
IN THE MATTER
OF
SCOTT S. REUBEN, M.D.
CO-11-05-2433-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: SCOTT S. REUBEN, M.D.
REDACTED ADDRESS

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 **SCOTT S. REUBEN, M.D.**, Respondent, licensed to practice medicine in the State of New York on July 29, 1986, by license number 167311, has been convicted of committing an act constituting a felony under federal law, in the United States District Court, District of Massachusetts, 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), effective immediately **SCOTT S. REUBEN, 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 22nd day of March, 2012, at 10:30 a.m., at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, 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. 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, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180,
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
Jan 4, 2012

REDACTED SIGNATURE

NIRAV R. SHAH, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be addressed to:

Joel E. Abelove
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

IN THE MATTER
OF
SCOTT S. REUBEN, M.D.
CO-11-05-2433-A

STATEMENT
OF
CHARGES

SCOTT S. REUBEN, M.D., Respondent, was authorized to practice medicine in New York state on July 29, 1986, by the issuance of license number 167311 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 24, 2010, in the United States District Court, District of Massachusetts, Respondent entered into a Plea Agreement to one (1) count of Health Care Fraud, in violation of Title 18 U.S.C. §1347, a felony, and was sentenced to 6 months in prison, 6 months home confinement, a special assessment of \$100.00, restitution of \$361,932.00, forfeiture of \$50,000 to the U.S. Government, a \$5,000 fine, and 3 years of post-release supervision.

B On or about November 4, 2009, the Massachusetts Board of Registration in Medicine (hereinafter "Massachusetts Board"), by a Voluntary Agreement Not To Practice Medicine (hereinafter "Massachusetts Agreement"), accepted Respondent's Agreement to cease his practice of medicine in the Commonwealth of Massachusetts effective immediately.

C. The conduct resulting in the Massachusetts Board disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
and/or
2. New York Education Law §6530(9)(a)(ii) (being convicted of a crime under federal law).

SPECIFICATIONS
FIRST SPECIFICATION

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

1. The facts in Paragraph A.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

3. The facts in Paragraphs A and/or B.

DATED: *January 4*, 2012
Albany, New York

REDACTED SIGNATURE

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