



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

March 10, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Inna Rozentsvit, M.D.

Redacted Address

Jane L. Pickup, Esq.

75 South Broadway – Suite 4-55905
White Plains, New York 10601

Robert Bogan, Esq.

NYS Department of Health

433 River Street – Suite 303

Troy, New York 12180-2299

RE: In the Matter of Inna Rozentsvit, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 10-37) 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
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), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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,

Redacted Signature

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah
Enclosure

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

IN THE MATTER
OF
INNA ROZENTSVIT, M. D.

DETERMINATION
AND
ORDER
BPMC #10-37

COPY

A hearing was held on February 18, 2010, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Referral Proceeding and a Statement of Charges, both dated August 20, 2009, were served upon the Respondent, **Inna Rozentsvit, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **Jerry Waisman, M.D.**, Chairperson, **Russell W. Denea, M.D.**, and **Thomas W. King, Jr. M.P.A., P.E.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent appeared with counsel, **Jane L. Pickup, Esq.**, of White Plains, New York.

Evidence was received and a transcript of this proceeding was made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF THE CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when 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 State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(ii) by having been found guilty, after a plea of guilty, of committing a crime under federal law, specifically, Making False Statements Relating to Health Care Matters, in violation of 18 U.S.C. §1035, a Class D felony.

Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Inna Rozentsvit, M.D.

Cynthia Harrison, N.P.

Maksim Grinman, Respondent's son

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to transcript page numbers or exhibits, denoted by the prefixes "T." or "Ex." These citations refer to 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. All Hearing Committee findings were unanimous.

1. **Inna Rozentsvit, M.D.**, the Respondent, was authorized to practice medicine in New York State on December 31, 1997, by the issuance of license number 209254 by the New York State Education Department (Petitioner's Ex. 4).

2. On August 17, 2007, the Respondent was found guilty, based on a plea of guilty, of committing a crime under federal law, specifically, Making False Statements Relating to Health Care Matters in violation of 18 U.S.C. §1035, a Class D felony. (Ex. 5)

3. For the above crime, the Respondent was sentenced to four (4) years probation, participation in a mental health treatment program by the Probation Department, 300 hours of community service, \$45,000.00 in restitution and a \$100.00 assessment. (Ex. 5)

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

Respondent violated New York Education Law Section 6530(9)(a)(ii) by having been found guilty, after a plea of guilty, of committing a crime under federal law,

specifically, Making False Statements Relating to Health Care Matters in violation of 18 U.S.C. §1035, a Class D felony.

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent was prosecuted in the United States District Court for the Eastern District of New York. It appears that the Respondent pled guilty to a crime, specifically, Making False Statements Relating to Health Care Matters in violation of 18 U.S.C. §1035, a Class D. After this guilty plea, Respondent was sentenced to four (4) years probation, participation in a mental health treatment program by the Probation Department, 300 hours of community service, \$45,000.00 in restitution and a \$100.00 assessment. The record in this case shows that the Respondent was authorized to practice medicine in New York State on December 31, 1997, by the issuance of license number 209254. At the hearing, the Petitioner presented thorough documentation establishing that the Respondent was charged with and pled guilty to a crime under federal law, specifically, Making False Statements Relating to Health Care Matters in violation of 18 U.S.C. §1035, a Class D Felony.

The several testimonial letters presented at the hearing, Respondent's Exhibits # C and following, show that the Respondent has the respect and admiration of her friends and colleagues. A letter from the Respondent's therapist, Dr. Natalie Riccio, Exhibit B, shows that the Respondent is in a constant quest for knowledge for the sake of others. Ada Marcu Biewald of NeuroRecovery Solutions, Inc., Exhibit C, avers that Dr. Rozentsvit is a highly ethical professional and a dear friend. A similar letter was submitted by from Jane Potts, a Social Worker from Larchmont, New York, Exhibit D.

Yelena Lindenbaum's letter, Exhibit E, describes the Respondent as a very warm, kind person, devoted to her patients. Similar praise and respect is echoed in the letter from Joseph Herbert, M.D. of the New York University School of Medicine, Exhibit G. Lisa Simpson, N.P., from St. Albans, Queens, described Respondent in her letter, Exhibit E, as the "best neurologist" and person she knows. It is noted that the Respondent's husband, Andrew Mankarious, submitted a laudatory letter of support, Exhibit Q. Also submitted was a letter from the Respondent's ex-husband, Yakov Grinman, Exhibit R. The panel took all these supportive letters and character testimony into account in determining an appropriate penalty for this doctor who pled guilty to a federal crime, the felony of Making False Statements Relating to Health Care Matters.

In her testimony at the hearing, the Respondent attempted to refute her Federal plea and argue that she was innocent of the underlying charge. She contended that she pled guilty because she could not risk the possibility of a conviction because her son was gravely ill and needed her attention and care for his very life. She testified that, due to this fact, she lied to the Federal Judge and testified that she was in fact guilty.

