aug 5*, 1999  
Albany, New York



PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct