

Public

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

IN THE MATTER
OF
RONALD S. BROWN, M.D.
CO-10-06-3664-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: RONALD S. BROWN, M.D.
#46343066
Fort Dix Correctional Institution
PO Box 2000
Fort Dix, NJ 08640

The undersigned, James W. Clyne, Jr., Executive Deputy 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 **RONALD S. BROWN, M.D.**, Respondent, licensed to practice medicine in the State of New York on April 16, 1982, by license number 149723, has been convicted of committing acts constituting felonies under federal law, in the United States District Court, Eastern District of Pennsylvania, 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 **RONALD S. BROWN, 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 17th day of February, 2011, 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.

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
December 22, 2010

REDACTED

JAMES W. CLYNE, JR.
Executive Deputy Commissioner of Health
New York State Department of Health

Inquires should be addressed to:

Richard Zahnleuter
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2510
Empire State Plaza
Albany, New York 12237
(518) 473-4282

**These charges are only allegations which
may be contested by the licensee in an
administrative hearing.**

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

IN THE MATTER
OF
RONALD S. BROWN, M.D.
CO-10-03-1908-A

STATEMENT
OF
CHARGES

RONALD S. BROWN, M.D., Respondent, was authorized to practice medicine in New York state on April 16, 1982, by the issuance of license number 149723 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 19, 2010, in the United States District Court, Eastern District of Pennsylvania, Respondent was convicted of one (1) count of Conspiracy to Distribute Controlled Substances, in violation of 21 USC § 846 (a felony), and was sentenced to 120 months imprisonment, followed by 6 years supervised release and was fined \$4000.00 and assessed \$200.00, including drug testing and participation in a mental health treatment program, based on Respondent, from in or about January 2008 through in or about September 2009, having sold "thousands of prescriptions for controlled substances signed by [Respondent] outside the usual course of a professional practice and not for any legitimate medical purpose," including 15,000 dosage units of Schedule II OxyContin, 31,000 dosage units of Schedule II Percocet, 2,500 dosage units of Schedule IV Xanax, 700 ounces of Schedule V Promethazine and 150 ounces of Schedule V Tussionex.

B. On or about May 19, 2010, in the United States District Court, Eastern District of Pennsylvania, Respondent was convicted of one (1) count of Conspiracy to Commit Mail Fraud, in violation of 18 USC § 371 (a felony), and was sentenced to 120 months imprisonment followed by 6 years supervised release, all to be served concurrently with the sentence referred to in paragraph A above, based on Respondent, from in or about January 2008 through in or about September 2009, having devised "a scheme to defraud insurance companies providing health insurance to customers, and to obtain money and property by means of false pretenses, representations and promises, and to use the United States mails to further the scheme to defraud."

C. On or about June 25, 2009, the Pennsylvania State Board of Medicine (hereinafter "Pennsylvania Board"), by a Final Order (hereinafter "Pennsylvania Order"), "indefinitely suspended" Respondent's license to practice medicine and surgery, with the condition that Respondent may petition the Pennsylvania Board upon successful completion of a clinical skills evaluation and remediation program, based on Respondent having submitted to the Pennsylvania Board "a SPEX Official Score Report that had been altered from a failing score of 73 to reflect a passing score of 78 in an effort to have his license returned to unrestricted, non-probationary status."

D. The conduct resulting in the Pennsylvania Board disciplinary action 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).

SPECIFICATIONS OF MISCONDUCT
FIRST AND SECOND SPECIFICATIONS

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.
2. The facts in Paragraph B.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based 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 C, D, and/or D(1).

FOURTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license suspension and/or other disciplinary action would, if committed in New York State, constitute professional misconduct under the laws New York State, in that Petitioner charges:

4. The facts in Paragraphs C, D, and/or D(1).

DATED: *December 22*, 2010
Albany, New York

REDACTED

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