It is instructive to look at the actual transcript of the sentencing colloquy, which appears in the record at Exhibit 5, to wit:

"The COURT: I'm just asking you whether your (*sic*) pleading guilty or not guilty.

The DEFENDANT: Alright. Guilty." (Exhibit 5, page 21)

Later on in the transcript the following exchange appears:

"The DEFENDANT: Okay. Between March 2001 and July 2003, in Queens, New York, I examined the patient named in Count number 4, at which time I conducted an EMG test of this patient – I did not conduct the EMG test of this patient. I created a medical report which I knew would be used for submission of insurance company billing

and knowingly claimed reimbursement. I knew that doing so was wrong and was against the law.

THE COURT: Alright (sic) and did the reports that you created contain false statements regarding the delivery of and payment for healthcare benefits?

The DEFENDANT: Delivery of ben – delivery of services, yeah.

The COURT: Yes?

The DEFENDANT: Yes." (Exhibit 5, page 23)

Thus, the clear record shows that the Respondent pled guilty, in the U.S. District Court, Eastern District of New York, to a count of Indictment, and this charge, Petitioner's Ex. 5, was received into evidence and made a part of the record herein. The Respondent claimed, to the panel, that she was not telling the truth when she pled guilty before the Federal Court. The panel did not believe her testimony and accepted, as a fact, the Federal conviction.

The Department's attorney, Mr. Bogan, pointed out that the Respondent was lying either then or now and that this perjury would be another instance of misconduct. In assessing the penalty to be imposed in this case, the panel took many factors into account. The central and pivotal point in this case was the fact that the Respondent pled guilty to a felony in Federal court. This was a federal felony and, by itself, would justify a revocation of the Respondent's license.

The Respondent, in conclusion, contended that she was not guilty of this crime and that if she had gone to trial she would have been found innocent. The Respondent testified that she pled guilty to avoid the consequences if found guilty, namely a jail sentence.

The panel weighed all the evidence and testimony and appreciated the seriousness of the crime committed. The panel also saw a physician who did good work and who appeared to be a kind and caring individual. Nevertheless, the panel was troubled and concerned by the Respondent's perjury and lack of respect for truth: The panel saw this lack of respect for truth as a serious defect in her moral character and thus was unanimous in concluding that the only appropriate remedy was revocation of her license to practice medicine.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is SUSTAINED.
2. The license of the Respondent to practice medicine in New York State is hereby REVOKED.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: New York, New York
March 9, 2010

Redacted Signature


Jerry Walsman, M.D., Chairperson,

Russell W. Denea, M.D.,
Thomas W. King, Jr. M.P.A., P.E.

To:

Inna Rozentsvit, M.D.

Redacted Address

Jane L. Pickup, Esq.

Attorney for Respondent
75 South Broadway, Suite 4-55905
White Plains, N.Y. 10601

Robert Bogan, Esq.

Attorney for Petitioner
Associate Counsel ,NYS Department of Health
Bureau of Professional Medical Conduct
433 River Street, Suite 303
Troy, New York 12180-2299

APPENDIX I

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

EXHIBIT

IN THE MATTER
OF
INNA ROZENTSVIT, M.D.
CO-08-09-6078-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: INNA ROZENTSVIT, M.D.

Redacted Address

The undersigned, Richard F. Daines, M.D., 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 **INNA ROZENTSVIT, M.D.**, Respondent, licensed to practice medicine in the State of New York on December 31, 1997, by license number 209254, has been convicted of committing an act constituting a felony under federal law, in the United States District Court, Eastern District of New York, 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 **INNA ROZENTSVIT, 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. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN
DEFIANCE 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 21st day of October, 2009, at 10:00 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.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here _____

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
8/20/2009

Redacted Signature

~~Richard F. Daines~~
RICHARD F. DAINES, M.D.
Commissioner of Health
New York State Department of Health

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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

| | |
|--|-----------|
| IN THE MATTER | STATEMENT |
| OF | OF |
| INNA ROZENTSVIT, M.D. CO-08-09-6078-A | CHARGES |

INNA ROZENTSVIT, M.D., Respondent, was authorized to practice medicine in New York State on December 31, 1997, by the issuance of license number 209254 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 17, 2007, in the United States District Court, Eastern District of New York, Respondent was found guilty, based on a plea of guilty, of False Statements Relating to Health Care Matters, in violation of 18 USC §1035, a class D felony, and on or about August 12, 2008, was sentenced to, inter alia, four (4) years probation, that she participate in a mental health treatment program by the Probation Department, that she contribute to the cost of such services rendered and/or any psychotropic medications prescribed to the degree she is reasonably able, that she cooperate in securing any applicable third-party payment, that she disclose all financial information and documents to the Probation Department to assess her ability to pay, that she make full financial disclosure to the Probation Department, that she serve 300 hours of community service as approved by the Probation Department, and that she pay \$45,000.00 Restitution and a \$100.00 Assessment.

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.

DATED: *Aug. 20*, 2009
Albany, New York

Redacted Signature


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