

NEW YORK
state department of
HEALTH

Public

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

April 3, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Paul Tsui, Esq.
NYS Department of Health
ESP-Corning Tower – Room 2512
Albany, New York 12237

Eddy Coello, R.P.A.
NYC Department of Correction, West Facility
16-06 Hazen Street
East Elmhurst, New York 11370

RE: In the Matter of Eddy Coello, R.P.A.

Dear Parties:

Enclosed please find the Determination and Order (No. 13-91) 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 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
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

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), (McKinney Supp. 2013) and §230-c subdivisions 1 through 5, (McKinney Supp. 2013), "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., 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,

REDACTED
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

-----X
IN THE MATTER :

DETERMINATION

OF :

AND

EDDY COELLO, R.P.A. :

ORDER

CO-12-10-5159-A :
-----X

BPMC #13-91

COPY

A Notice of Referral Proceeding Statement of Charges, both dated January 17, 2013, were served upon the Respondent, Eddy Coello, R.P.A. **FRANCES E. TARLTON (Chair), JAGDISH M. TRIVEDI, M.D., and ROBERT A. CATALANO, M.D., M.B.A.,** 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. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. The Department of Health appeared by Paul Tsui, Esq., Associate Counsel. The Respondent failed to appear in person or by Counsel. A hearing was held on March 14, 2013. 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 §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 §6530(9)(a)(i), in that he is accused of having been convicted of committing an act constituting a crime under New York State law. A copy of the 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 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. Eddy Coello, R.P.A. (hereinafter, "Respondent"), was authorized to practice as a physician assistant in New York State on November 5, 2009 by the issuance of license number 013709 by the New York State Education Department. (Ex. #3).

2. On or about October 15, 2012, in Supreme Court of the State of New York - Bronx County, Respondent was found guilty, based upon a jury verdict, of Murder in the Second Degree, in violation of New York Penal Law §125.25(1) [a Class A felony]. On November 14, 2012, Respondent was sentenced to 25 years to life imprisonment. (Exhibits #4, 5 and 6).

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 evidence clearly established that the Respondent was convicted of a crime under New York State law. Therefore, the Specification of professional misconduct shall be sustained.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that the Respondent's license to practice medicine in New York State shall be revoked. He stands convicted of second degree murder, a most heinous crime. He will likely live out the rest of his days in prison. Given the nature of Respondent's offence, no sanction short of revocation will suffice.

ORDER

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

1. The Specification of professional misconduct, as set forth in the Statement of Charges (Exhibit # 1) is SUSTAINED;

2. Respondent's license to practice as a physician assistant in the State of New York be and hereby is REVOKED.

3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Albany, New York

March 29, 2013

REDACTED

FRANCES E, TARLTON (CHAIR)

JAGDISH M. TRIVEDI, M.D.

ROBERT A. CATALANO, M.D., M.B.A.

TO: Paul Tsui, Esq.
Associate Counsel
New York State Department of Health
Corning Tower, Room 2512
Albany, New York 12237

Eddy Coello, R.P.A.
NYC Department of Correction, West Facility
16-06 Hazen Street
East Elmhurst, NY 11370

APPENDIX I

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

IN THE MATTER
OF
EDDY COELLO, R.P.A.
CO-12-10-5159-A

STATEMENT
OF
CHARGES

Eddy Coello, R.P.A., Respondent, was authorized to practice as a physician's assistant in New York State on November 5, 2009, by the issuance of license number 013709 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 15, 2012, in Supreme Court of the State of New York – Bronx County, State of New York, Respondent was found guilty, based on a jury verdict, of Murder in the Second Degree, in violation of New York Penal Law, §125.25(1), a class A felony, and was sentenced on November 14, 2012, to 25 years to life imprisonment.

SPECIFICATION

Respondent violated New York Education Law §5530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: *Jan. 17*, 2013
Albany, New York

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